2023 SENATE TRANSPORTATION

SB 2350

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2350
2/2/2023

Relating to traffic signs.

10:50 AM Chairman Clemens opens hearing.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- City fines
- County fines
- Sign cost

10:50 AM Senator Clemens introduce bill. #18830

10:53 AM Don Eiten – Motel Manager, verbally in favor.

11:10 AM Scott Meskey – Township Association, verbally neutral

11:12 AM Chad Orn – Project Development Director for NDDOT, neutral #18727

11:26 AM Chairman Clemens adjourns hearing.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2350
2/9/2023

Relating to traffic signs.

10:23 AM Chairman Clemens opens hearing.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- Penalty Sign
- Noise Ordinance

10:27 AM Chairman Clemens adjourns meeting.

Nathan Liesen, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Fort Totten Room, State Capitol

SB 2350
2/10/2023

Relating to traffic signs.

9:09 AM Chairman Clemens opens hearing.

Senators present: **Clemens, Conley, Larsen, Rummel, Paulson.**

Discussion Topics:

- Amendment

9:20 Senator Larsen motioned to adopt an amendment. LC# 23.1049.02002

9:21 AM Senator Conley seconded.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

9:22 AM Senator Larsen motioned a Do Pass as amended.

9:23 AM Senator Rummel seconded.

Senators	Vote
Senator David A. Clemens	Y
Senator Cole Conley	Y
Senator Doug Larsen	Y
Senator Bob Paulson	Y
Senator Dean Rummel	Y

Motion passed 5-0-0

9:24 AM Senator Clemens will carry.

Additional Testimony: #20470, #20471

9:25 AM Chairmen Clemens adjourns meeting.

Nathan Liesen, Committee Clerk

23.1049.02002
Title.03000

Prepared by the Legislative Council staff for
Senate Transportation Committee
February 10, 2023

AG 2-10-23 (1-1)

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, remove ", a new section to chapter"

Page 1, line 2, remove "40-05, and a new section to chapter 58-03"

Page 1, line 8, after "county" insert ", city, or township"

Page 1, line 8, remove "within"

Page 1, line 9, replace "the county" with "prohibiting engine brakes and signifying that a vehicle noise ordinance is enforced and"

Page 1, line 11, after "county" insert ", city, or township"

Page 1, line 13, after "County" insert ", city, or township"

Page 1, line 16, after "county" insert ", city, or township"

Page 1, line 17, after "County" insert ", city, or township"

Page 1, line 17, after "all" insert "labor, equipment, and material"

Page 1, line 20, after "affixed" insert "and in compliance with the manual on uniform traffic control devices"

Page 1, line 21, after "applies" insert "only"

Page 1, line 21, remove "all township and county roads and"

Page 1, line 21, after "highways" insert "within a county, city, or township"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 31

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2350: Transportation Committee (Sen. Clemens, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2350 was placed on the Sixth order on the calendar. This bill affects workforce development.

Page 1, line 1, remove ", a new section to chapter"

Page 1, line 2, remove "40-05, and a new section to chapter 58-03"

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Renumber accordingly

2023 HOUSE TRANSPORTATION

SB 2350

2023 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

SB 2350
3/9/2023

A bill relating to traffic signs.

Chairman D. Ruby opened the hearing at 11:10AM.

Members present: Chairman Ruby, Vice Chairman Grueneich, Representatives Anderson, Christensen, Dyk, Frelich, Hauck, Koppelman, Murphy, Timmons, Wagner, Dakane, Dobervich. Members absent: Representative Weisz.

Discussion Topics:

- Noise vehicle signs
- Penalty signs
- North Dakota Department of Transportation procurement and costs

Senator Clemens introduced the bill in support (#23288).

Don Eaton, Business Owner in District 14, verbally testified in support.

Chad Orn, Project Development Director with the North Dakota Department of Transportation, testified in support (#23297).

Chairman D. Ruby closed the hearing at 11:29AM.

Representative Christenson moved a Do Pass.

Representative Grueneich seconded the motion.

Roll call vote:

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Karen A. Anderson	Y
Representative Cole Christensen	Y
Representative Hamida Dakane	Y
Representative Gretchen Dobervich	Y
Representative Scott Dyk	Y
Representative Kathy Frelich	Y
Representative Dori Hauck	Y
Representative Ben Koppelman	Y
Representative Eric James Murphy	Y
Representative Kelby Timmons	Y
Representative Scott Wagner	Y
Representative Robin Weisz	AB

Motion carried 13-0-1

Representative Christensen is the bill carrier.

Meeting adjourned at 11:30AM.

Mary Brucker, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2350, as engrossed: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2350 was placed on the Fourteenth order on the calendar.

TESTIMONY

SB 2350

NORTH Dakota | Transportation
Be Legendary.

Senate Bill No. 2350

Senate Transportation Committee
Fort Totten Room | February 2, 2023, 10:45 a.m.
Chad M. Orn, Project Development Director

Good morning Mr. Chairman and members of the committee. I'm Chad M. Orn, Project Development Director for the North Dakota Department of Transportation (NDDOT). I'm here to provide information related to SB 2350.

Senate Bill 2350 proposes to add language that would allow local governmental entities that have adopted an ordinance with a penalty for a traffic offense, to attach a penalty sign to any traffic sign within their jurisdiction. The language also states that the penalty sign must be uniform in size and text in relation to the sign to which it is affixed.

The Manual on Uniform Traffic Control Devices (MUTCD) is the law governing all traffic control devices. As part of the Federal Highway Administration's federal aid program, all states shall adopt the MUTCD or have a State MUTCD/supplement that is in substantial conformance with the manual.

Century Code 39-13-06 and 39-13-07 states that the director shall adopt the MUTCD and that no traffic-control devices, including markings signs and signals may be used on any street or highway that do not conform to the standards of design and location as prescribed in the manual.

Section 2A.04 of the MUTCD discusses excessive use of signs. It gives guidance that "regulatory and warning signs should be used conservatively because these signs, if used in excess, tend to lose their effectiveness."

Section 2B.17 of the MUTCD discusses fine zones and plaques. When a fine zone is introduced, road users must be given notice of where the zone ends.

Section 2A.18 of the MUTCD discusses mounting height. The minimum height from the edge of the roadway to the bottom of a sign is 5 feet in rural areas and 7 feet in urban areas. The additional height in urban areas is required to not obstruct a drivers view and for pedestrian movements. The manual states that the height to the bottom of a secondary sign mounted below another sign may be 1 foot less than previously stated.

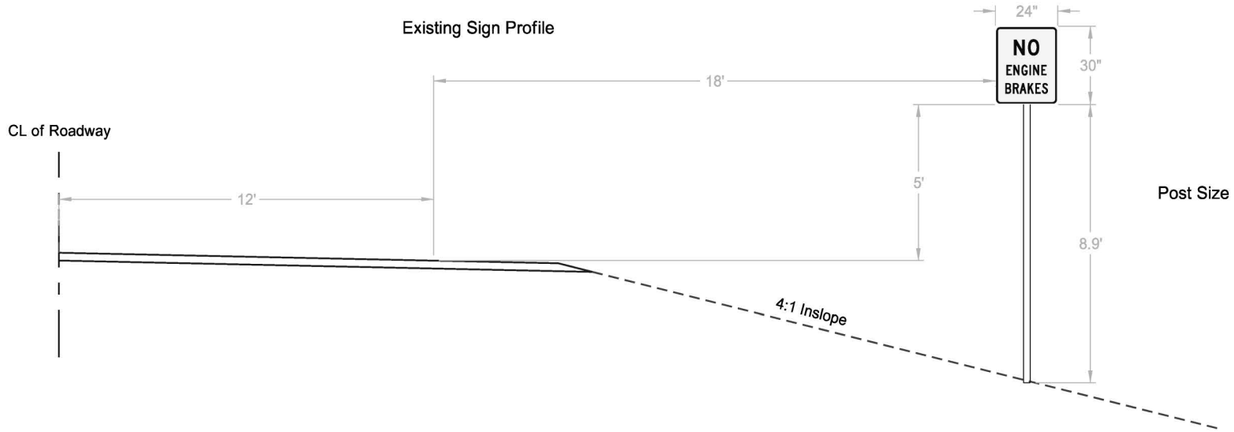
Section 2A.21 of the MUTCD discusses posts and mountings. The MUTCD states in part: "Signposts, foundations, and mountings shall be constructed as to hold signs in a proper and permanent position, and to resist swaying in the wind."

The department has concerns that adding a penalty sign as described in SB 2350 to an existing sign post will not comply with the MUTCD. In order to comply with the MUTCD, the original sign would need to be raised to provide minimum clearance for the additional signs and a higher strength support may be needed depending on the existing sign/support. *(See handout)*

This concludes my testimony. Thank You.

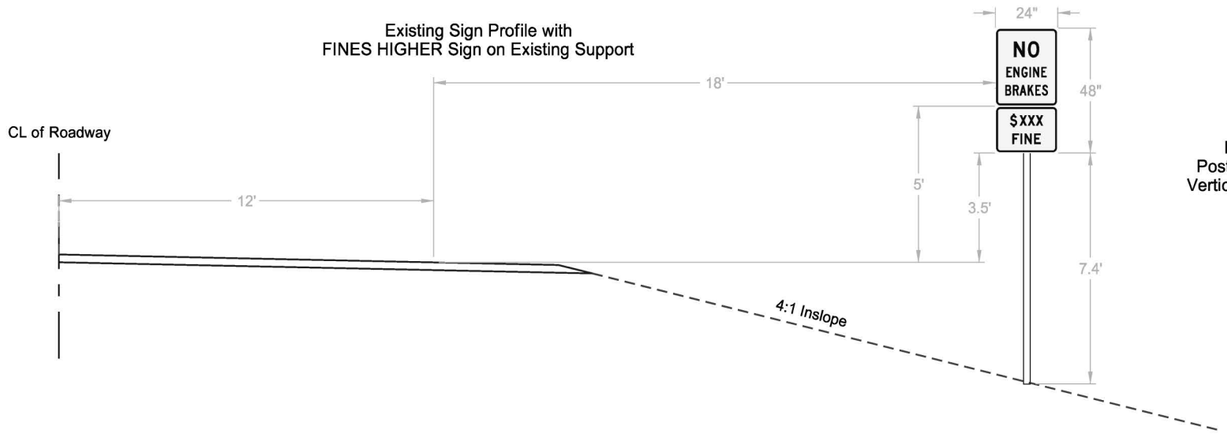
	STATE	PROJECT NO.	SECTION NO.	SHEET NO.
	ND			

Existing Sign Profile



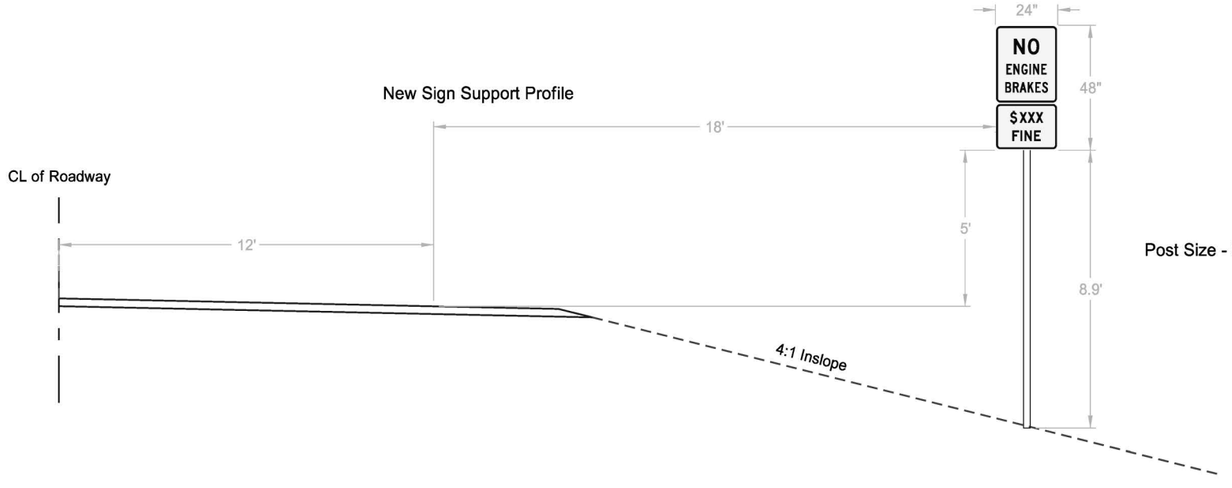
Post Size - 2.25" x 2.5" Perforated Tube

Existing Sign Profile with
FINES HIGHER Sign on Existing Support



Post Size inadequate to add additional sign.
Post Anchor size inadequate to add additional sign.
Vertical Clearance doesn't meet federal requirements.

New Sign Support Profile



Post Size - 2.5" x 2.5" Perforated Tube

Sign 1	Sign 2	Pipe Size (in.)	Sleeve (in.)	Pipe Length (ft)	Anchor Size (in)	Cost to Replace
STOP	---	2.5 x 2.5	---	15.5	3 x 3	---
STOP	$XXX FINE	2.25 x 2.25	2.5x2.5	17	3 x 3	$500 - $1000
NO ENGINE BRAKE	---	2.25 x 2.25	---	14.9	2.5 x 2.5	---
NO ENGINE BRAKE	$XXX FINE	2.5 x 2.5	---	16.9	3 x 3	$500 - $1000

Sign Profile

FINES HIGHER

FEBRUARY 2, 2023

SENATE TRANSPORTATION COMMITTEE

SB 2350

SUBMITTED BY:

SEN DAVID CLEMENS

I AM HERE TO INTRODUCE SB 2350 WHICH IS PERTAINING TO HIGHWAY SIGNS. THE BILL WOULD ALLOW CITIES, COUNTIES AND TOWNSHIPS TO INCLUDE THE AMOUNT OF A FINE TO TRAFFIC REGULATORY SIGNS. THE ADDITIONAL WORDING WOULD BE DONE BY THE DEPARTMENT OF TRANSPORTATION WHEN THE REQUESTOR HAS FULFILLED ALL THE NEEDED CONDITIONS REQUIRED TO HAVE THE ADDITONAL WORDAGE ADDED.

THE BILL REQUIRES ALL COSTS, INCLUDING INSTALLATION, TO BE THE RESPONSIBILTY OF THE REQUESTOR.

I WOULD ASK THE COMMITTEE FOR A DO PASS RECOMMENDATION.

RESPECTFULLY SUBMITTED,

SEN DAVID CLEMENS

23.1049.02001
Title.

Prepared by the Legislative Council staff for
Senator Clemens
February 9, 2023

PROPOSED AMENDMENTS TO SENATE BILL NO. 2350

Page 1, line 1, remove ", a new section to chapter"

Page 1, line 2, remove "40-05, and a new section to chapter 58-03"

Page 1, line 8, after "county" insert ", city, or township"

Page 1, line 8, remove "within"

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Page 1, line 17, after "County" insert ", city, or township"

Page 1, line 17, after "all" insert "labor, equipment, and material"

Page 1, line 20, after "affixed" insert "and in compliance with the manual on uniform traffic control devices"

Page 1, line 21, after "applies" insert "only"

Page 1, line 21, remove "all township and county roads and"

Page 1, line 21, after "highways" insert "within a county, city, or township"

Page 1, remove lines 22 through 24

Page 2, remove lines 1 through 30

Page 3, remove line 1

Renumber accordingly

23.1049.02001

Sixty-eighth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2350

Introduced by

Senators Clemens, Rummel, Wobbema

Representatives Prichard, D. Ruby

A BILL for an Act to create and enact a new section to chapter 11-10~~, a new section to chapter 40-05, and a new section to chapter 58-03~~ of the North Dakota Century Code, relating to traffic signs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 11-10 of the North Dakota Century Code is created and enacted as follows:

Addition of penalty to traffic signs - Requirements.

1. The department of transportation shall allow a county, city, or township to affix to any traffic sign ~~within the county~~prohibiting engine brakes and signifying that a vehicle noise ordinance is enforced the amount of the penalty for violation of an offense corresponding with the purpose of the sign.
2. A county, city, or township may affix the amount of the penalty to a traffic sign under subsection 1 only if the:
   a. County, city, or township has adopted an ordinance indicating a traffic offense;
   b. Ordinance states the penalty for violation of the offense;
   c. Ordinance is actively being enforced;
   d. Department of transportation procures the sign for the county, city, or township; and
   e. County, city, or township covers or reimburses the department of transportation all labor, equipment, and material costs related to the installation of the sign.
3. The penalty sign must be uniform in size and text in relation to the traffic sign to which it is affixed and in compliance with the manual on uniform traffic control devices.
4. This section applies only to ~~all township and county roads and~~ state highways within a county, city, or township.

SECTION 2. A new section to chapter 40-05 of the North Dakota Century Code is created and enacted as follows:

Addition of penalty to traffic signs - Requirements.

1. The department of transportation shall allow a city to affix to any traffic sign within the city the amount of the penalty for violation of an offense corresponding with the purpose of the sign.
2. A city may affix the amount of the penalty to a traffic sign under subsection 1 only if the:
   a. City has adopted an ordinance indicating a traffic offense;
   b. Ordinance states the penalty for violation of the offense;
   c. Ordinance is actively being enforced;
   d. Department of transportation procures the sign for the city; and
   e. City covers or reimburses the department of transportation all costs related to the installation of the sign.
3. The penalty sign must be uniform in size and text in relation to the traffic sign to which it is affixed.
4. This section applies to all township and county roads and state highways.

SECTION 3. A new section to chapter 58-03 of the North Dakota Century Code is created and enacted as follows:

Addition of penalty to traffic signs - Requirements.

1. The department of transportation shall allow a township to affix to any traffic sign within the township the amount of the penalty for violation of an offense corresponding with the purpose of the sign.
2. A township may affix the amount of the penalty to a traffic sign under subsection 1 only if the:
   a. Township has adopted an ordinance indicating a traffic offense;
   b. Ordinance states the penalty for violation of the offense;
   c. Ordinance is actively being enforced;
   d. Department of transportation procures the sign for the township; and
   e. Township covers or reimburses the department of transportation all costs related to the installation of the sign.

~~3. The penalty sign must be uniform in size and text in relation to the traffic sign to which it is affixed.~~

~~4. This section applies to all township and county roads and state highways.~~

MARCH 9, 2023

SB 2350

HOUSE TRANSPORTATION COMMITTEE

SUBMITTED BY SEN DAVID CLEMENS

DISTRICT 16

I AM DAVID CLEMENS AND I REPRESENT THE SENATE FROM DISTRICT 16. I AM HERE TO INTRODUCE SB 2350.

SB 2350 WOULD ALLOW A COUNTY, CITY OR TOWNSHIP TO AFFIX TO ANY TRAFFIC SIGN PROHIBITING ENGINE BRAKES AND SIGNIFYING THAT A VEHICLE NOISE ORDINANCE IS ENFORCED AND THE AMOUNT OF THE PENALTY FOR VIOLATION OF AN OFFENSE CORRESPONDING WITH THE PURPOSE OF THE SIGN.

THE BILL ALSO LISTS ALL THE CONDITIOINS THAT ARE REQUIRED SUCH AS A CURRENT ORDINANCE, A STATED PENALTY AND MEANS OF ENFORCEMENT. THE SIGNAGE ALSO NEEDS TO BE PURCHASED THROUGH THE DEPARTMENT OF TRANSPORTATION AND THE REQUESTOR OF THE SIGN IS RESPONSIBLE FOR ALL COSTS OF MATERIAL, LABOR AND EQUIPMENT TO INSTALL THE SIGN.

THE PURPOSE OF THE BILL IS TO LIMIT THE AMOUNT OF NOISE VEHICLES CAN PRODUCE, ESPECIALLY WHEN ENTERING A CITY OR RESIDENTIAL AREA.

I HEREBY ASK FOR YOUR SUPPORT OF SB 2350 WITH A DO PASS RECOMMENDATION.

SINCERELY,

SEN DAVID CLEMENS

NORTH Dakota | Transportation
Be Legendary.

Senate Bill No. 2350

House Transportation Committee
Room 327E | March 9, 2023, 11:00 a.m.
Chad M. Orn, Project Development Director

Good morning Mr. Chairman and members of the committee. I'm Chad M. Orn, Project Development Director for the North Dakota Department of Transportation (NDDOT). I'm here to support Senate Bill 2350.

Senate Bill 2350 allows a county, city, or township to affix a penalty sign displaying the amount to a traffic sign prohibiting engine brakes. The county, city, or township must have adopted an ordinance indicating a traffic offense and state the penalty for violation of the offense. The NDDOT will procure the sign and the NDDOT must be reimbursed for all costs incurred. It only applies to state highways.

Century Code 39-13-06 and 39-13-07 states that the director shall adopt the Manual on Uniform Traffic Control Devices (MUTCD) and that no traffic-control devices, including markings signs and signals, may be used on any street or highway that do not conform to the standards of design and location as prescribed in the MUTCD. The proposed bill includes language for compliance with the MUTCD.

In order to comply with the MUTCD, another sign will be required to give road users notice of the extents of the fine zone. The additional signs would require the original sign to be raised to provide minimum height clearance. Signposts, foundations, and mountings must be adequate to hold signs in a proper permanent position and to resist swaying in the wind, therefore a higher strength support may be needed depending on the existing sign/support. *(See handout)*

This concludes my testimony. Thank You.

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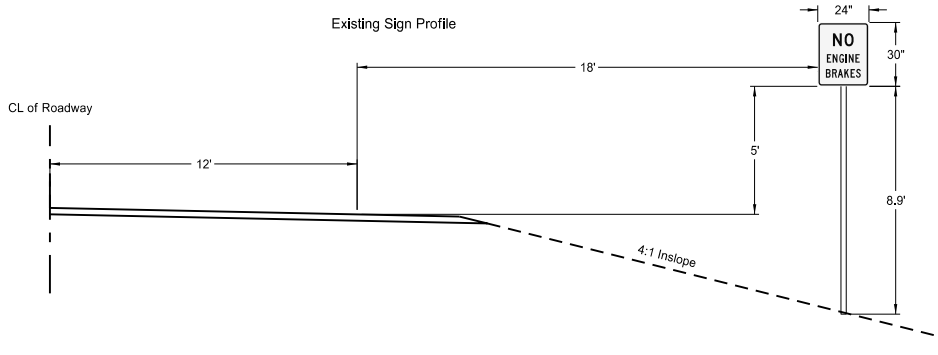

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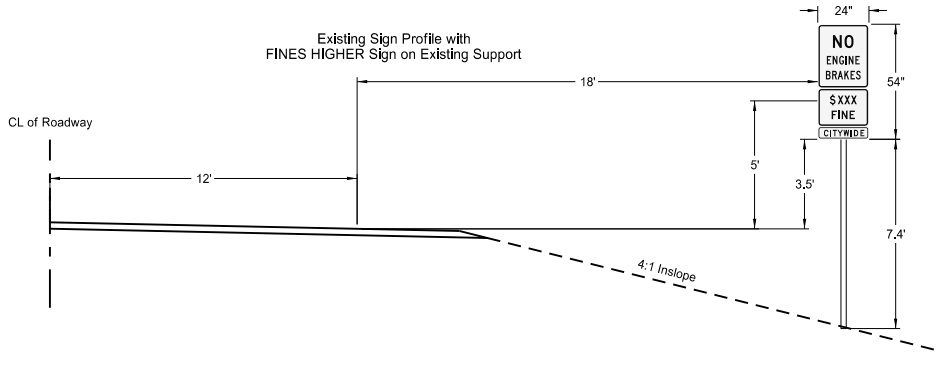

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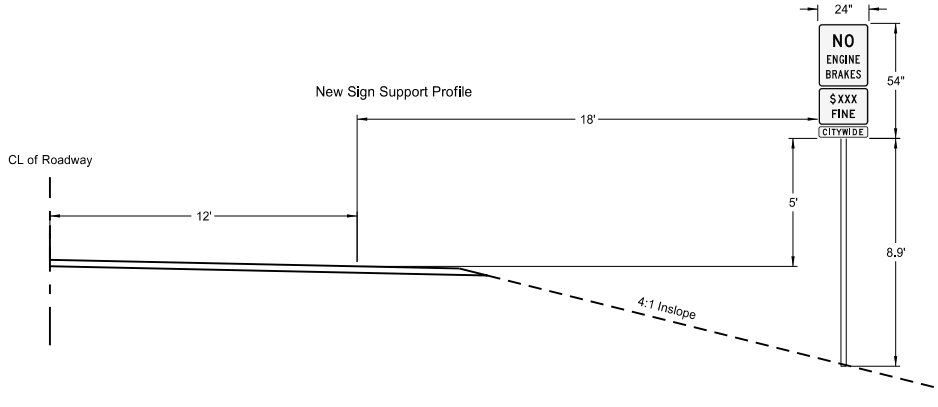
New Sign Support Profile



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Sign Profile

FINES HIGHER

This document is preliminary and not for construction or implementation purposes.

PRELIMINARY