

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2301

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Operator's Signature

Date

2003 SENATE TRANSPORTATION

SB 2301

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Deanna Walker  
Operator's Signature

10/22/03

Date

2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2301

Senate Transportation Committee

☐ Conference Committee

Hearing Date 1-30-03

Tape Number	Side A	Side B	Meter #
1	X		4360-6165

Committee Clerk Signature

*Mary K Monson*

Minutes:

The hearing on SB 2301 was opened by Chairman Senator Thomas Trenbeath.

Tim Horner: (ND Department of Transportation) See attached testimony in support of SB 2301.

Senator Nething: When you say exempt signs, are you talking about a sign that reads e-x-e-m-p-t?

Tim Horner: Yes the sign says "exempt".

Senator Nething: Do people know what that means?

Tim Horner: People who have CDL's, commercial drivers licenses, would know that.

(Meter 4900) Discussion regarding the use of "Out of Service" and "Exempt" signs. The use of "Exempt" signs is more for the benefit of the truck drivers than for the local people.

LeRoy Ernst: (North Dakota Motor Carriers Association) (Meter 5484) Informed the committee that The Federal Motor Carrier Safety Regulations addresses the crossing of railroad

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*Deanna Hall*  
Operator's Signature

10/22/03  
Date

Page 2  
Senate Transportation Committee  
Bill/Resolution Number SB 2301  
Hearing Date 1-30-03

intersections that have been abandoned. There is reference made in the federal standard which states that the signs should have the word "exempt" on it. Most drivers know they can proceed without stopping when they see the word "exempt" on the railroad crossing. Asked for favorable consideration of SB 2301.

**Dan Kantz:** (Burlington Northern Santa Fe) Offered to get answers to questions about abandoned rails if requested.

The hearing on SB 2301 was closed.

**Senator Bercier** motioned a **Do Pass**. Seconded by **Senator Espegard**. Roll call vote 6-0-0.

**Passed.** Floor carrier is **Senator Bercier**.

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*Dennis Wallis*  
Operator's Signature

10/22/03  
Date

Date: 1-30-03  
Roll Call Vote #: 1

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2301

Senate TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Senator Bercier Seconded By Senator Espigard

Senators	Yes	No	Senators	Yes	No
Senator Thomas Trenbeath, Chair	✓		Senator Dennis Bercier	✓	
Senator Duane Espigard, V. Chair	✓		Senator Ryan Taylor	✓	
Senator Duane Mutch	✓				
Senator Dave Nething	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bercier

If the vote is on an amendment, briefly indicate intent:

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Dennis Bercier  
Operator's Signature

10/22/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
January 30, 2003 1:50 p.m.

Module No: SR-18-1368  
Carrier: Barcler  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
**SB 2301: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS**  
**(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2301 was placed on the**  
**Eleventh order on the calendar.**

(2) DESK, (3) COMM

Page No. 1

SR-18-1368

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Deanna Hall  
Operator's Signature

10/22/03  
Date



2003 HOUSE TRANSPORTATION

SB 2301

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Deanna Walker  
Operator's Signature

10/22/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2301

House Transportation Committee

☐ Conference Committee

Hearing Date February 27, 2003

Tape Number	Side A	Side B	Meter #
1		x	4.0 to 7.7
Committee Clerk Signature <i>Laura B. Fink</i>			

Minutes:

Rep. Weisz, Chairman opened the hearing on SB 2301, a bill for an Act to amend and reenact section 39-10-43 of the North Dakota Century Code, relating to the type of sign that may be placed at an out-of-service railroad grade crossing.

Gary Berreth: Director of Operations, North Dakota Department of Transportation. A copy of his written testimony is attached. In addition to his written testimony he displayed examples of the various signs which would be used in compliance with the National Uniform Traffic Control Devices Manual.

Rep. Weisz: In the case where the railroad is abandoned and the tracks have been paved over -- do the school buses and trucks legally have to stop?

Gary Berreth: The answer to that is -- yes.

There being no other persons wishing to testify either for or against SB 2301, the hearing was closed. ( 7.7 )

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*Deanna Walker*  
Operator's Signature

10/22/03  
Date



Page 2  
House Transportation Committee  
Bill/Resolution Number SB 2301  
Hearing Date February 27, 2003

Rep. Weisz, Chairman opened the discussion for action on SB 2301. Rep. Delmore moved a 'Dp Pass' motion for SB 2301. Rep. Thorpe seconded the motion. On a roll call vote the motion carried 11 Ayes 0 Nays 2 Absent and not voting. Rep. Bernstein was designated to carry SB 2301 on the floor.

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Deanna Waller  
Operator's Signature

10/22/03  
Date

Date: 2/27/03  
Roll Call Vote #: 1

2003 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2201

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number 38346-0100

Action Taken Do Pass

Motion Made By Rep. Delmore Seconded By Rep. Thorpe

Representatives	Yes	No	Representatives	Yes	No
Robin Weisz - Chairman	✓		Lois Delmore	✓	
Kathy Hawken - Vice Chairman	✓		Arlo E. Schmidt	✓	
LeRoy G. Bernstein	✓		Elwood Thorpe	✓	
Mark A. Dosch	A		Steven L. Zaiser	A	
Pat Galvin	✓				
Craig Headland	✓				
Clara Sue Price	✓				
Dan J. Ruby	✓				
Dave Weiler	✓				

Total Yes 11 No 0

Absent 2

Floor Assignment Rep. Bernstein

If the vote is on an amendment, briefly indicate intent:

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Deanna Waller  
Operator's Signature

10/22/03  
Date

**REPORT OF STANDING COMMITTEE (410)**  
February 27, 2003 2:42 p.m.

Module No: HR-35-3823  
Carrier: Bernstein  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**  
SB 2301: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS  
(11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2301 was placed on the  
Fourteenth order on the calendar.

(2) DESK, (3) COMM

Page No. 1

HR-35-3823

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Deanna Waller  
Operator's Signature

10/22/03  
Date

2003 TESTIMONY

SB 2301

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Deanna Hallmark  
Operator's Signature

10/22/03  
Date

**SENATE TRANSPORTATION COMMITTEE**

**January 30, 2003**

**North Dakota Transportation Department  
Tim Horner, Director of Transportation Programs**

**SB 2301**

Good morning, Mr. Chairman and members of the committee. I'm Tim Horner, Director of Transportation Programs for the North Dakota Department of Transportation. I'm here to give background about and to testify on behalf of the department in support of SB 2301. This bill would allow "EXEMPT" signs to be used at highway-rail grade crossings where the track is no longer in use. The Manual on Uniform Traffic Control Devices (MUTCD) does not allow a state to use the "EXEMPT" sign unless the state has a law or regulation authorizing it. This statutory change would provide the NDDOT with an additional safety option for managing railroad crossings.

North Dakota has out-of-service highway-rail crossings that are potential hazards because school buses, and trucks carrying hazardous material, must stop (pursuant to NDCC 39-10-43), even if it is not possible for a train to occupy the crossing. In the past, the department has addressed the situation by asking the railroad to remove the crossing or by installing "TRACKS OUT OF SERVICE" signs.

When a railroad uses "TRACKS OUT OF SERVICE" signs, the MUTCD says they must remove all traffic control devices and gate arms, and that signal heads must be removed, hooded, or turned from view. The "TRACKS OUT OF SERVICE" sign implies the tracks no longer will be used. Stating this may be premature if abandonment procedures have not been implemented.

For these reasons, some railroads have been reluctant to install "TRACKS OUT OF SERVICE" signs until the rail abandonment process is completed. Until "TRACKS OUT OF SERVICE" signs are in place school buses and trucks carrying hazardous material are in potential danger of being rear-ended when they obey the law and stop at a crossing known to be unused.

SB 2301 would authorize the department to place an "EXEMPT" sign at unused rail-highway grade crossings where the railroad's abandonment process has not been implemented or completed. The sign would indicate that drivers of school buses and hazardous materials trucks identified in NDCC 39-10-43 are not required to stop.

We believe the railroads and trucking industry are receptive to use of the "EXEMPT" sign. In addition when the "EXEMPT" sign is used, traffic control devices do not have to be removed, hooded, or turned from view.

If SB 2301 is passed, the department will state in it's internal policy that before "EXEMPT" signs are used, the operating railroad must certify in writing that measures have been undertaken to insure that no train, locomotive, or other railroad equipment can occupy the crossing.

*Deanna Hall*  
Operator's Signature

10/22/03

Date

**HOUSE TRANSPORTATION COMMITTEE**  
**February 27, 2003**

**North Dakota Transportation Department**  
**Gary Berreth, Director of Operations**

**SB 2301**

Good morning, Mr. Chairman and members of the committee. I'm Gary Berreth, Director of Operations for the North Dakota Department of Transportation. I'm here to give background about and to testify on behalf of the department in support of SB 2301. This bill would allow "EXEMPT" signs to be used at highway-rail grade crossings where the track is no longer in use. The Manual on Uniform Traffic Control Devices (MUTCD) does not allow a state to use the "EXEMPT" sign unless the state has a law or regulation authorizing it. This statutory change would provide the NDDOT with an additional safety option for managing railroad crossings.

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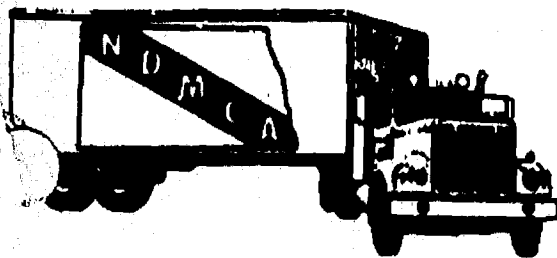
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**NORTH DAKOTA  
MOTOR CARRIERS ASSOCIATION, INC.**

1081 East Interstate Avenue • P.O. Box 874 • Bismarck, ND 58502-0874 • (701) 223-2700 • Fax (701) 223-4324

February 27, 2003

Representative Robin Weisz, Chairman  
House Transportation Committee  
State Capitol  
Bismarck, ND 58505

Dear Mr. Chairman:

Because of an NDMCA Budget Committee and Board of Directors meeting I am unable to attend your committee hearings on Thursday, February 27<sup>th</sup>.

Please be advised that on behalf of the NDMCA, I wish to advise your committee of our members support of SB2301.

As you may recall, several years ago the ND Legislature authorized the state to adopt the Federal Motor Carriers Safety Regulations. These regulations cover most all the safety standards by which the trucking industry is to operate under on the intra and inter state levels.

Section 392.10 of the regulations deals with railroad grade crossings and vehicle stopping requirements. Sub-sections four and five of that section deal with abandoned crossings and the marking of those crossings with a sign reading "Exempt".

Passage of SB2301 would confirm with signing regulations the trucking industry's drivers identify with when approaching grade crossings that have been abandoned.

Mr. Chairman and members of the House Transportation Committee, we request your recommendation of a do pass for SB2301.

Thank you.

Sincerely,

LeRoy H. Ernst  
Managing Director