

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION

SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1095

2005 HOUSE TRANSPORTATION

HB 1095

2005 HOUSE STANDING COMMITTEE MINUTES

BILL HB 1095

House Transportation Committee

☐ Conference Committee

Hearing Date January 7, 2005

Tape Number	Side A	Side B	Meter #
1	X		1.1 - 14.8

Committee Clerk Signature

Minutes:

**Chairman Weisz** opened the hearing on HB 1095 A Bill for an Act to amend and reenact subsection 2 of section 39-09-02 and section 39-09-07.1 of the North Dakota Century Code, relating to highway construction zone speed limits and speed limit reductions.

**Chairman Weisz** anyone here in support of bill HB 1095.

**Gary Berreth, Director of Operations with DOT:** here in support of bill HB 1095(see written testimony attached).(4.7)

**Chairman Weisz** is there potentially a problem with shortening up the distance with tractor trailers with a 30 mile an hour reduction with that issue, or not?

**Gary Berreth:** I don't believe it is.

**Rep. Owens:** you said 30 but what about the interstate when you have the same situation would it be not more prudent to have the restriction at 35 since it is now 75 miles and hour on the interstate and give the department the flexibility of going from 75 - 40.

**Gary Berreth:** Now on the interstate we now usually get down to about 45, but I don't think we would have any objection as long as we had the discretion of doing it according to the situation.

**Rep. Owens:** I was also was thinking when you come out of the construction zone when you dropped them down fairly low and have to bring them back up at the end of the construction zone it would give you more flexibility there too.

**Gary Berreth:** Generally when you are coming out of a construction zone the increase of 20 miles and hour does not apply, that is only when you are reducing your speed.

**Rep. Thorpe:** I am setting here wondering why we have to hear all these changes; doesn't the department have any discretion on their own; why do you need a code?

**Gary Berreth:** We ask for it sometimes when there is a gray area and we are not sure we have the authority. This is to just clarify it like in the situation with the variable speed sign. Variable speed sign is a new type of technology and has just been added. Usually most of our signs are fixed. This is more a precaution since we want to make sure we don't get challenged on it.(6.9)  
The second part to the respect of the speed limit that specifically in state law that you can only ratchet it down in 20 miles an hour increments and my understanding that the 20 mile an hour speed probably originated when some public and law enforcement urban areas have the tendency to put up speed traps in work zones. They put a fine and ratchet it down real quick so I think that is why they got to the 20 miles per hour. (7.7)

**Rep. Thorpe** for my personal information, but in the past it is my understanding that when there is no construction in a construction zone report it is my understanding you could drive a reasonable speed and you would not have to go down to the posted construction zone speed.

**Gary Berreth:** At the last legislative session there was consider about of discussion. The way the law has changed at the last session; doubled the speed for violation of speeding when construction when workers were present. Prior to that it was just in the work zone. So typically the doubling of the fine would be \$80 only if there were workers present. Now if you were speeding in that work zone and no workers were there you would get a normal speeding ticket.

**Rep. Thorpe** asked if there was a construction worker just working on his machine on a Sunday would that be considered construction ongoing?

**Gary Berreth:** Said he did not know; that is a legal question and would have to be answered by the highway patrol.

**Chairman Weisz** Just for clarification, the worker has to be on the road or highway, not down in the ditch working on a vehicle that does not count for the doubling of the fine. The speed limit doesn't change.

**Rep. Bernstein (9.8)** Was the 20 miles and hour by increment put in by law or by the legislative.

**Gary Berreth:** My understanding is that it is in the law.

**Chairman Weisz :** Anyone else here in support of HB 1095?

**Greg Peterson:(10.9)** Association of Contractors of ND and our concern here is for safety of our workers and on the pavement and no one wants to slow down and it does present a safety hazard and I think this legislation of HB 1095 is good and we would support this.

**Rep. Ruby** concerned about the sudden change of speed using the 20 mile an hour increments, before we had a gradual drop in speed limits. Just getting their cruise off now it might just increase their speeds as they come upon the signs.

**Greg Peterson:** People are pretty impatient and they will try to get buy with whatever they can, but again just for the sake of the safety of our workers. He did understand that it is frustrating when there are times when there is nothing going on. But we can not be taking the signs up and down. Typically there is a sign company that takes them up and down. They contract with the contractor.

**Chairman Weisz** Anyone else here in support of HB 1095. Anyone here in opposition of HB 1095. Hearing closed(14.5)

**Discussion:**

**Chairman Weisz** Said he did have a concern on getting the speeds reduced for heavy rigs and common carriers and they did not seem to think there was a problem.

**Rep. Vigesaa:** I also asked Keith about the placement of the signs and that is all prescribed and the engineers has to follow their regulations.

Motion made by Rep. Hawken; Seconded by Rep. Iverson. Carried by : Rep. Owens

**Do Pass**            15 **Yes**            0 **No**    0 **Absent**    **Carried by Rep. Owens**

Date: 1-7-05  
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. 1095

House Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

*As Pass*

Motion Made By

*Rep. Hawken*

Seconded By

*Rep. Iverson*

Representatives  
Rep. Weisz - Chairman  
Rep. Hawken - Vice Chair.  
Rep. Bernstein  
Rep. Dosch  
Rep. Iverson  
Rep. Kelsch  
Rep. Owens  
Rep. Price  
Rep. Ruby  
Rep. Vigasaa  
Rep. Weiler

Yes No  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓  
✓

Representatives Yes No  
Rep. Delmore ✓  
Rep. Meyer ✓  
Rep. Schmidt ✓  
Rep. Thorpe ✓

Total (Yes)

15

No

0

Absent

0

Floor Assignment

*Rep. Iverson Owens*

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

*11th order*

**REPORT OF STANDING COMMITTEE (410)**  
January 10, 2005 10:26 a.m.

**Module No: HR-05-0204**  
**Carrier: Owens**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1095: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS**  
**(15 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the**  
**Eleventh order on the calendar.**



2005 SENATE TRANSPORTATION

HB 1095

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1095

Senate Transportation Committee

☐ Conference Committee

Hearing Date 3-04-05

Tape Number	Side A	Side B	Meter #
1	x		4075-5440

Committee Clerk Signature

*Mary K Monson*

Minutes:

**Chairman Trenbeath** opened the hearing on HB 1095 relating to highway construction zone speed limits and speed limit reductions.

**Francis Ziegler** (Director of Project Development, ND DOT) Testified in support of HB 1095.

See attached written testimony.

**Senator Trenbeath** asked how reducing speeds quicker over a shorter length of highway and being able to change the speed limit periodically add to the safety of the traveling public.

**Francis Ziegler** replied that the more signs put into a construction zone seems to create an oblivious attitude. As much as possible, they try to reduce the number of signs, to get the message across very succinctly and as simply as possible, so that people who get into this zone recognize and can read all the signs as they go down the road. The more signs there are the more it seems to confuse the driver. Traffic needs to be slowed down when there are workers right next to the road. The greatest complaint they get is when people drive through and they don't see

the people. The contractors are trying and they are pushed to get the signs changed back up when there are no workers present but it doesn't always happen. With a variable message sign, it is easier to change the sign.

**Senator Trenbeath** asked if the sole reason for the instantaneous changeable speed limit sign is when workers are and are not present.

**Francis Ziegler** replied that was correct.

**Senator Trenbeath** addressed the problem of getting into that construction zone at 55 mph and half way through the zone it changes to 45 mph. (Meter 4830)

**Francis Ziegler** said they would be coordinating those efforts with the Highway Patrol so, when the contractor makes the changes as workers are present, the Highway Patrol will be aware of it.

**Senator Mutch** asked if they could still use a traditional sign or if they would be required to use the electronic sign.

**Francis Ziegler** said they could still use the regular signs.

**Curt Peterson** (Association of General Contractors of ND) He testified favorably on HB 1095.

He said they had requested this bill primarily on the factor of safety. (Meter 5100)

With no further testimony, the hearing on HB 1095 was closed

**Senator Bercier** motioned a **Do Pass**. Seconded by **Senator Warner**.

As per Chairman Trenbeath, the vote was held open for Senator Espegard.

Final roll call vote 6-0-0. **Passed**. Floor carrier is **Senator Bercier**.

Date: 3-4-05  
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 1095

Senate

TRANSPORTATION

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Do Pass

Motion Made By Sen. Bercier

Seconded By Sen. Warner

Senators	Yes	No	Senators	Yes	No
Senator Espegard	✓		Senator Bercier	✓	
Senator Mutch	✓		Senator Warner	✓	
Senator Nething	✓				
Senator Trenbeath, Chairman	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Bercier

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

**REPORT OF STANDING COMMITTEE (410)**  
March 4, 2005 12:46 p.m.

**Module No: SR-40-4183**  
**Carrier: Bercier**  
**Insert LC: . Title: .**

**REPORT OF STANDING COMMITTEE**

**HB 1095: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO PASS**  
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the  
Fourteenth order on the calendar.

2005 TESTIMONY

HB 1095

**HOUSE TRANSPORTATION COMMITTEE**  
**January 7, 2005**

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

**HB 1095**

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 testify in support of HB 1095.

The NDDOT appreciates the efforts of the past Legislative Assembly in providing additional tools to encourage increased safety in work zones. Increasing fines for speeding in work zones has been beneficial. However, increasing the speed limits on North Dakota's highways has created a challenge for improving work zone safety. To help accommodate the speed limit changes we are requesting some additional modifications to sections 39-09-02 and 39-09-07.1 of the North Dakota Century Code relating to highway construction zone speed limits and speed limit reductions.

The North Dakota Department of Transportation pre-filed HB 1095 as an agency bill. The bill allows for adjusting speed limits in designated highway construction zones, to vary with site conditions, utilizing appropriate fixed or variable speed limit signs. It also designates the maximum reduction of speed limits between signs in work zones.

The first change, providing for the use of variable speed limit signs is requested to clarify the department's ability to use new technology in appropriate work zone locations. Electronic variable speed limit signs have recently been included as an option in the Manual on Uniform Traffic Control Devices. Being able to adjust speeds more rapidly, to coincide with traffic and work conditions, aids in reducing traffic delays and increases safety when used in appropriate situations. This type of traffic control would most likely be used on designated highway construction projects in high traffic areas such as major urban centers or high traffic volume corridors as designated by the director.

The second part of this bill would modify the existing statute requirement that no two adjacent signs reduce the speed limit by more than 20 mph to a reduction limit of 30 mph. The current limitation causes significant additional signing in work zones, areas that are often already congested with signs. For example, work zones on rural divided highways (with a 70 mph speed limit) often have a temporary posted speed limit of 40 or 45 mph adjacent to workers. Because of the maximum 20 mph speed reduction limitation under current law, three sets of warning signs are required (reduced speed ahead, 60 mph, and 40 or 45 mph—covering 2000 feet). With a 30 mph reduction allowed, two signs (one on each side of the highway) could be eliminated and 750 feet could be cut from the advanced signing distance.

In addition to a reduction in the number of signs require, the proposed change would bring North Dakota closer to conformance with regional and national standards. The national signing design manual, the Manual of Uniform Traffic Control Devices (MUTCD), does not have any limitation on speed reduction between signs. Additionally, none of the surrounding states have a 20 mph reduction limitation.

In short, increased flexibility for reducing speed limits would significantly increase the department's ability to improve safety for construction workers and the traveling public in construction and maintenance work zones. It would also reduce the cost and inconvenience to the traveling public.

Mr. Chairman, that concludes my testimony an I would be happy to answer any questions the committee may have.



**SENATE TRANSPORTATION COMMITTEE**

**March 4, 2005**

**North Dakota Department of Transportation  
Francis G. Ziegler, Director of Office of Project Development**

**HB 1095**

Good morning Mr. Chairman and members of the committee. I'm Francis Ziegler, P.E., Director of the Office of Project Development for the North Dakota Department of Transportation. I'm here to testify in support of HB 1095.

The past Legislative Assembly provided for increasing fines for speeding in work zones. Those changes have been very effective in slowing down the traveling public and have increased the safety for workers.

Currently, the North Dakota Century Code (NDCC) requires that changes to the speed limits in work zones must be made with fixed signs and can't be adjusted by more than 20 mph at a time. HB 1095 addresses these issues: (1) it allows for adjusting speed limits with variable electronic speed limit signs, and (2) it changes the maximum reduction of speed limits between signs in work zones.

The first change, providing for the use of variable electronic speed limit signs is requested to allow the NDDOT to use new technology in appropriate work zone locations. Electronic variable speed limit signs have recently been included as an option in the Manual on Uniform Traffic Control Devices (MUTCD), the national standard. The ability to adjust speeds more rapidly, to coincide with traffic and work conditions, aids in reducing traffic delays and increases safety. These variable message signs would normally be used only in the high traffic areas.

The second part of this bill would modify the existing statute requirement that no two adjacent signs reduce the speed limit by more than 20 mph, by changing the 20 mph to 30 mph. The current limitation causes significant additional signing in work zones, areas that are already congested with signs. For example, work zones on rural divided highways (with a 70 mph speed limit) often have a temporary posted speed limit of 40 or 45 mph adjacent to workers. Because of the maximum 20 mph speed reduction limitation under current law, three sets of warning signs within a 2,000 foot distance are required (reduced speed ahead, 60 mph, and 40 or 45 mph). With a 30 mph reduction allowed, one sign in each direction could be eliminated and 750 feet could be reduced from the advanced signing distance. The proposed change would also bring North Dakota closer to conformance with adjacent states. The MUTCD does not have any limitation on speed reduction between signs.

In summary, the ability to use variable message signs in place of fixed signs and the reduction of the number of signs needed to reduce the speeds in work zones will increase the NDDOT's ability to provide safety for the workers and the traveling public in work zones.

Thank you! I would be happy to answer any questions the committee may have.