

2009 HOUSE TRANSPORTATION

HB 1318

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1318

House Transportation Committee

☐ Check here for Conference Committee

Hearing Date: 01/23/09

Recorder Job Number: 7644 and 7646

Committee Clerk Signature

Jeanette Cook

Minutes:

Representative John Nelson, District 7, introduced HB 1318. This is a practical solution to a problem where a number of snowmobile trails follow highways in certain areas of the state.

This bill would allow travel to occur back and forth, so the travelers wouldn't have to use both lanes. The duplication of signing under current law doesn't make a lot of sense. He urged a Do

Pass on HB 1318.

Representative R. Kelsch: What is current protocol?

Rep. Nelson: Currently it is against the law for a snowmobile rider to travel in the ditch at night against the flow of traffic. If you are going with the right lane, you should follow the right lane ditch. But, if the snowmobile trail is on the left side, this would allow them to use the marked trail against the flow of traffic.

Representative R. Kelsch: Is there any sort of safety issue with the lights coming at the at a driver from the ditch?

Rep. Nelson: I would assume that is the reason for the current law. I should remind you that most of the trails are constructed so that they don't follow highway ditches. It is just from a practical standpoint that sometimes they have to. They get off of the roadway as soon as they can. It is not a large number of miles that this would actually effect. During the daytime, it is

okay to travel against the traffic on the trails. This is referring to night travel when a driver might be confused if lights are coming at them.

Representative Weisz: Is this bill to enhance the safety of the snowmobilers by allowing them to travel on marked trails especially at night, rather than riding an unmarked trail in the ditch with the dangers associated with it?

Rep. Nelson: Yes, the other possibility is to create a duplicate trail.

Representative Tracy Boe, District 9, offered his support of HB 1318.

Keri Wanner, Program Manager for Snowmobile North Dakota, spoke in support of HB 1318. See attachment #1. She also provided a North Dakota Snowmobile sign guide. See attachment # 2.

Chairman Ruby: What sort of liability do you have when you create and maintain a trail?

Keri Wanner: Snowmobile North Dakota is required to carry one million dollars of liability of all of our trails that exist in the state. We make sure that land owners are aware of that fact.

Chairman Ruby: How do snowmobilers currently cross bridges?

Keri Wanner: On some places on an interstate snowmobile traffic may be prohibited on an overpass. On other roads they must respect the flow of traffic that is on the road. The snowmobile traffic is stopped before they enter a roadway with a bridge.

Representative Potter: How much of the 3,000 acres is on private land and how much is on private land?

Keri Wanner: I didn't figure it out. I would suspect that about 90% of the trail systems are working with private land owners.

Arik Spencer, Recreation Division Manager for the North Dakota Parks and Recreation Department, offered testimony in support of HB 1318. See attachment #3. Mr. Spencer also

provided a copy of North Dakota Snowmobile Safety and Operation Guidelines. See attachment #4.

Representative Gruchalla: Are snowmobiles restricted from operating on an interstate right-of-way? And bridges over the interstate?

Arik Spencer: They still are restricted from travel in the interstate right-of-way. In some places snowmobilers were crossing the interstate itself, and it was preferred that they use the overpasses to cross.

Representative Gruchalla: Do they need to get a Federal exemption to travel over the bridges?

Grant Levi will get the answer to Representative Gruchalla's question.

Information was provided by **Grant Levi, DOT**. See attachment #5.

There was **no opposition** to HB 1318.

The hearing was closed on HB 1318.

Chairman Ruby asked that the committee again take up HB 1318.

Representative Weisz moved a **Do Pass** on HB 1318.

Representative Potter seconded the motion.

A short discussion followed.

A roll call vote was taken. **Aye 13 Nay 1 Absent 0**

Representative Griffin will carry HB 1318.

Date: 1-23-09

Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES

BILL/RESOLUTION NO. 1318

House TRANSPORTATION Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do pass ☐ Don't Pass ☐ Amended

Motion Made By Weisz Seconded By Potter

Representatives	Yes	No	Representatives	Yes	No
Representative Ruby - Chairman	✓		Representative Delmore	✓	
Rep. Weiler - Vice Chairman	✓		Representative Griffin	✓	
Representative Frantsvog	✓		Representative Gruchalla		✓
Representative Heller	✓		Representative Potter	✓	
Representative R. Kelsch	✓		Representative Schmidt	✓	
Representative Sukut	✓		Representative Thorpe	✓	
Representative Vigesaa	✓				
Representative Weisz	✓				

Total Yes 13 No 1

Absent 0

Bill Carrier Griffin

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

REPORT OF STANDING COMMITTEE (410)
January 23, 2009 5:02 p.m.

Module No: HR-14-0888
Carrier: Griffin
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1318: Transportation Committee (Rep. Ruby, Chairman) recommends DO PASS
(13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the
Eleventh order on the calendar.

2009 SENATE TRANSPORTATION

HB 1318

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1318

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10797

Committee Clerk Signature

Jody Hauge

Minutes:

Chairman Gary Lee opened the hearing on HB 1318 relating to snowmobile travel.

Representative Nelson said he was asked by the State Parks and Recreation to sponsor this bill. This bill would make it more practical for those volunteers that mark the trails along highway right of ways that parallel highways. The bill says that snowmobile traffic could in night time conditions go both ways on the right away. Under current law it is illegal for a snowmobile to travel against the flow of traffic in the right away. The people that are going out and marking these trails are volunteers and the way the law is written now it is a burden that does not need to exist.

Senator Nething asked why this was a burden.

Rep. Nelson said many of the trails parallel highways. If they have to have a marked trail on each side of the highway it will be double the expense of signage, grooming and safety is an issue because not both sides of the highway are always fit for travel.

Senator Potter asked a question on the glaring headlight problem.

Rep. Nelson replied that from a practical sense we are talking about rural areas.

Kari Wanner, Program Manager for Snowmobile ND testified in support of HB 1318.

Attachment #1

Senator Fiebiger asked if our neighboring states allow 2 way travel.

Wanner answered that all three bordering states carry an exception so this does exist in their state.

Senator Lee asked about safety.

Wanner said there have been minimal accidents and fatalities in ND. Accidents usually involve alcohol and are related to crossing bodies of water. Cass County has one way trails and they have had one accident where an individual was going the wrong way.

Eric Dietrich, Motorized Recreation Coordinator for the North Dakota Parks and Recreation Department testified in support of HB 1318. Written testimony #2; 2007-2009 ND Snowmobile Safety & Operation Guidelines booklet, attachment #3

No Opposing Testimony

Senator Lee closed the hearing on HB 1318.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1318

Senate Transportation Committee

☐ Check here for Conference Committee

Hearing Date: March 12, 2009

Recorder Job Number: 10862

Committee Clerk Signature

Jody Hange

Minutes:

Committee work on HB 1318

Senator Potter moved a Do Pass.

Senator Fiebiger seconded.

Senator Potter said that it just seemed practical for the burden it would lift from volunteers.

The testimony was convincing.

Senator Fiebiger added that our bordering states are doing this already.

Senator Lee summarized the bill and a discussion followed on the use of lights and how it relates to the bill.

Senator Potter emphasized how safety conscious Parks and Recreation are.

Roll call vote: 6-0-0

Senator Potter will carry the bill.

Date: 3-12-08
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1318

Senate Transportation Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken ☒ Do Pass ☐ Do Not Pass ☐ Other

Motion Made By Senator Potter Seconded By Senator Fiebiger

Senator	Yes	No	Senator	Yes	No
Chairman Senator Gary Lee	✓		Senator Tom Fiebiger	✓	
Senator George Nodland	✓		Senator Richard Marcellais	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Potter

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

REPORT OF STANDING COMMITTEE (410)
March 13, 2009 8:31 a.m.

Module No: SR-48-4769
Carrier: Potter
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1318: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the
Fourteenth order on the calendar.

2009 TESTIMONY

HB 1318

Attachment # 1.

**TESTIMONY – HOUSE BILL 1318
HOUSE TRANSPORTATION COMMITTEE
JANUARY 23, 2009 – 10:00 AM
FORT TOTTEN ROOM**

*Same
testimony given
to Senate.*

Mr. Chairman and members of the House Transportation Committee, my name is Keri Wanner and I am the Program Manager for Snowmobile North Dakota which represents an association of snowmobile enthusiasts in North Dakota. Snowmobile North Dakota is contracted by the North Dakota Parks & Recreation Department to manage North Dakota's snowmobile trail system. I appear today in support of House Bill 1318 relating to placing an exception to allow two-way travel in a right-of-way during times or conditions that warrant the use of lights when operating on a snowmobile trail maintained by the North Dakota Parks and Recreation Department.

Currently, 3,419 miles of state snowmobile trail exist in North Dakota. Of those, 3,419 miles of trail, 1,842 miles of trail exist in county, township, section-line, and highway right-of-ways. These trails have been established for the past 30 plus years by volunteers from around the state. The volunteers have worked with private landowners and the local governing entities in the establishment of the trails. In working with the local governing entities, it was determined if the trail should exist in one side or both sides of the right-of-ways. If clubs were required to operate on only one side of the right-of-way, this created two-way snowmobile trails. In many cases, only one side of the right-of-way provides a safe experience for snowmobile operation. This can be caused if the right-of-way is too steep, narrow, fencing exists close to the roadway, or box culverts are present. One requirement in establishing a trail system is the trail must be a minimum of 10 feet wide, allowing safe operation for two snowmobiles to pass one another. If trails cannot meet this requirement to provide a safe corridor for the user, the snowmobile trail cannot exist in that particular location.

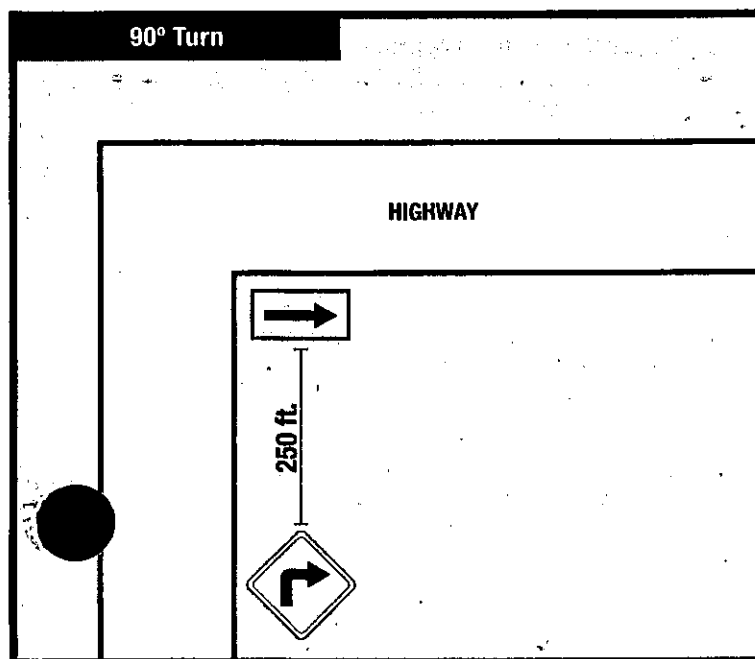
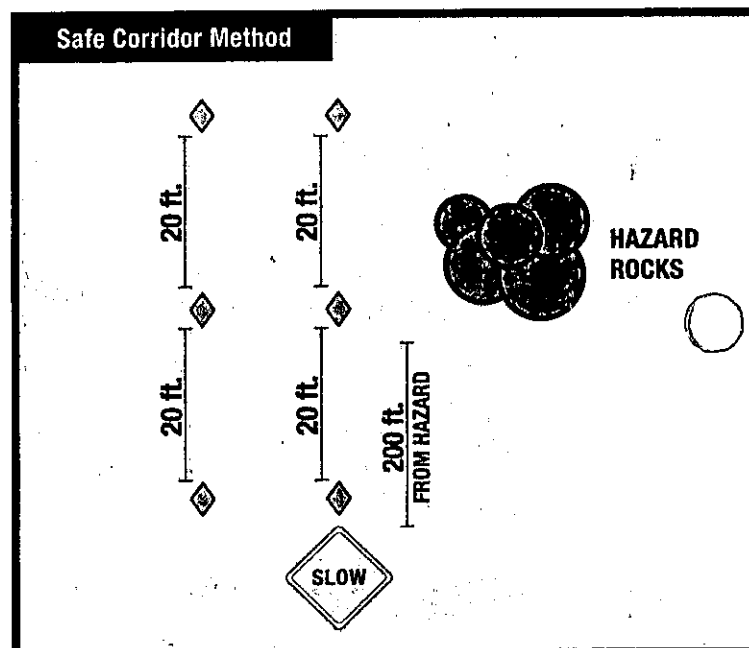
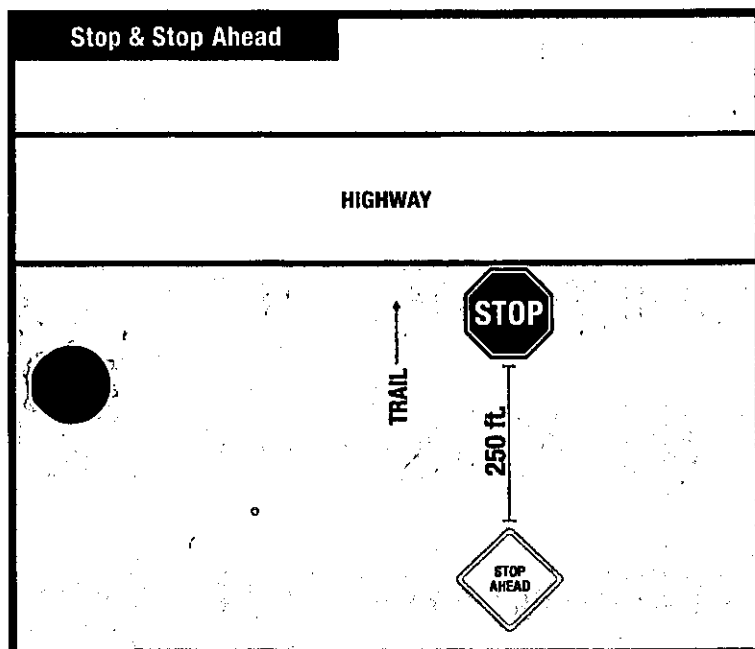
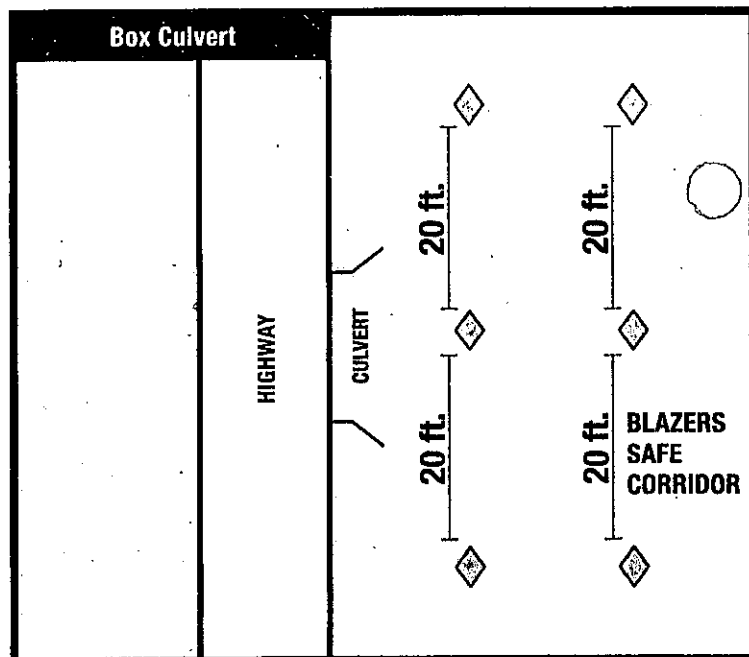
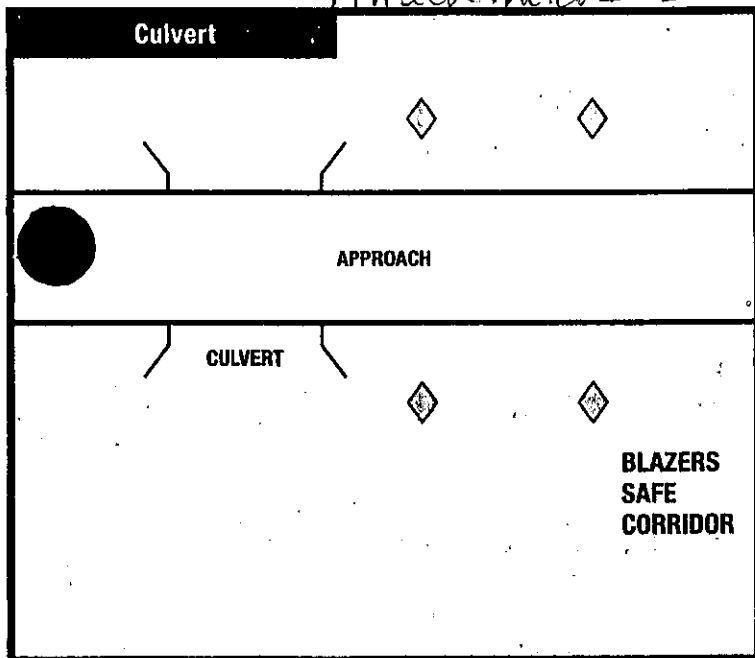
When the trails were established it was a way to connect communities and provide a fun and safe experience while enjoying an outdoor recreation. Over the years as land has been sold, it's been hard for the snowmobile trail system to continue working with private landowners. To retain trail systems, clubs have been forced to move sections of the trail into right-of-ways.

Two-way travel currently exists on the trail system and was a major factor in the configuration of how to establish and maintain trail systems. The International Association of Snowmobile Administrators (IASA) is a governing body on the establishment of snowmobile trails. IASA is made up of snowmobile administrators from across the U.S., Canada, and Sweden and North Dakota is fortunate to be a part of the organization. Countless hours of research for projects and working with the U.S. Forest Service, Federal Highway and each snowmobile jurisdiction has established a standard for maintaining snowmobile trails. North Dakota's snowmobile trail program uses these standards to provide a safe corridor of travel to provide a predictable experience for the user. These predictable experiences are expected by the user which includes two-way travel. I have provided the state snowmobile trail program's Sign Guide which is distributed to the volunteers maintaining the trail system to ensure the predictable experience exists throughout North Dakota's snowmobile trails. Trail maintenance is expensive to ensure the predictable riding experience exists. It costs roughly \$100 to sign and \$7.03 to groom one mile of trail. Current snowmobile trail funding can maintain the existing 3,419 miles of trail not leaving much room for additional growth.

Each year clubs spend countless hours maintaining the trails providing a fun and safe recreation for North Dakota and boosting the local economy. It's important to the clubs that this bill is passed to ensure the predictable riding experience continues to exist and allow two-way travel on the state snowmobile trail system when the use of headlights is needed.

House Bill 1318 is a bill with the full support of the snowmobiling community. Snowmobile North Dakota asks for a vote of DO PASS on House Bill 1318.

Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.



SNOWMOBILE

North **SND** Dakota

SIGN GUIDE

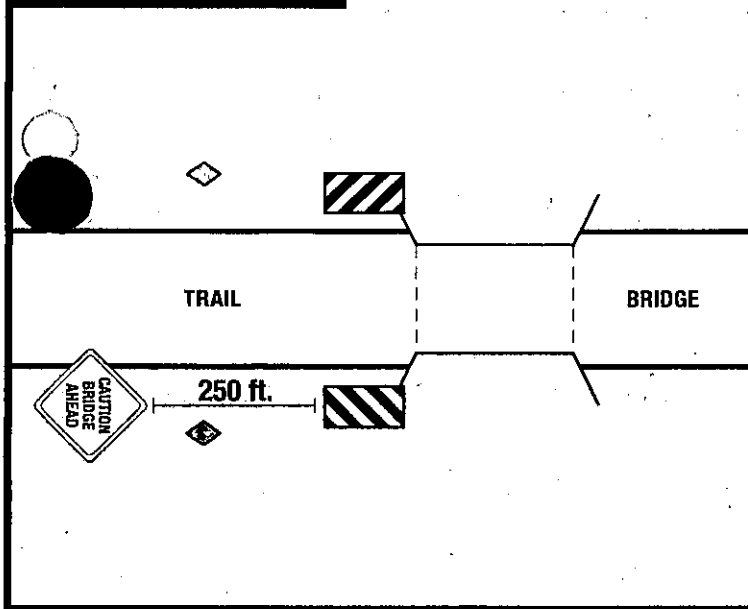
NOTE

Please adjust for two-way traffic.

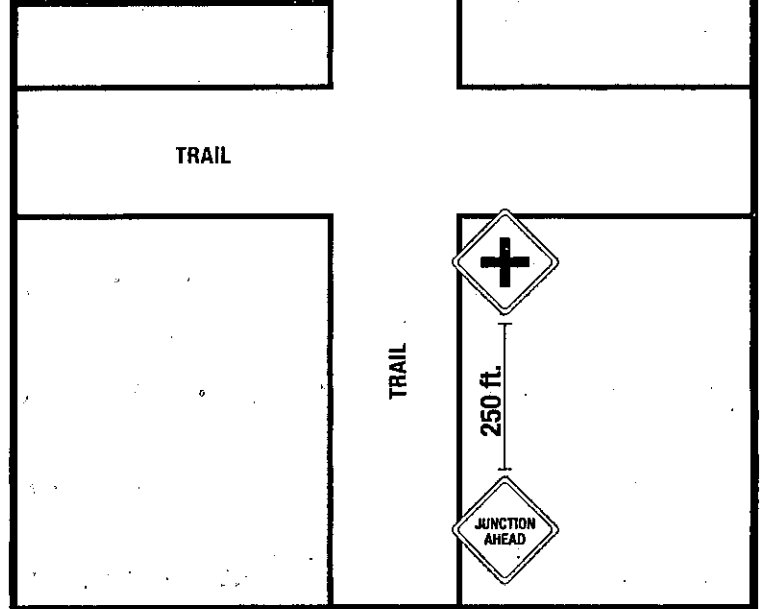
Use additional sets of blazers when needed.

Trails must be a minimum of 10 feet wide.

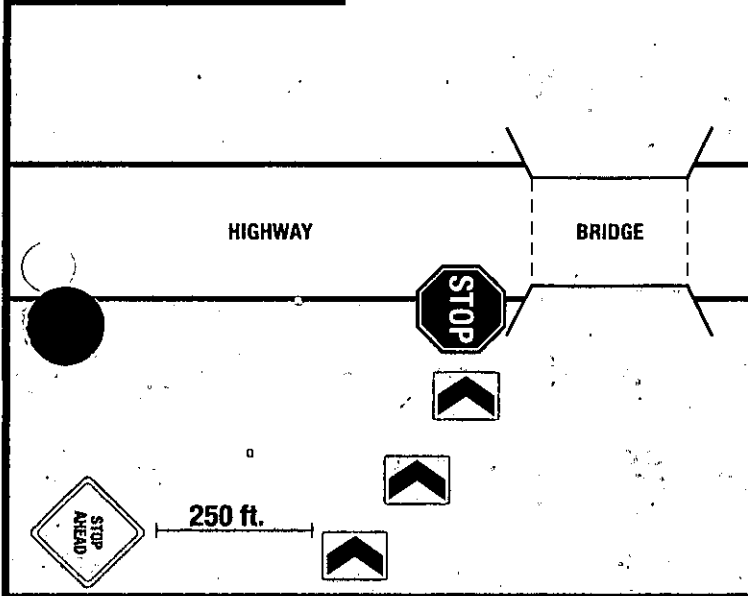
Trail Travels On Bridge



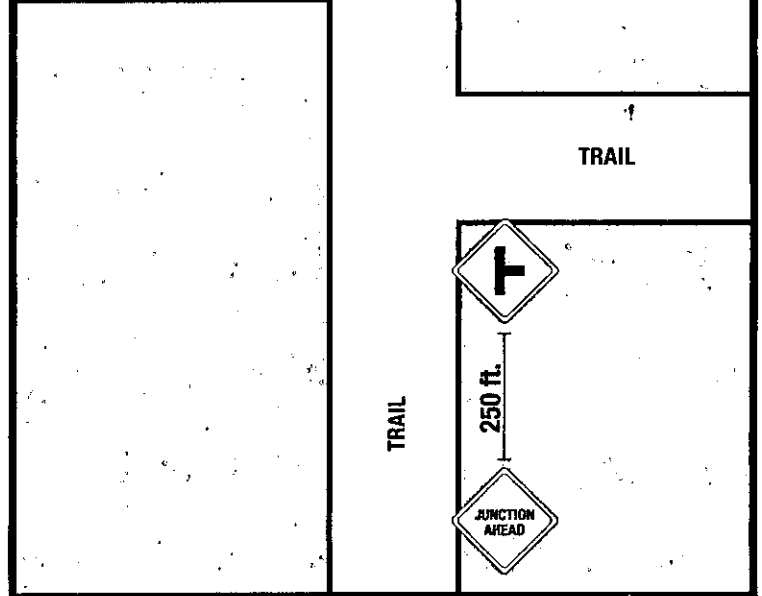
Four-Way Junction



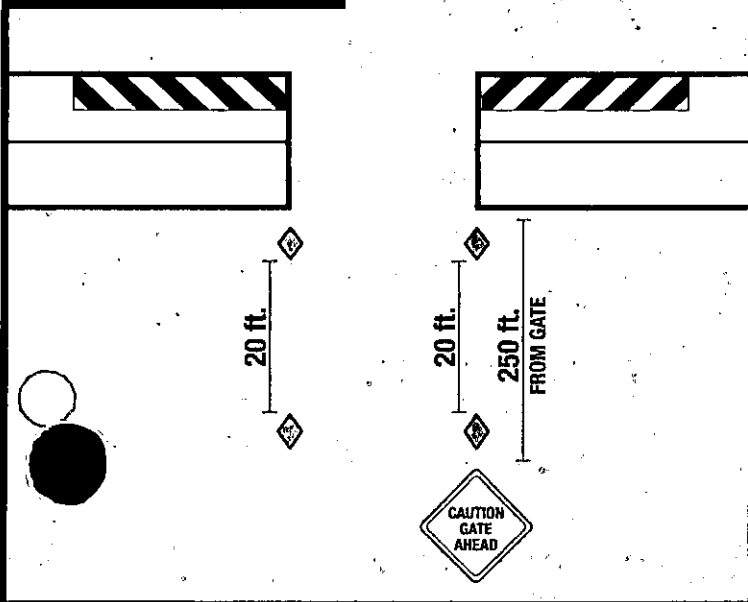
Trail Crosses Bridge



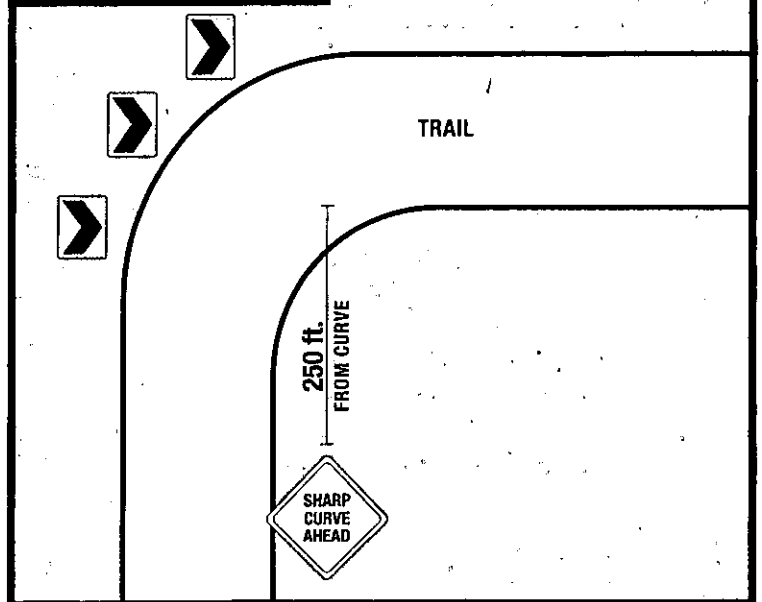
Three-Way Junction



Gates



Sharp Curve Ahead



Attachment #3

TESTIMONY – HOUSE BILL 1318 HOUSE TRANSPORTATION COMMITTEE JANUARY 23, 2009 – 10:00 AM FORT TOTTEN ROOM

Mr. Chairman, members of the House Transportation Committee, I am Arik Spencer, Recreation Division Manager for the North Dakota Parks and Recreation Department. I appear today in support of House Bill 1318 relating to placing an exception to allow two-way snowmobile travel in a right-of-way during times or conditions that warrant the use of lights when operating on trails maintained by the North Dakota Parks and Recreation Department.

In cooperation with local clubs and Snowmobile North Dakota, we are very proud of North Dakota's snowmobile trail system as it is an essential recreation resource which provides a key outlet for many North Dakotans in the winter months and serves as a revenue source for businesses located along its route.

The North Dakota Parks and Recreation Department first became aware of issues with current law during the 2005-2006 snowmobile season. Many riders contacted the Department inquiring as to when the law requiring snowmobiles, while traveling in a public right of way at night, to travel in the same direction and side of the road as traffic. Their specific concern related to night time travel on the state snowmobile trail system. That year (2005) the Department published a redesigned snowmobile law book with user friendly language, diagrams and pictures. Prior, from 1987-2005, the law book which was published reprinted the century code verbatim. While ignorance of the law is no excuse for breaking the law, in this case it simply appears the majority of snowmobilers were unaware of this specific law and acted accordingly.

When snowmobile riders, clubs and Snowmobile North Dakota came to the Department to ask for support of this proposed exemption, three safety factors were considered before lending our support. The first is the state snowmobile trail is a signed and groomed trail meaning it provides a predictable, monitored travel experience, something which is not true of many local right of ways. The type of signage which is found on the trail includes hazard markings, turn, yield, and stop signs which are marked in keeping with international snowmobile signage standards. An example of typical signage found on the trail can be seen on pages 20 -21 of the 2007-2009 North Dakota Snowmobile Law and Safety Booklet. The second safety factor is the requirement that snowmobiles traveling on the state snowmobile trail system have liability insurance. This is not true of snowmobiles just traveling in a right of way because snowmobiles are excluded from the definition of a motor vehicle and do not have the same liability insurance requirement as a car, truck or OHV. The final factor was the widespread and long term practice of two way travel at night on the state trail system in right of ways has not resulted in deaths or accidents, not involving alcohol, reported to North Dakota Parks and Recreation Department.

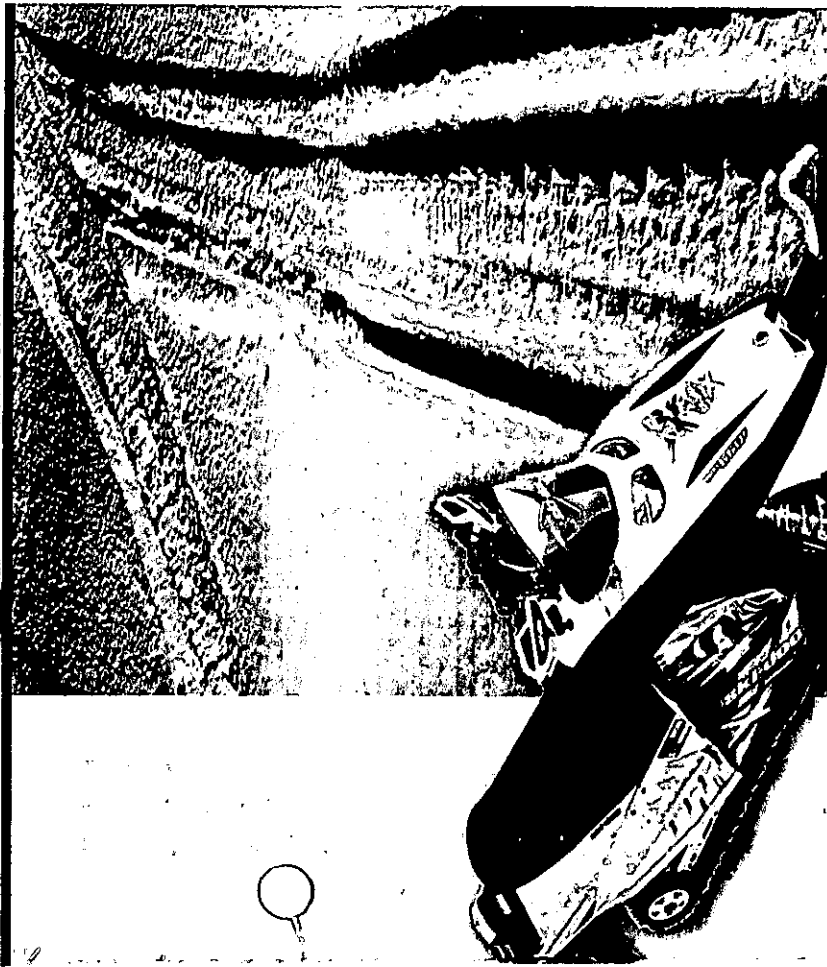
Should this bill be defeated, there will not necessarily be an automatic, large scale increase in trail system miles, but should even a 10% increase in trail system miles result, the amount of revenue derived from registration will not be sufficient to maintain the trails and the closure of some areas will result. This is a result of a 10% percent decline in registration each biennium since 2003.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.

Attachment # 4

HB1318

North Dakota
2007
2009
Snowmobile Safety
& Operation Guidelines



The ND Parks & Recreation Department's facilities, programs & employment procedures are open to all, regardless of age, sex, race, color, disability, religion, or political affiliation. Contact us prior to your visit if you need an accommodation for a disability.

For an alternate format of this publication contact

North Dakota Parks & Recreation Department

1600 E. Century Avenue, Suite 3 • Bismarck, ND 58503

Phone: 701-328-5357 • Email: parkrec@nd.gov

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Dear Snowmobile Enthusiast:

Snowmobiling in North Dakota is a favorite pastime of many North Dakotans and out-of-state visitors. Whether you snowmobile for work or recreation, the proper operation and safe use of snowmobiles is crucial. This booklet provides information regarding the safe and lawful operation of snowmobiles in the State of North Dakota.

What's new for 2007-2009:

Non-resident riders can now purchase out-of-state public trails and lands access permits from any of the following locations:

- Any North Dakota state park
- Online at www.parkrec.nd.gov
- Participating snowmobile dealerships
- North Dakota Parks and Recreation Department office
1600 E. Century Ave. Suite #3
Bismarck, ND 58503

Non-resident riders must possess a valid permit at all times while riding within the state of North Dakota.

Snowmobile safety courses are available through the North Dakota Parks and Recreation Department. For a list of course schedules, to volunteer for instruction or to schedule a class, call 701-328-5357 or visit www.parkrec.nd.gov.

For more information on snowmobile use in North Dakota, please visit our website at www.parkrec.nd.gov.

Be safe and enjoy the ride,

Doug Prchal

Doug Prchal
Director

DEFINITIONS (NDCC 39-24-01)

Collector snowmobile: A snowmobile that is 25 years old or older, was originally produced as a separate identifiable make by a manufacturer, and is owned and operated solely as a collector's item.

Dealer: A person engaged in the business of buying, selling, or exchanging snowmobiles or who advertises or holds out to the public as being engaged in the buying, selling, or exchanging of snowmobiles.

Operate: To ride and control the operation of a snowmobile.

Operator: Every person who operates or is in actual physical control of a snowmobile.

Owner: A person, other than a lienholder, having the property or title to a snowmobile and who is entitled to the use or possession of that snowmobile.

Register: The act of assigning a registration number to a snowmobile.

Roadway: The portion of a highway improved, designed, or ordinarily used for vehicular travel.

Snowmobile: A self-propelled vehicle designed for travel on snow, ice, or a natural terrain and steered by skis or runners.



REGISTRATION

A. Application (NDCC 39-24-03)

The application for registration of each snowmobile is made to the North Dakota Department of Transportation at any licensing office statewide.

- The application should state each owner's name and address and be signed by at least one owner.
- A copy of the application is evidence of registration up to 30 days following the date of application.
- Upon receipt of the application and fees, the North Dakota Department of Transportation will register the snowmobile and assign it a registration number. Also, a certificate of registration will be issued and will include information regarding the name and address of the owner, make, year and serial number of the snowmobile.

B. Display (NDCC 39-24-03)



The registration number must be:

- at least one and one-half inches (3.81 centimeters) in height
- of a reflectorized material
- securely affixed on each side of the snowmobile in a position as to provide clear legibility for identification.

C. Fees (NDCC 39-24-03)

Registration fee for resident snowmobiles is \$40. This fee includes \$5 for registration and a \$35 trail tax which is used for the state trail system.

Registration and payment of fees is not required of (NDCC 39-24-04):

1. Snowmobiles owned and used by the United States, another state or its political subdivisions.

2. Snowmobiles registered in a foreign country and temporarily used in this state.

3. Snowmobiles validly licensed in another state and have not been within this state for more than 30 consecutive days.

4. Snowmobiles used exclusively on private lands.

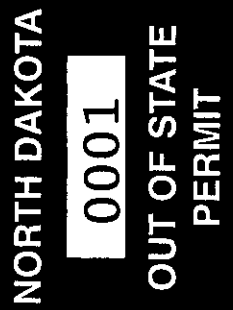
5. Snowmobiles incapable of speeds in excess of ten miles per hour and with an engine displacement of less than 100 cubic centimeters.

6. Collector snowmobiles.

The director may issue a special permit to a person to operate in a parade, organized group outings including races, rallies, or other promotional events, and for up to ten days each year for personal transportation. The director may impose a reasonable restriction of a permittee and may revoke, amend, suspend, or modify a permit for cause.

Non-Resident Riders

If a snowmobile is exempt from registration under numbers 2 or 3, the owner is required to purchase a non-resident public trails and lands access permit. Permits are available for a \$15/year fee.



A valid permit can be purchased from the following locations:

- Any North Dakota state park
 - Online at www.parkrec.nd.gov
 - Participating snowmobile dealerships
 - North Dakota Parks and Recreation Department office
- 1600 E. Century Ave. Suite #3
Bismarck, ND 58503

All riders must have a valid permit in their immediate possession at all times while riding in-state.

D. Expiration & Renewal (NDCC 39-24-03)

Snowmobile registration fees must be paid on odd-numbered years. The owner of a snowmobile can renew his or her registration by contacting the North Dakota Department of Transportation.

E. Replacement (NDCC 39-24-03)

There is a five dollar fee for the duplication or replacement of a registration number or registration card which is lost, mutilated or becomes illegible. The trail tax is not assessed on replacement decals.

F. Transfer of Ownership (NDCC 39-24-06)

A new application for registration must be submitted to the North Dakota Department of Transportation within 15 days of transferring ownership.

GENERAL OPERATIONS

A. Required Equipment (NDCC 39-24-09)

Every snowmobile must be equipped with at least one headlamp, one tail-lamp and brakes, all of which are in working order.



B. Crossing Public Roads (NDCC 39-24-09)

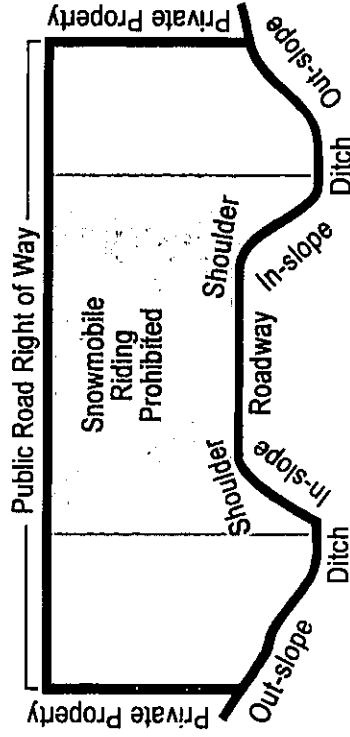
A snowmobile may make a direct crossing of a non-interstate street or highway if:

- The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing.
- The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway.

- The operator yields the right of way to all oncoming traffic which constitutes an immediate hazard.
- In crossing a divided highway, the crossing is made only at an intersection of a highway with another public street or highway.

C. Where You May Ride (NDCC 39-24-08)

- Private lands with the land owner's permission.
- Lands designated as snowmobile trails or riding areas.
- In the highway right of way, bottom of the ditch or along the outslope. It is illegal to operate on the shoulder, inside slope and roadway.
- In times that require the use of lights, you must travel in the same direction as other motor vehicles on the same side of the right of way.



D. Where You May NOT Ride (NDCC 39-24-09)

- Any tree nursery or planting area.
- Any private land that is posted as prohibiting trespassing. The name of the person posting the land must appear on each sign in legible characters.



- The posted signs must be readable from outside the land and be placed conspicuously at a distance of no more than 880 yards apart. Land entirely enclosed by a fence or other enclosure is sufficiently posted by posting of these signs at or on all gates through the fence or enclosure.

Within the right of way of any highway when towing a sled, skid, or any other vehicle, unless the object is connected to the snowmobile by a hinged swivel and secure hitch.

- Within the right of way of any interstate highway within this state except:
 - For emergency purposes; or
 - Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass.

E. Liability Insurance (NDCC 39-24-09.11)

A person may not operate a snowmobile without liability insurance. The liability insurance insures the snowmobile owner named on the policy and any operator of that snowmobile, with permission of the owner. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within 20 days.

F. Other Prohibitions (NDCC 39-24-09)

- It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance:
- At an unreasonable rate of speed in relation to surrounding circumstances.
 - In a careless, reckless, or negligent manner that endangers the rider or property of another, or causes injury or damage to other persons or their property.

- While under the influence of intoxicating liquor or a controlled substance.
- Without a lighted headlamp and tail-lamp when required for safety.



- Without a manufacturer-installed or equivalent muffler that is in good working order and connected to the snowmobile's exhaust system.
- No person under the age of 18 years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States Department of Transportation standards.

G. Youth Operators (NDCC 39-24-09.1)

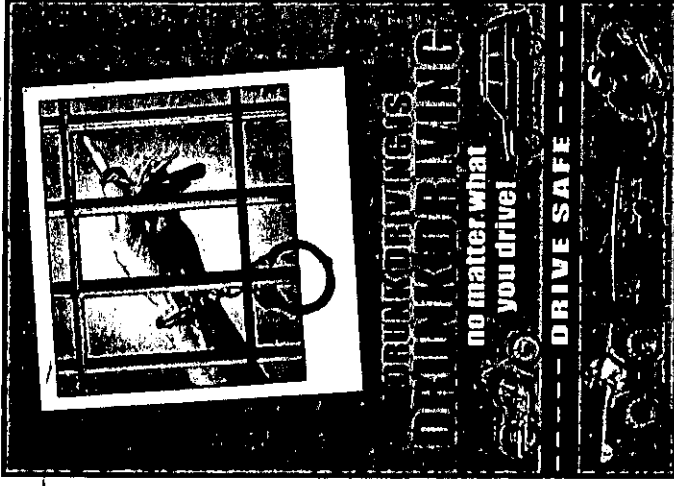
- Youth operators must be at least 12 years old and possess a valid driver's license or have completed a snowmobile safety training course from the Parks and Recreation Department. However, there is no age or license requirement for youth operators riding on private land owned by the operator's parent or guardian.

SNOWMOBILING UNDER THE INFLUENCE (SUI)

- It is unlawful to operate a snowmobile under the influence of a controlled substance or other hazardous substance.

A. Tests to Determine Alcohol and Drug Content (NDCC 39-24.1-01)

- A snowmobile operator on any public or private land is deemed to have given consent and shall permit a chemical test(s) of the blood, breath, saliva, or urine for the purpose of determining the content alcohol, drug or combination thereof.



- When a minor is taken into custody for operating a snowmobile with alcohol or drug content, or a combination thereof, the law enforcement officer shall diligently attempt to contact the minor's parent or legal guardian to explain the cause for the custody and the implied consent chemical testing requirements.

B. Test Results

- Ten one-hundredths of one percent, at the time of the test, within two hours after operating the snowmobile, is evidence of snowmobiling under the influence.

C. Penalties (NDCC 39-24.1-01)

conviction of operating a snowmobile while having alcohol or drug concentrations, a person is subject to minimum fines of:

- \$250 and cannot ride for 60 days
- \$350 and cannot ride for 1 year
- \$450 and cannot ride for 2 years

SAFETY

A. Education & Training

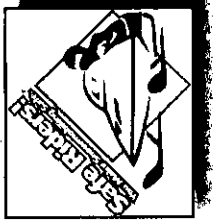
Through courses that instruct North Dakotans in operation and safety, the North Dakota Parks and Recreation Department's snowmobile education program is designed to prevent snowmobile-related accidents. By doing

this we hope to make the

public more aware of safety, danger and the environmental hazards caused by improper use of snowmobiles.

Safety Training & Education

For more safety and education information, visit www.parkrec.nd.gov.



Test your knowledge at the Safe's Rider's online safety quiz at www.snowwisa.org

B. Riding Attire

- Wear proper clothing when on your snowmobile:

1. Wear a Helmet. Make certain your helmet is approved by the U.S. Department of Transportation, American National Standards Institute or the Snell Memorial Foundation. Your helmet should fit correctly and you should always use the chin strap.

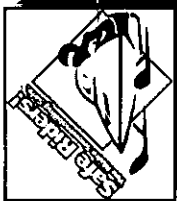
2. Use Eye Protection. The best protection for snowmobile riders is protective goggles made with hard polycarbonate lenses. Eye injuries can also be prevented by wearing a helmet that comes with a protective shield.

3. Wear Appropriate Clothing.

Clothes should be in layers, typically 3-5 layers. The first layer should be fabric that doesn't retain moisture. The second layer should be made of cotton or wool. The final layer is usually a snowmobile suit or something made of water and wind resistant materials.

Appropriate Riding Attire

For more information on appropriate riding attire, visit www.snowwisa.org



Other important tips to remember about dressing for the ride:

- If riding over frozen water, invest in a buoyant suit.
- If riding at night, wear reflective clothing.
- Boots and gloves should also be made of water and wind resistant materials.

C. Know Your Parts

The snowmobile has six basic mechanical systems:

1. Engine System & Chassis. The engine is the power source which propels the snowmobile's drive system; most snowmobiles have a two-stroke engine. The chassis is the "backbone" or framework of the machine that supports each system of the snowmobile.

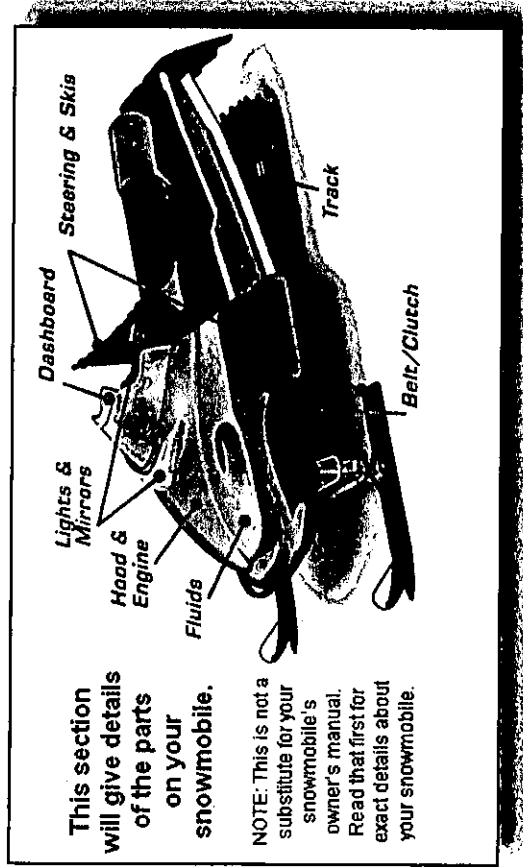
2. Electrical System. Parts that need electricity to function (headlights, tail-lights, hand warmers, instrument panels, etc.).

3. Exhaust System. Serves two functions: to carry waste away from the engine out through the muffler and to quiet the engine.

4. Suspension System. Components of the suspension work together to keep the track on the snow, allow for better handling and give a smoother, more comfortable ride.

5. **Steering System.** Various components that steer your snowmobile.

6. **Drive System.** Energy from the engine that turns wheels, belts and chains to move the track of your snowmobile.



D. Planning Your Ride

Before venturing out in North Dakota, it is a good idea to plan your ride. When planning your ride, you need to ask yourself a series of questions:

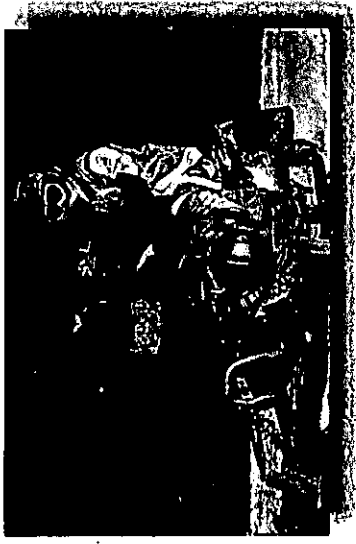
Where Will I Be Riding? Answering this question is vital in the event you get into an accident. This lets others know where to look for you.

How Long Will I Be Riding? Make sure that you estimate the amount of time you are going to be gone and tell someone who isn't going on the ride with you. This ensures you have someone who knows when to come looking for you if you don't come back on time.

How Will I Get There? Are you going to load your snowmobile onto a trailer or are you going to ride directly to the area?

Who Will I Be Riding With?

You should never ride alone, so help is available if there are any accidents, any one gets stuck or breaks down, you have others to help.



What Should I Take With Me?

There are many things you should take with you when you go riding.

- **Tool kit** - Phillips and flat screwdrivers, adjustable pliers, wrench and electrical tape.
- **First aid kit** - Medical tape, different size bandages, pain relief pills, sterile wipes, latex gloves, antibiotic ointment and any prescription drugs you might be taking (inhaler).
- **Survival kit** - Pocket mirror, razor blade, fishing line, spare change, whistle, matches, small wax candles (tea light), candy bars, small flashlight, space blanket, sun block, aluminum foil, wire, sandpaper, map and compass.
- **Other items** - Nylon rope, extra gloves and cap, spare key, cell phone, radios, and toilet paper.

E. Pre-Ride Inspection

Prevent an unforeseen hazard by accomplishing a pre-ride inspection. Although the owner's manual is the best resource for your snowmobile, the following can be used as a reference for inspection:

- **Liquids** - Fuels, coolants, brake fluids and lubricants (oil injection)
- **Steering** - Moves easily, no items bent or cracked, also check skis
- **Cables & controls** - Throttle, brakes, emergency, stop switch
- **Electronics** - Lights: head and tail (high and low beams)

- **Suspension** - Proper give, springs aren't bent or cracked
- **Tire** - Make sure it is free of packed snow and ice

F. Starting Procedures

Below are guidelines for starting your snowmobile. Consult your owner's manual if you are unsure of the proper method.

- There are two ways to start your snowmobile, manually (pull-start) or using the electric start.
- You should be seated with both feet flat on the ground.
- Maintain both hands on the handlebars for secure handling.
- Make sure the key and the safety switch are in the ON position.
- If the engine is cold, put the choke in the ON position and start the engine according to your manual.
- Ensure the snowmobile is not in reverse, then go ahead and press the electric start button.

G. Riding Positions

There are four different riding positions:

Standing: Used when climbing a small hill or when greater visibility is needed.

Kneeling: Used to climb steep hills.

Posting: Used when traveling on rough terrain so your legs can absorb some of the up and down motion caused by ruts.

Seated: This is the most common riding position used mostly for comfort.



H. Snow Conditions & Terrain

Deep Snow

Deep snow requires a heavier use of throttle to prevent your snowmobile from getting stuck. Remember to make your turns wide to avoid digging deep into the snow. Try not to spin your track too much in deep snow to put off getting stuck.



Ice & Frozen Bodies of Water

The first thing to remember when traveling on ice is to slow down. Your stopping distance is greatly increased on ice as well as the chance that you will lose control. If you are going to travel on frozen bodies of water, ensure there is a minimum of an 8" base of solid ice beneath you. This is the amount it takes to support a person on a snowmobile. When crossing a frozen river, make the most direct route possible to guarantee the shortest travel and remember, just because there are tracks from previous riders, that does not make it safe for you to cross.

Uphill

When climbing a hill, lean forward in the kneeling position. Use enough speed to reach the top and do not stop until you are there to prevent sinking into the deep snow.

Downhill

If you are descending a hill, move to the rear of your snowmobile, use the seated position and pump the brakes to stop if needed.

Traversing (Riding a side hill)

Kneeling position is best for traversing. Always lean toward the uphill side of the track to avoid a roll-over. If you are to dismount your snowmobile while on a side hill, always do it on the top hill side.

Night Riding

Nine out of ten snowmobile fatalities occur after dark. Why? Visibility is reduced and speedy riders overdrive their headlights.

Overdriving your headlights means going faster than what your lights can see in front of you.

I. Hazardous Conditions

Avalanche

Avalanches are both predictable and preventable. Fifty percent of the world's avalanches are caused by snowmobiles. If you are riding in an area where you think an avalanche can occur, check the avalanche forecast before going out. The following equipment should be kept with you when riding in an area where an avalanche is possible:

- Beacon
- Snow shovel (foldable)
- Avalanche probe
- Backpack

Whiteouts

Whiteouts occur when the ground is covered with snow and the sky is overcast, or during a blizzard when there is blowing snow. Both instances reduce visibility and make it harder to judge distances. A whiteout may also cause you to become disoriented. You should avoid riding during times of whiteout, but if you do ride, slow down.

J. Passengers & Towing

If your snowmobile allows for passengers, it is your responsibility as the operator to inform the passengers of the correct way to ride. No more than one or two passengers, depending on model, should be allowed to ride with smaller children riding in front of the operator. Children under the age of six years old should not ride as passengers.



When towing with a snowmobile, avoid using a rope. Ropes can get wrapped in the track, around trees and other objects, and also cause loss of control. When towing, you should use a rigid tow bar connected with a hitch.

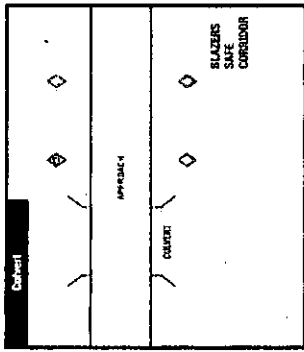
K. Responsible Riding Practices

The following is a list of responsible riding practices:

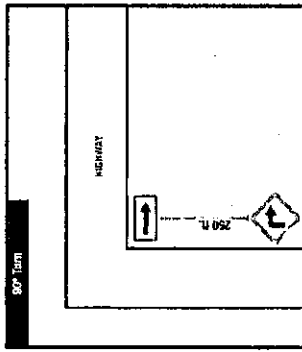
- We share the trails with others and we need to respect others' use
- Others use the trail after you
- Never chase animals
- Keep noise levels down
- Conserve energy (gasoline)
- Use common sense and be a responsible rider
- Pack out what you pack in (leave no trace!).

L. Sign Guide

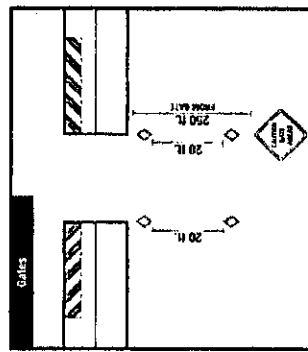
The following guides are samples of signing conditions representative of the state trail system. Please review the guides to better equip yourself for riding the trail system.



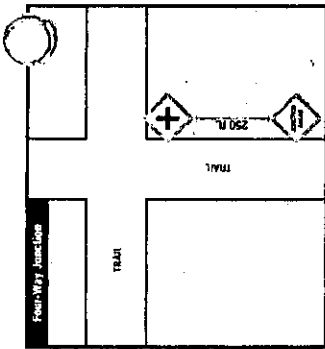
Culvert: Follow the safe corridor made of reassurance (trail) blazers when crossing the approach.



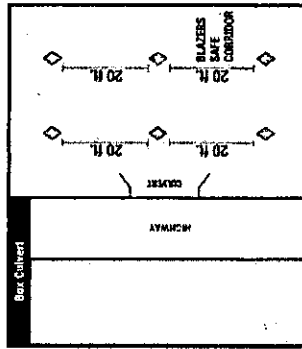
90 Degree Turn: Slow down and prepare for a 90 degree turn in the trail.



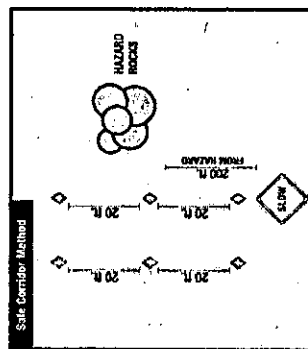
Gates: Follow the safe corridor made of reassurance (trail) blazers to safely pass through a gate.



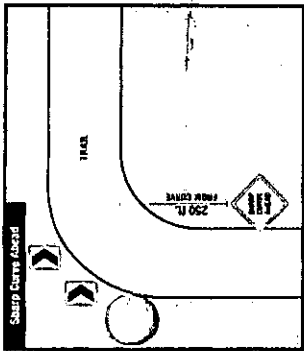
Four-Way Junction: Prepare for a junction in the trail.



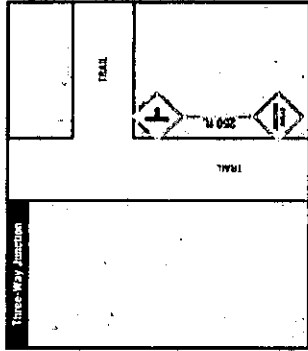
Box Culvert: Follow the safe corridor made of reassurance (trail) blazers.



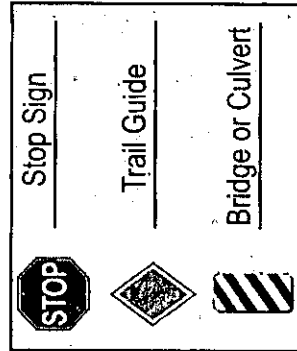
Safe Corridor Method: Follow the safe corridor made of reassurance (trail) blazers for a safe trail.



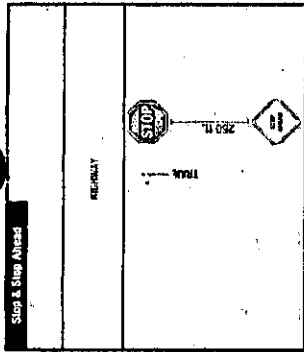
Sharp Curve Ahead: Slow down and prepare for a sharp curve in the trail.



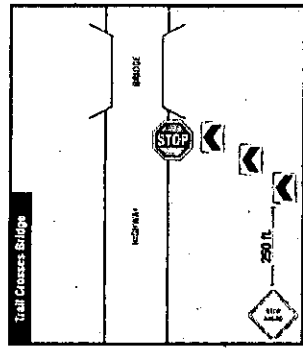
Three-Way Junction: Prepare for a junction in the trail.



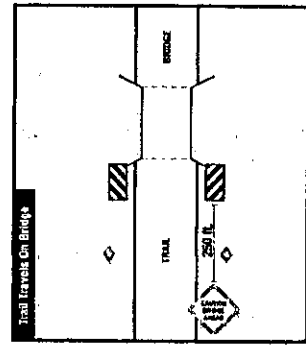
Snowmobile Trail Signs: Stay safe and follow all trail signs.



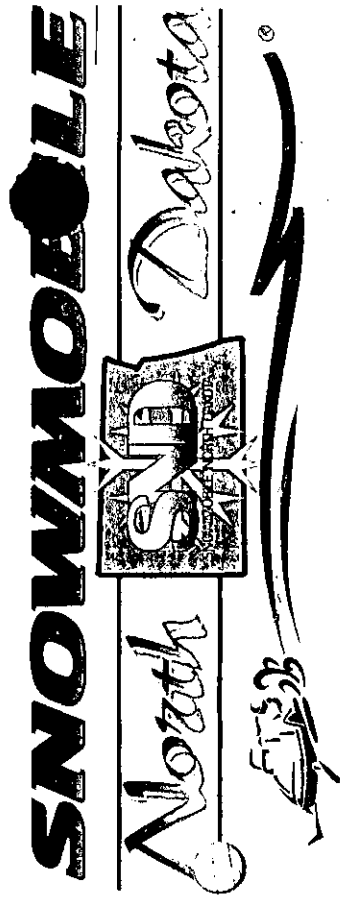
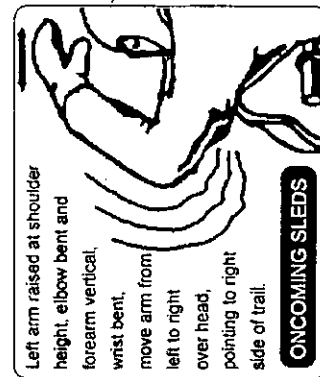
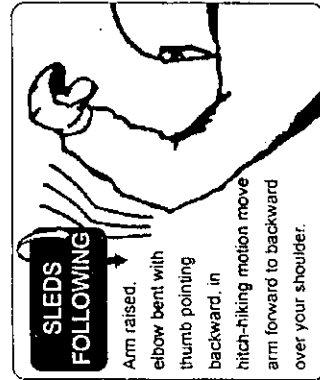
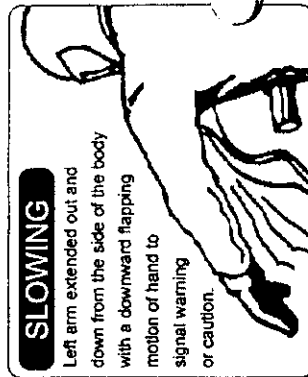
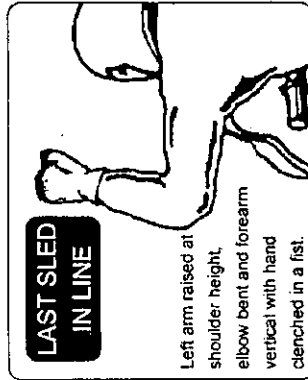
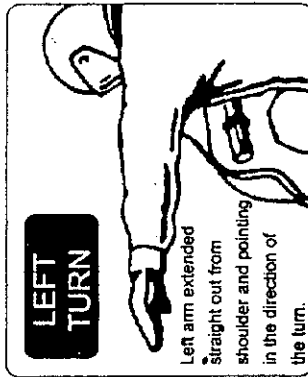
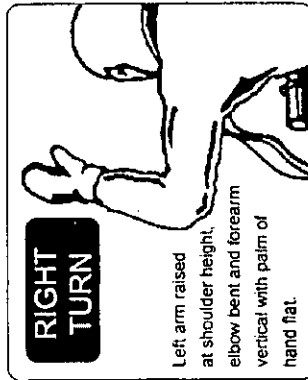
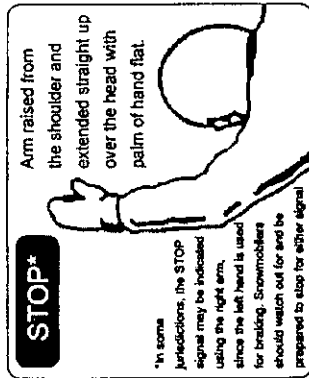
Stop & Stop Ahead: Start slowing down at the stop ahead sign and come to a complete stop at the stop sign.



Trail Crosses Bridge: Obey the signs and come to a complete stop before crossing a bridge. Watch for oncoming traffic before crossing the bridge.



Trail Travels on Bridge: Stay on trail in order to safely cross the bridge.



What is Snowmobile North Dakota?

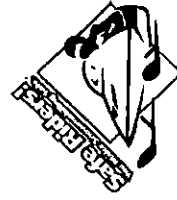
Snowmobile North Dakota is a state organization made up of 45 snowmobile clubs and over 1,100 memberships. Together these members make up 16 trail associations. Snowmobile North Dakota has contracted with North Dakota Parks and Recreation to



maintain the trail system which consists of over 3,500 miles of marked and groomed snowmobile trails. The trails are open from December 1 until April 1, snow conditions permitting. Be sure to check the area you are riding as some exceptions exist. Most of the trail systems are groomed once a week during the peak snow season.

Thank you for your interest in Snowmobile North Dakota. Have a great snowmobiling season and see you on the trails!

For the latest snow and trail conditions visit Snowmobile North Dakota's website www.snowmobiled.org or call 701-328-5377.



Attachment #5

MEMO TO: Representative Ruby
Chair, House Transportation Committee

FROM: Grant Levi
NDDOT Deputy Director for Engineering

DATE: January 28, 2009

SUBJECT: ND Snowmobile Law related to HB 1318

This memo is in response to the question Representative Gruchalla asked at the hearing for HB 1318.

The snowmobile laws are under NDCC Section 39-24 - Regulation and Registration of Snowmobiles. The North Dakota Parks and Recreation Department puts out a brochure on Snowmobile Safety and Operation Guidelines. This information is presented in laymen terms. The operational law portion of this information is supplemented and reproduced below.

In addition, the FHWA was contacted. They would not have an issue with a snowmobile going against traffic in the ditch if on a trail. They also would not have a problem if they need to cross the interstate on a structure as described in the bill. As a result no additional FHWA approval is needed as a result of HB 1318.

NDCC 39-24, Regulation and Registration of Snowmobiles key points:

39-24-08. Rules and regulations. Pursuant to this code and this chapter, rules for the regulation and use of snowmobiles must be adopted as follows:

1. The director shall adopt rules for the registration of snowmobiles and display of registration numbers.
2. The director has the authority in the interest of public health, welfare, and safety to regulate, restrict, or prohibit, by rule, the operation of snowmobiles on those highways under the director's jurisdiction. The director's authority to prohibit the use of snowmobiles is limited to the roadways, shoulders, inslopes, and medians within the right of way, except where such action is necessary to avoid an obstacle. Notwithstanding the racing prohibitions in section 39-08-03.1, the director may, on a case-by-case basis, permit organized and bona fide snowmobile races on the ditch bottoms, backslopes, and the top of the backslopes of the highway rights of way under the director's jurisdiction. The planning, organization, route selection, and safety precautions of any such race are the sole responsibility of the permittee. It is expressly provided that the director, and the department and the employees thereof, shall incur no liability whatsoever for permitting such races.
3. The director of the parks and recreation department shall adopt rules for regulating use of snowmobiles in state parks and other state-owned land under the supervision of the director of the parks and recreation department.
4. The governing bodies of political subdivisions shall promulgate rules and regulations for regulating use of snowmobiles in recreation and other appropriate areas under their jurisdiction. The governing bodies of cities may, by ordinance, regulate, restrict, and prohibit the use of snowmobiles when operated within the exclusive jurisdiction of cities.

NDCC 39-24-09: Crossing Public Roads. A snowmobile may make a direct crossing of a non-interstate street or highway if: a.) The crossing is made at an angle of approximately 90 degrees to the direction of the highway and at a place where no obstruction prevents a quick and safe crossing. b.) The snowmobile is brought to a complete stop before crossing the shoulder or main traveled way of the highway. c.) The operator yields the right-of-way to all oncoming traffic which constitutes an immediate hazard. d.) In crossing a divided highway, the crossing is made only at an intersection of a highway with another public street or highway.

NDCC 39-24-08: Where You May Ride. In the highway right-of-way, bottom of the ditch, or along the outslope. It is illegal to operate on the shoulder, inside slope, and roadway.

NDCC 39-24-09: Where You May Not Ride. a.) Within the right-of-way when towing a sled, skid, or any other vehicle, unless the object is connected to the snowmobile by a hinged swivel and secure hitch. b.) Within the right-of-way of any interstate highway within this state except: 1. For emergency purposes; or 2. Across an interstate highway on an overpass or underpass, except where otherwise prohibited by law or by signing, provided the snowmobile crosses on the extreme right side of the overpass or underpass.

NDCC 39-24-09.11: Liability Insurance. A person may not operate a snowmobile without liability insurance. The liability insurance insures the snowmobile owner named on the policy and any operator of that snowmobile, with permission of the owner. Upon request of a law enforcement officer, a person operating a snowmobile shall provide proof of liability insurance to that officer within 20 days.

NDCC 39-24-09: Other Prohibitions. It is unlawful for any person to drive or operate any snowmobile in the following ways which are declared to be unsafe and a public nuisance: a.) At an unreasonable rate of speed in relation to surrounding circumstances. b.) In a careless, reckless, or negligent manner that endangers the rider or property of another, or causes injury or damage to other persons or their property. c.) While under the influence of intoxicating liquor or a controlled substance. d.) No person under the age of 18 years may operate, ride, or otherwise be propelled on a snowmobile unless the person wears a safety helmet meeting United States Department of Transportation standards.

TESTIMONY – HOUSE BILL 1318
SENATE TRANSPORTATION COMMITTEE
MARCH 12, 2009 – 9:30 AM
LEWIS AND CLARK ROOM

Mr. Chairman, members of the Senate Transportation Committee, I am Erik Dietrich, Motorized Recreation Coordinator for the North Dakota Parks and Recreation Department. I appear today in support of House Bill 1318 relating to placing an exception to allow two-way snowmobile travel in a right-of-way during times or conditions that warrant the use of lights when operating on trails maintained by the North Dakota Parks and Recreation Department.

In cooperation with local clubs and Snowmobile North Dakota, we are very proud of North Dakota's snowmobile trail system as it is an essential recreation resource which provides a key outlet for many North Dakotans in the winter months and serves as a revenue source for businesses located along its route.

The North Dakota Parks and Recreation Department first became aware of issues with current law during the 2005-2006 snowmobile season. Many riders contacted the Department inquiring as to when the law requiring snowmobiles, while traveling in a public right of way at night, to travel in the same direction and side of the road as traffic. Their specific concern related to night time travel on the state snowmobile trail system. That year (2005) the Department published a redesigned snowmobile law book with user friendly language, diagrams and pictures. Prior, from 1987-2005, the law book which was published reprinted the century code verbatim. While ignorance of the law is no excuse for breaking the law, in this case it simply appears the majority of snowmobilers were unaware of this specific law and acted accordingly.

When snowmobile riders, clubs and Snowmobile North Dakota came to the Department to ask for support of this proposed exemption, three safety factors were considered before lending our support. The first is the state snowmobile trail is a signed and groomed trail meaning it provides a predictable, monitored travel experience, something which is not true of many local right of ways. The type of signage which is found on the trail includes hazard markings, turn, yield, and stop signs which are marked in keeping with international snowmobile signage standards. An example of typical signage found on the trail can be seen on pages 20 -21 of the 2007-2009 North Dakota Snowmobile Law and Safety Booklet. The second safety factor is the requirement that snowmobiles traveling on the state snowmobile trail system have liability insurance. This is not true of snowmobiles just traveling in a right of way because snowmobiles are excluded from the definition of a motor vehicle and do not have the same liability insurance requirement as a car, truck or OHV. The final factor was the widespread and long term practice of two way travel at night on the state trail system in right of ways has not resulted in deaths or accidents, not involving alcohol, reported to North Dakota Parks and Recreation Department.

Should this bill be defeated, there will not necessarily be an automatic, large scale increase in trail system miles, but should even a 10% increase in trail system miles result, the amount of revenue derived from registration will not be sufficient to maintain the trails and the closure of some areas will result. This is a result of a 10% percent decline in registration each biennium since 2003.

Mr. Chairman this concludes my remarks; I would be pleased to answer any questions the committee may have.