

Testimony SB 2183
ND House Transportation Committee
March 13th, 2025

Mr. Chairman and members of the House Transportation Committee, my name is Nate Sandberg. I am a Vice President and the Safety Manager for Northern Improvement Company. Our scope of business is heavy highway construction. We perform work ranging from interstate reconstruction, municipal street work, airport pavement construction, large dirt projects (landfills, power plants, etc.), concrete, asphalt, etc. Northern Improvement is a 5th generation family-owned construction company and was incorporated in 1935 with an average of 350 employees annually. I, myself am a 3rd generation employee at Northern Improvement. My family has over 115 years of service with Northern. I have been in construction in some way shape or form throughout my whole life. I am truly honored to work for Northern Improvement and be a part of the construction industry. In my opinion, I have the best and most rewarding job in construction and get to help people every day so that they can go home at the end of the day and enjoy their lives.

I appreciate the opportunity to present this testimony in favor of SB 2183. As in any business, our number one asset is our people. Construction is an extremely hazardous and dangerous profession and as the safety manager, my job is to provide resources, tools, knowledge and training to better protect our "number one asset". Increasing fines in construction work zones is one tool in the toolbox to better protect our employees. The proposed increase is not out of line with the national average or our neighboring state fines. Minnesota has a minimum of \$300, South Dakota is double original fine (up to \$500) or 30 days in jail or both, Montana is minimum double the original fine.

Fatality data from the Bureau of Labor Statistics (BLS) shows an average of 54 worker pedestrians are killed per year after being struck by vehicles in work zones. According to the National Safety Council, in 2022, 891 people were killed and 37,701 people were injured in work zone crashes, that includes workers and the traveling public.

SB 2183 also proposes the wording of "When Workers are Present" to be removed. We are also in favor of this change to simplify when fines are enforced in a work zone. Leaving the judgement of

“when workers are present” to the traveling public is very subjective and is often misleading to motorists. Enforcement needs to begin as soon as that construction zone starts, regardless of worker presence. I will ask you this, “With the high levels of distracted driving in our state, can we trust motorists to make an accurate determination of worker presence?” I can tell you from my experience and observations, that answer is no.

As a highway contractor, we receive questions of, “why are there cones set up for a work zone for miles and miles and there is nobody working.” There are numerous reasons for why this might be the case in work zones. Here is a short list:

- Concrete Cure Time (New concrete is 7 days or longer with no travel)
- Weather Delays
- Phasing (dictated by project owner)
- Inspectors
- Change orders
- Project Location (Ex. We had a project a couple years ago that was down by Newcastle, WY and the project itself had restrictions depending on the time of year due to Sturgis)
- Subcontractors (Ex. delay in showing up, work quality, issues with grade, etc.)
- Breakdowns (Ex. A breakdown on a very specific piece of equipment could cause significant delays)
- Supply chain issues (Ex. Fly ash, Portland cement, AC oil, parts, etc.)
- Scope of the project (Ex. Concrete spall repair project that could consist of miles of highway being closed and worked on at one time.)
- Amount of traffic in a certain area (Ex. Our Killdeer project this year, the truck traffic and vehicle traffic was astronomical and pushed our pilot car line back for miles. Traffic control was needed for all of it even though there wasn't any work being done until the traffic was right close to our paving operation.)
- Milling Operations
- Paint Striping
- Rumble strip grooving

The list could go on and on.

90% of our street/highway construction projects involve traffic control. The only safety barrier device between our employees and the traveling public is an orange cone. If concrete barriers could be placed for the entirety of a construction project, that would be ideal, but that is not realistic. Providing higher fines in construction zones is one way to help prevent the traveling public from speeding through our zones, which ultimately provides a safer working environment for our employees. Increased fines in construction zones is something that is long overdue and is a necessary change.

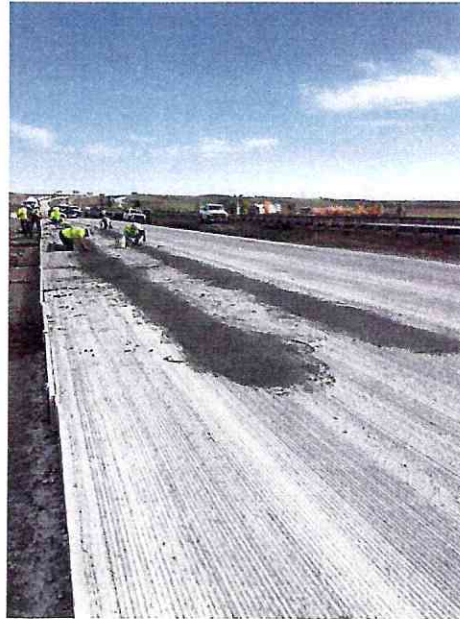
We (Northern Improvement) have had countless close calls over the years and to the best of my knowledge, have never had an injury related to an employee being struck by the traveling public. Now, with that being said, the close calls that we have had could have resulted in major injuries and even death with miniscule changes to the situation.

The copies that I have provided you with include photos from traffic related accidents that took place within a work zone. We were utilizing a pilot car with flaggers set up on both ends. This pickup was distracted and neglected to stop in the pilot car line and crashed into the front vehicle in line which was roughly 20-30 feet from where the flagger was positioned.



2018 I-94 project in Jamestown

- Semi-tractor trailer traveling through construction zone at 80mph in a 40mph zone.
- Vehicle traveled into construction zone and onto freshly paved concrete.
- Vehicle traveled into construction zone and crashed into a piece of equipment.



The stories could go on and on of the close calls and severe accidents that have taken place on the roadways involving public traffic in work zones.

Thank you for the opportunity to comment on SB 2183 and we are 100% in favor of the changes being proposed. As you discuss, deliberate and decide the fate of SB 2183, we ask that you issue a **Do Pass Recommendation** to this legislation in its entirety as it will help protect all road construction workers as well as the traveling public. If the committee has questions, I will try to address them.