

2025 SENATE TRANSPORTATION

SB 2183

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2183
1/31/2025

Relating to a violation of a construction zone speed limit; and to provide a penalty.

10:09 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Application of speed limit when workers present
- Fine amount and comparable amounts in surrounding states

10:09 a.m. Senator Rummel, District 37, introduced SB 2183 and testified in favor.

10:22 a.m. Russ Hanson, Lobbyist, Associated General Contractors of ND, testified in favor and submitted testimony #33209.

10:30 a.m. Nate Sandberg, Vice President, Northern Improvement Company, testified in favor and submitted testimony #33220.

10:39 a.m. Don Moseman, Training Director, North Dakota Safety Council, testified in favor and submitted testimony #32133.

10:47 a.m. Matt Linneman, Deputy Director of Engineering, NDDOT, testified in favor and submitted testimony #32555.

10:48 a.m. Scott Meske, Lobbyist, North Dakota Motor Carriers Association, testified in favor.

10:49 a.m. Jenna Huibregtse, Sergeant, NDHP, testified neutral and submitted testimony #33231.

10:56 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk



State of North Dakota Senate Transportation Committee
SB 2183

Honorable Committee Members,

I am writing this letter on behalf of the North Dakota Safety Council (NDSC) to express my enthusiastic support of SB2183. As the Training Director of the NDSC, and a former State Trooper from Denver, Colorado, I firmly believe this legislation is vital to address the issue of construction zone safety in North Dakota to protect motorists and workers.

There are multiple studies that have listed increased construction zone fines are among the top three most effective ways to reduce injuries and fatalities in work zones. The other two are public education of when and where work zones are being conducted, and the proper application of work zone speed design following the federal requirements and recommendations of the Manual on Uniform Traffic Control Devices (MUTCD).

According to the MUTCD, drivers will only slow down in a construction zone if they “perceive a need to do so.” Studies have shown that a minimum of 59% of drivers do not follow speed limits when posted because they do not feel they have to do so. The question becomes how do we motivate a driver to obey the posted speed limit? One of the most effective ways is through higher speed fines.

As a former state trooper who worked in hundreds of construction zones in Colorado, we saw a marked drop in the number of motorists speeding in work zones when Colorado raised their speeding fines and then doubled those fines in construction zones. As an example, 10 mph over the speed limit in a Colorado construction zone is currently \$286.00. It is not about the fine amount; it is about the fine amount acting as a deterrent to a motorist to motivate them NOT to speed in the work zone.

I have investigated multiple fatal crashes in construction zones. Every fatal crash I investigated, speed was at least one of the factors involved. As our traffic continues to increase as our state grows in population, it will be come more important to protect motorists and workers in this increasing moving vehicle environment. I therefore humbly ask for your support of SB 2183 to increase the level of safety in all North Dakota road construction zones.

Thank you,

D.E. Moseman
Training Director, NDSC

We are dedicated to preventing injuries and saving lives.

PHONE: (701) 223-6372 • TOLL FREE: (800) 932-8890 • WEBSITE: www.ndsc.org

ADDRESS: 1710 Canary Avenue, Suite A • Bismarck, ND 58501

A chapter of the



**Senate Bill No. 2183****Senate Transportation Committee**

Fort Totten | January 31, 2025, 10 a.m.

Matt Linneman, Deputy Director for Engineering

Greetings, Chairman Clemens and members of the Senate Transportation Committee. I am Matt Linneman, Deputy Director for Engineering at the North Dakota Department of Transportation (NDDOT). I'm here today to provide testimony in support of Senate Bill 2183.

Safety is at the heart of everything we do at the NDDOT. Many days of the year our team members and partners work in construction and maintenance zones across North Dakota, ensuring that our roadways are safe and efficient for the traveling public. However, those work zones come with significant risks.

Our team frequently reports alarming near-misses in work zones—drivers swerving at the last moment or trucks locking their brakes to avoid collisions. These moments underscore how close we often come to tragedy. Additionally, we've had numerous incidents where vehicles struck equipment or work vehicles, and thankfully, no one was outside the vehicle at the time.

The NDDOT has taken significant steps to enhance worker safety. We've invested in advanced lighting, reflectors, and additional training for our team members. While these measures have helped, there is only so much we can do to protect our employees. Drivers must also take responsibility for their behavior in work zones.

Senate Bill 2183 is an important tool to deter dangerous driving. By slowing down and driving attentively, drivers help create a safer environment—not just for workers, but for themselves and everyone on the road.

This concludes my testimony. Thank you.

January 31, 2025

**Senate Transportation Committee
SB 2183**

Mr. Chairman and members of the Senate Transportation Committee, my name is Russ Hanson, and I am with the Associated General Contractors of North Dakota (AGC of ND). The AGC of ND is the largest construction trade association in North Dakota representing 400 members who perform all types of commercial construction (highway/bridge, vertical commercial, water/utility). Our membership also consists of equipment and material suppliers and has been in existence since 1951.

SB 2183 is introduced at the request of the AGC of ND and other stakeholders interested in work zone safety. We believe the requested increase is far overdue – the last being adjusted in 2001, I believe. First, the requested \$150 minimum from the current \$80 reflects the rate of inflation from 2001 to 2024 (\$131) with a slight “round up” to the \$150. The second part of this legislation is the request to remove “when workers are present” from the current law and make a speeding violation applicable regardless. The Safety Experts who will testify after me provide you with why this is an important amendment address the common questions about work zones and the safety issues within them – regardless of whether workers are present.

To be candid, we fully understand that this legislation, if enacted, will not completely solve safety problems in work zones. It is a rarity when there is a year without a work zone fatality and there are hundreds of instances annually (see attached statistics). If SB 2183 results in one fewer fatality or one less injury – then we believe this change in the policy is a success.

Situations like this sometimes tend to get personal and this issue is no different. See the attached photos. That was an incident in a construction work zone in the spring of 2024. It occurred in Wells County on an Asphalt Paving job by one of our AGC of ND members. The pickup truck in the photos hit one of the flaggers. The flaggers nick name is Pee Wee. Thankfully Pee Wee survived – but how he did is a miracle.

While the illustration I provided is a construction industry member who was injured, most instances and fatalities in construction work zones impact on the general public. This is a public safety effort. The NDDOT has a goal of overseeing a transportation system that efficiently and safely moves people and commerce. We believe that SB 2183 will help with this goal.

We appreciate the opportunity to present this legislation for your consideration and request a **Do Pass Recommendation**. Thank you for allowing me to present this testimony and I will attempt to answer any questions prior to turning the podium to the safety experts here to testify.

ND Motor Vehicle Crashes in Work Zones by Crash Severity, 2019 - 2024*							
	2019	2020	2021	2022	2023	2024	
O - No Apparent Injury	195	125	168	134	205	171	998
K - Fatal injury	2	1	3	2	0	0	8
A - Suspected Serious Injury	6	6	5	7	7	6	37
B - Suspected Minor Injury	24	17	34	22	44	27	168
C - Possible injury	33	17	36	11	34	29	160
Total	260	166	246	176	290	233	1371

Source: TraCS and CRS Data, January 2025

* 2024 Data is Preliminary

ND Motor Vehicle Crash Fatalities in Work Zones by Person in a Fatal Crash, 2019-2024*							
Fatal Injury - Person	2019	2020	2021	2022	2023	2024	
Driver of Vehicle	1	1	4**	2	0	0	8
Passenger of Vehicle	1	0	0	0	0	0	1
Total	2	1	4	2	0	0	9

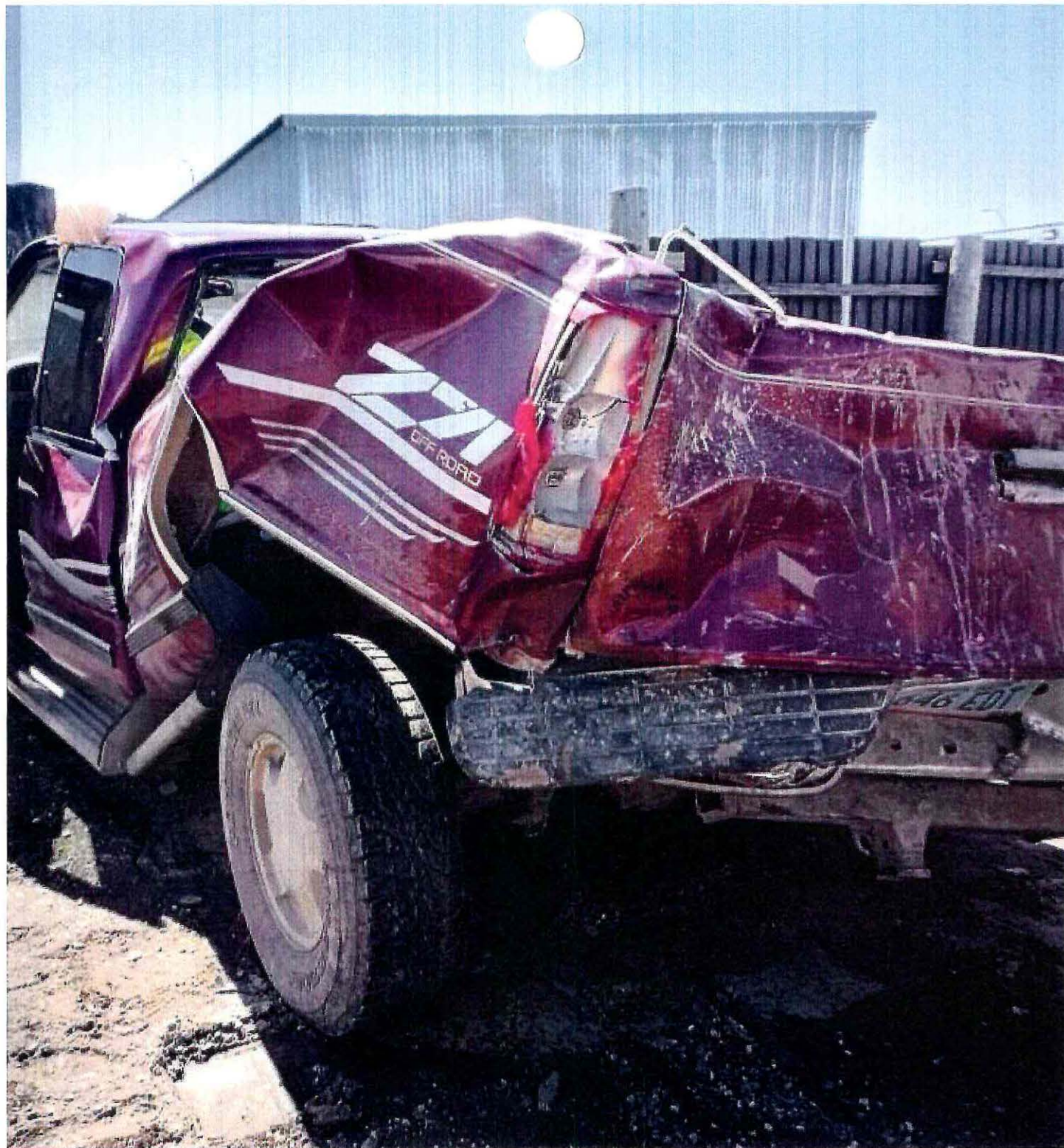
NOTE: ** There were 2 fatalities in 1 (one) of the 3 fatal crashes in 2021.

Source: TraCS January 2025

* 2024 Data is Preliminary







Testimony SB 2183
ND Senate Transportation Committee
January 31st, 2025

Mr. Chairman and members of the ND Senate 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 100 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.

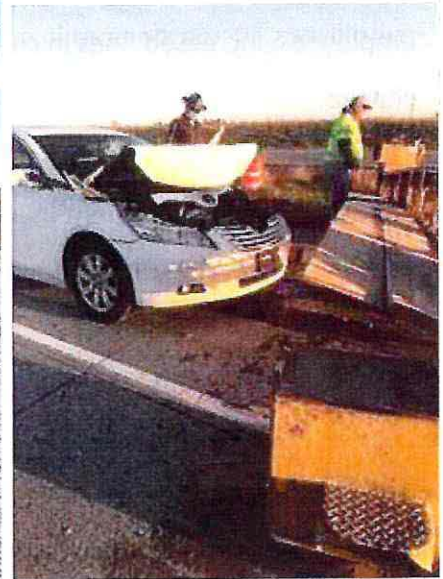
We (Northern Improvement) have had countless close calls over the years and to the best of my knowledge, have never had an injury related to an employee being struck by the traveling public. Now, with that being said, the close calls that we have had could have resulted in major injuries and even death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

**69th Legislative Assembly**

Neutral Testimony

Senate Bill No. 2183**Senate Transportation Committee**

January 31, 2025

TESTIMONY OF

Sergeant Jenna Clawson Huibregtse

Chairman Clemens and members of the Senate Transportation Committee, my name is Jenna Clawson Huibregtse, and I am a Sergeant with the North Dakota Highway Patrol. My duties include being the Safety and Education officer for the agency. Thank you for the opportunity to provide neutral testimony regarding the proposed changes to the fines for speeding violations in highway construction zones and the proposed striking of "while workers are present."

The safety of workers in construction zones is paramount. Every year, workers are put at risk by speeding and distracted drivers who fail to recognize the dangers in these areas. The purpose of enhanced penalties in construction zones is to encourage compliance with posted speed limits, ensuring the safety of both workers and the motoring public. Money collected from citations goes into the Common Schools Trust Fund and not to the agency.

As written, the bill stipulates that the increased fine structure would always apply versus only when workers are present. Construction zones are dynamic environments and present challenges when they can change overnight. The Highway Patrol currently works construction zones when and where workers are present during construction season. There is extra emphasis on these zones via overtime programs specifically for construction zones. When we work these areas, we work in the zone and near workers to help keep them safe. When workers are not on site, we do not direct troopers to enforce in these areas and that would remain the same with this change.

ND Motor Vehicle Crashes in Work Zones by Crash Severity 2023-2024*			
Crashes only Responded to by All Law Enforcement Agencies			
	2023	2024	
O - No Apparent Injury	205	171	376
K - Fatal Injury	0	0	0
A - Suspected Serious Injury	7	6	13
B - Suspected Minor Injury	44	27	71
C - Possible Injury	34	29	63
Total	290	233	523

Source: TraCS and CRS Data, January 2025

* 2024 Data is Preliminary

The North Dakota Highway Patrol's enforcement efforts in construction zones are aimed at protecting lives. Excessive speed and distracted driving in construction zones create hazards for all road users and workers, and enforcement is necessary to deter reckless behavior.

This concludes my testimony, and I am happy to answer any questions.

Classification of Offenses – Effective August 1, 2023

PT	BOND/FEE	SECTION	OFFENSE	VIOLATION
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FEE AND POINT SCHEDULE FOR SPEEDING

	Speed Zones 55 or less	Speed Zones greater than 55 but less than 70 mph	
Speed (mph)	Fee (\$)	Fee (\$)	PT
1–5 mph over limit	\$5	\$2/each mph over limit	0
6–10 mph over limit	\$5+ \$1/each mph over 5 mph over limit	\$2/each mph over limit	0
11–15 mph over limit	\$10+ \$1/each mph over 10 mph over limit	\$20+ \$5/each mph over 10 mph over limit	1
16–20 mph over limit	\$15+ \$2/each mph over 15 mph over limit	\$45+ \$5/each mph over 15 mph over limit	3
21–25 mph over limit	\$25+ \$3/each mph over 20 mph over limit	\$70+ \$5/each mph over 20 mph over limit	5
26–35 mph over limit	\$40+ \$3/each mph over 25 mph over limit	\$95+ \$5/each mph over 25 mph over limit	9
36–45 mph over limit	\$70+ \$3/each mph over 35 mph over limit	\$145+ \$5/each mph over 35 mph over limit	12
46+ mph over limit	\$100+ \$5/each mph over 45 mph over limit	\$195+ \$5/each mph over 45 mph over limit	15

FEES AND POINTS FOR SPEEDING IN SCHOOL ZONES

20 Zone	Fee	Pts
21-30	\$40	0
31	\$41	1
32	\$42	1
33	\$43	1
34	\$44	1
35	\$45	1
36	\$46	3
37	\$47	3
38	\$48	3

20 Zone	Fee	Pts
39	\$49	3
40	\$50	3
41	\$51	5
42	\$52	5
43	\$53	5
44	\$54	5
45	\$55	5
46	\$56	9
47	\$57	9

20 Zone	Fee	Pts
48	\$58	9
49	\$59	9
50	\$60	9
51	\$61	9
52	\$62	9
53*	\$63	9
*Regular fee becomes greater		

School Zone Criteria: During recess; during opening and closing hours of the school

Fees: 1-10 mph over - \$40; 11 mph and higher - \$40 plus \$1 for each mph over 10 mph over the limit – unless a greater fee is applicable

FEES AND POINTS FOR SPEEDING IN CONSTRUCTION ZONES

35 Zone	55 Zone	60 Zone	Fee	Pts
36-45	56-65	61-70	\$80	0
46	66	71	\$82	1
47	67	72	\$84	1
48	68	73	\$86	1
49	69	74	\$88	1
50	70	75	\$90	1
51	71	76	\$92	3
52	72	77	\$94	3
53	73	78	\$96	3
54	74	79	\$98	3
55	75	80	\$100	3
56	76	81	\$102	5
57	77	82	\$104	5

35 Zone	55 Zone	60 Zone	Fee	Pts
58	78	83	\$106	5
59	79	84	\$108	5
60	80	85	\$110	5
61	81	86	\$112	9
62	82	87	\$114	9
63	83	88	\$116	9
64	84	89	\$118	9
65	85	90	\$120	9
66	86	91	\$122	9
67	87	92	\$124	9
68	88	93	\$126	9
69	89	94	\$128	9

Construction Zone Criteria: 1) Must be signed "Minimum Fee \$80" 2) Construction workers must be present at the time and place of the violation

Fees: 1-10 mph over—\$80; 11 mph and higher—\$80 plus \$2 for each mph over 10 mph over the limit

2025 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

SB 2183
2/6/2025

Relating to a violation of a construction zone speed limit; and to provide a penalty.

9:23 a.m. Chairman Clemens opened the hearing.

Members present: Chairman Clemens, Vice Chairwoman Cory, Senator Hogan, Senator Klein, Senator Paulson, Senator Rummel

Discussion Topics:

- Committee action

9:24 a.m. Senator Rummel moved a Do Pass.

9:24 a.m. Senator Klein seconded the motion.

Senators	Vote
Senator David A. Clemens	Y
Senator Claire Cory	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Bob Paulson	N
Senator Dean Rummel	Y

Motion passed 5-1-0.

Senator Rummel will carry the bill.

9:25 a.m. Chairman Clemens closed the hearing.

Chance Anderson, Committee Clerk

REPORT OF STANDING COMMITTEE
SB 2183 ([25.0663.01000](#))

Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Eleventh order on the calendar. This bill does not affect workforce development.

2025 HOUSE TRANSPORTATION

SB 2183

2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

SB 2183
3/13/2025

Relating to a violation of a construction zone speed limit; and to provide a penalty.

9:31 a.m. Vice Chairman Grueneich opened the hearing.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Finley-DeVille, Frelich, Hendrix, Johnston, Kasper, Koppelman, Maki, Morton, Osowski, Schatz

Discussion Topics:

- Fine increase
- Workers present requirement
- Speeding violations
- Signage

9:32 a.m. Senator Dean Rummel, District 32, introduced the bill.

9:46 a.m. Russ Hanson, Executive Vice President, Associated General Contractors of ND, testified in favor and submitted testimony #41290.

9:57 a.m. Nate Sandberg, Vice President and Safety Manager, Northern Improvement Company, testified in favor and submitted testimony #41288.

10:07 a.m. Don Moseman, Training Director, ND Safety Council, testified in favor.

10:21 a.m. Matt Linneman, Deputy Director of Engineering, ND DOT, testified in favor and submitted testimony #40435.

10:33 a.m. Genny Dienstmann, Director of Operations, ND Association of Counties, testified in favor and submitted testimony #41149.

10:35 a.m. Sergeant Jenna Clawson Huibregtse, Safety and Education Officer, ND Highway Patrol, testified neutral and submitted testimony #41088.

Additional Written Testimony:

Ed Christian, Dakotas Chapter National Electrical Contractors Association, submitted testimony in favor #41082.

Ryan Gellner, Program Manager, ND Association of Counties, submitted testimony in favor #41184.

10:46 a.m. Vice Chairman Grueneich closed the hearing.

Janae Pinks, Committee Clerk

**Senate Bill No. 2183****House Transportation Committee**

327E | March 13, 2025, 9:30 am

Matt Linneman, Deputy Director for Engineering

Greetings, Chair and members of the Committee. I am Matt Linneman, Deputy Director for Engineering at the North Dakota Department of Transportation (NDDOT). I'm here today to provide testimony in support of Senate Bill 2183.

Safety is at the heart of everything we do at the NDDOT. Many days of the year our team members and partners work in construction and maintenance zones across North Dakota, ensuring that our roadways are safe and efficient for the traveling public. However, those work zones come with significant risks.

Our team frequently reports alarming near-misses in work zones—drivers swerving at the last moment or trucks locking their brakes to avoid collisions. These moments underscore how close we often come to tragedy. Additionally, we've had numerous incidents where vehicles struck equipment or work vehicles, and thankfully, no one was outside the vehicle at the time. We have had several major injuries in the past two years when vehicles have entered maintenance work zones.

The NDDOT has taken significant steps to enhance worker safety. We've invested in advanced lighting, reflectors, and additional training for our team members. While these measures have helped, there is only so much we can do to protect our employees. Drivers must also take responsibility for their behavior in work zones.

Senate Bill 2183 is an important tool to deter dangerous driving. By slowing down and driving attentively, drivers help create a safer environment—not just for workers, but for themselves and everyone on the road.

This concludes my testimony. Thank you.



2901 1ST AVENUE NORTH
FARGO, NORTH DAKOTA 58102-3001
PHONE: (701) 293-1300
FAX: (701) 293-1301

State of North Dakota House Transportation Committee
SB 2183

Honorable Committee Members,

I am writing this letter on behalf of our Dakotas Chapter NECA members in support of SB2183. We believe this legislation is vital to address the issue of construction zone safety in the State of North Dakota.

Numerous studies have shown that increased construction zone fines are effective in reducing fatalities and injuries in and near work zones.

Our NECA contractor members perform electrical work on street and highway projects throughout the State of North Dakota. They are In Favor of approving SB2183 as safety is their top priority.

Everyone involved in street and highway construction has a shared goal in reducing injuries and fatalities and approving SB2183 would show that the State is also supporting keeping workers safe.

Sincerely,

Ed Christian, Executive Director
Dakotas Chapter NECA
2901 1st Ave. N, Fargo, ND 58102
701-293-1300
director@dakotasneca.org

**69th Legislative Assembly**

Neutral Testimony

Senate Bill No. 2183**House Transportation Committee**

March 13, 2025

TESTIMONY OF

Sergeant Jenna Clawson Huibregtse

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As written, the bill stipulates that the increased fine structure would always apply versus only when workers are present. Construction zones are dynamic environments and present challenges when they can change overnight. The Highway Patrol currently works construction zones when and where workers are present during construction season. There is extra emphasis on these zones via overtime programs specifically for construction zones. When we work these areas, we work in the zone and near workers to help keep them safe. When workers are not on site, we do not direct troopers to enforce in these areas and that would remain the same with this change.

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Source: TraCS and CRS Data, January 2025

* 2024 Data is Preliminary

The North Dakota Highway Patrol's enforcement efforts in construction zones are aimed at protecting lives. Excessive speed and distracted driving in construction zones create hazards for all road users and workers, and enforcement is necessary to deter reckless behavior.

This concludes my testimony, and I will stand for any questions.

Testimony Prepared for:

House Transportation

March 13, 2025

By: Genny Dienstmann, NDACo



**RE: Support of SB 2183
Construction Zone Speed Limits/Fees**

Chairman Ruby and members of the House Transportation Committee, thank you for the opportunity to provide testimony in support of SB 2183. I'm Genny Dienstmann with the ND Association of Counties and in my role, I also serve as Executive Director of the ND Association of County Engineers and Highway Superintendents.

Safety is a top priority in our county highway departments, not only for staff, but also the traveling public. Our counties provide safety training for their staff and invest in safety equipment like reflective signage and barriers, but we cannot control driver behavior through these means alone. North Dakota's construction season can be limited, so our county staff maximize their work schedules as much as possible to complete road and bridge projects. This means they can be working into the late hours of the day or even at night to meet project deadlines.

We support both changes to this bill. We believe the increase in fines would deter speeding in construction zones and provide a safer environment for everyone involved. We also support removing the section in the law that states "individuals engaged in construction are present at the time and place of the violation", because as stated earlier, there are times workers are onsite late into the evening or at night, so drivers may not always know when workers are present. By having the speed zones in place at all times, this keeps safety in the forefront for our workers and the public.

Chairman Ruby and Committee members, I appreciate your consideration in support of SB 2183.



Testimony to the
House Transportation Committee
Prepared March 12, 2025
by Ryan Gellner, North Dakota Association of Counties

In Support of SB 2183

Chairman Ruby, members of the House Transportation Committee,

The North Dakota Association of Counties **supports SB 2183.**

In North Dakota, there are over 11-thousand miles of county roads for which counties are responsible. Counties throughout North Dakota have taken the Vision Zero initiative seriously and are supportive of significantly increasing fines within work zones to help protect the lives of work zone workers.

Counties are responsible for maintaining a vast network of roads essential to our residents, businesses, and visitors. Work zones are a necessary part of ensuring the safety and efficiency of our infrastructure. However, they also present significant risks to both workers and motorists.

Preliminary data from the North Dakota Department of Transportation (NDDOT) for 2024 indicates that there were 70 injuries resulting from work zone crashes. These numbers highlight the ongoing danger that our road workers face daily. Even more concerning, over the past five years, seven road workers have lost their lives while simply doing their jobs. These are preventable tragedies, and it is our responsibility to take action to reduce these risks.

Road crews throughout the state have seen firsthand the devastating impact that work zone crashes can have on families and communities. When drivers fail to slow down, remain attentive, or disregard safety measures, the consequences can be severe. By strengthening laws and significantly increasing fines, this bill will help ensure that work zones are treated with the caution they deserve.

On behalf of all 53 Counties in North Dakota, I urge you to support SB 2183 and take a stand for the safety of our workers and motorists. I urge the committee to offer a “do pass” on SB 2183.

Ryan Gellner
NDACo

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.

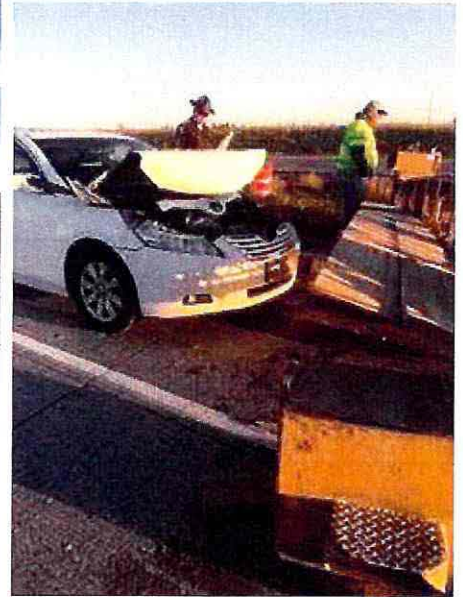
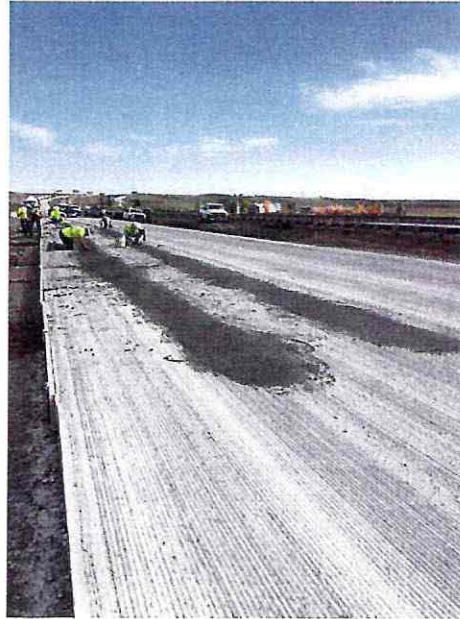
We (Northern Improvement) have had countless close calls over the years and to the best of my knowledge, have never had an injury related to an employee being struck by the traveling public. Now, with that being said, the close calls that we have had could have resulted in major injuries and even death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

March 13, 2025

**House Transportation Committee
SB 2183**

Mr. Chairman and members of the House Transportation Committee, my name is Russ Hanson, and I am with the Associated General Contractors of North Dakota (AGC of ND). The AGC of ND is the largest construction trade association in North Dakota representing 400 members who perform all types of commercial construction (highway/bridge, vertical commercial, water/utility). Our membership also consists of equipment and material suppliers and has been in existence since 1951.

SB 2183 is introduced at the request of the AGC of ND and other stakeholders interested in work zone safety. We believe the requested increase is far overdue – the last being adjusted in 2001, I believe. First, the requested \$150 minimum from the current \$80 reflects the rate of inflation from 2001 to 2024 (\$131) with a slight “round up” to the \$150. The second part of this legislation is the request to remove “when workers are present” from the current law and make a speeding violation applicable regardless. The Safety Experts who will testify after me provide you with why this is an important amendment address the common questions about work zones and the safety issues within them – regardless of whether workers are present.

To be candid, we fully understand that this legislation, if enacted, will not completely solve safety problems in work zones. It is a rarity when there is a year without a work zone fatality and there are hundreds of instances annually (see attached statistics). If SB 2183 results in one fewer fatality or one less injury – then we believe this change in the policy is a success.

Situations like this sometimes tend to get personal and this issue is no different. See the attached photos. That was an incident in a construction work zone in the spring of 2024. It occurred in Wells County on an Asphalt Paving job by one of our AGC of ND members. The pickup truck in the photos hit one of the flaggers. The flaggers nick name is Pee Wee. Thankfully Pee Wee survived – but how he did is a miracle.

While the illustration I provided is a construction industry member who was injured, most instances and fatalities in construction work zones impact the general public. This is a public safety effort. The NDDOT has a goal of overseeing a transportation system that efficiently and safely moves people and commerce. We believe that SB 2183 will help with this goal.

We appreciate the opportunity to present this legislation for your consideration and request a **Do Pass Recommendation**. Thank you for allowing me to present this testimony and I will attempt to answer any questions prior to turning the podium to the safety experts here to testify.

ND Motor Vehicle Crashes in Work Zones by Crash Severity, 2019 - 2024*							
	2019	2020	2021	2022	2023	2024	
O - No Apparent Injury	195	125	168	134	205	171	998
K - Fatal injury	2	1	3	2	0	0	8
A - Suspected Serious Injury	6	6	5	7	7	6	37
B - Suspected Minor Injury	24	17	34	22	44	27	168
C - Possible injury	33	17	36	11	34	29	160
Total	260	166	246	176	290	233	1371

Source: TraCS and CRS Data, January 2025

* 2024 Data is Preliminary

ND Motor Vehicle Crash Fatalities in Work Zones by Person in a Fatal Crash, 2019-2024*							
Fatal Injury - Person	2019	2020	2021	2022	2023	2024	
Driver of Vehicle	1	1	4**	2	0	0	8
Passenger of Vehicle	1	0	0	0	0	0	1
Total	2	1	4	2	0	0	9

NOTE: ** There were 2 fatalities in 1 (one) of the 3 fatal crashes in 2021.

Source: TraCS January 2025

* 2024 Data is Preliminary



2025 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee Room JW327E, State Capitol

SB 2183
3/14/2025

Relating to a violation of a construction zone speed limit; and to provide a penalty.

9:31 a.m. Chairman D. Ruby opened the meeting.

Members Present: Chairman D. Ruby, Vice Chairman Grueneich, Representatives Christianson, Dressler, Frelich, Koppelman, Hendrix, Maki, Morton, Osowski, Schatz
Members Absent: Representatives Finley-DeVille, Johnston, Kasper

Discussion Topics:

- Dollar amount
- Point system
- Interstate and state highways
- Signage

9:32 a.m. Representative Koppelman moved to amend by removing overstrike on lines eleven and twelve, LC #25.0663.01001.

9:32 a.m. Representative Dressler seconded the motion.

9:32 a.m. Voice vote - motion passed.

9:44 a.m. Representative Koppelman moved a Do Pass as Amended.

9:44 a.m. Representative Frelich seconded the motion.

Representatives	Vote
Representative Dan Ruby	Y
Representative Jim Grueneich	Y
Representative Nels Christianson	Y
Representative Ty Dressler	Y
Representative Lisa Finley-DeVille	AB
Representative Kathy Frelich	Y
Representative Jared Hendrix	Y
Representative Daniel Johnston	AB
Representative Jim Kasper	AB
Representative Ben Koppelman	Y
Representative Roger A. Maki	Y
Representative Desiree Morton	Y
Representative Doug Osowski	Y
Representative Mike Schatz	N

House Transportation Committee

SB 2183

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9:45 a.m. Motion passed 10-1-3

9:45 a.m. Representative Frelich will carry the bill.

9:45 a.m. Chairman D. Ruby closed the meeting.

Janae Pinks, Committee Clerk

March 14, 2025

CO
3/14/25
10F1

Sixty-ninth
Legislative Assembly
of North Dakota

PROPOSED AMENDMENTS TO

SENATE BILL NO. 2183

Introduced by

Senators Rummel, Klein, Conley, Meyer

Representatives O'Brien, Grueneich

- 1 A BILL for an Act to amend and reenact subsection 9 of section 39-06.1-06 of the North Dakota
2 Century Code, relating to a violation of a construction zone speed limit; and to provide a penalty.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1. AMENDMENT.** Subsection 9 of section 39-06.1-06 of the North Dakota
5 Century Code is amended and reenacted as follows:

- 6 9. For a violation of a highway construction zone speed limit under subsection 2 of
7 section 39-09-02, a fee of ~~eightyone hundred fifty~~ eightyone hundred fifty dollars for one through ten miles per
8 hour over the posted speed; and ~~eightyone hundred fifty~~ eightyone hundred fifty dollars plus two dollars for
9 each mile per hour over ten miles per hour over the limit, unless a greater fee would
10 be applicable under this section. The fee in this subsection does not apply to a
11 highway construction zone unless individuals engaged in construction are present at
12 the time and place of the violation and the posted speed limit sign states "Minimum
13 Fee ~~\$80~~\$150".

**REPORT OF STANDING COMMITTEE
SB 2183**

Transportation Committee (Rep. D. Ruby, Chairman) recommends **AMENDMENTS** ([25.0663.01001](#)) and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 3 ABSENT OR EXCUSED AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.