

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

12999

2005 HOUSE TRANSPORTATION

HB 1299

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. 1299

House Transportation Committee

Conference Committee

Hearing Date January 20, 2005

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|-----------|
| 4 | X | | 18.9-31.0 |
| 5 | | X | 4.5-8.1 |

Committee Clerk Signature



Minutes:

Chairman Weisz opened the hearing on HB 1299 A Bill for an Act to amend and reenact section 39-09-02 of North Dakota Century Code, relating to speed limitations.

Rep. Kretschmar: Right now the law provides that county highways, if they are not marked are a speed limit of 55 mph. The proposed bill would provide that county highways that are paved; not apply to gravel roads, would be allowed a speed limit of 60 mph.; unless otherwise marked. Visitors coming off highway 13 or highway 11 never see a sign that the speed limit has changed. Lots of people are going 65 mph. That is basically the basis for the bill. I think it is a good bill and I would urge the committee to support it.

Chairman Weisz Just allowing them to post a speed limit on county roads.

Rep. Brandenburg:(21.7) It is very confusing to people driving in our district. We have allot of roads. Our county roads are very good roads and yet if you are going 55 mph you can be picked up. I think it is a good law.

Rep. Ruby(22.7) Why doesn't the county just post it 65?

Rep. Brandenburg: They don't have it posted at 65 and I don't know why they just don't post it? If it is not posted it is 55. I think there is something in the law that needs to be changed this.

Chairman Weisz Any further support of HB 1299? Any opposition of HB 1299?

Wade Williams: with ND Assoc. of Counties:(24.5) We need to oppose this bill. There is a liability issue because our roads are designed for a 55 mph speed limit. That would be putting them at a risk. Also most of these roads are all federal aid so as we go to repair them, we would have to design them for 60 mph. That would be adding quite a bit more cost for that road construction. If we have hills presently designed for 55; and not 60 we would have to sign those; more curves, because of the liability issue. If the county would choose, and I am sure they would, to have the speed limit at 65 we are looking at allot of signs that the county would have to install.

Chairman Weisz Do you know how many paved county roads there are in the state?

Wade Williams: Not right off hand, but I could find out for you.

Rep. Weiler Can you give me an example of what you would have to do when you are talking about maintain or repairing a road. What you need to do differently because it is 60 rather than 55?

Wade Williams:(26.6) The curve radius are different for that speed. The types of peaks on the hills would be different. The hills would have to be cut down more. In slopes would be different. I am no engineer, they said it would be allot of different design work for higher rates of speed.

Steve Spilde: CEO on the ND Insurance Reserve Fund (27.3) We are the liability carrier for all the counties in North Dakota. We are concerned about the liability aspect of the bill. I am not an engineer, but I urge the committee to take a close look at the bill. Wade's commits were sufficient.

Rep. Delmore(28.4) We were signing bills last year to raise speed limits and we heard similar arguments from people in the highway patrol and from the state system. That seemed to prove very much of a problem. Why do you think it is a problem now?

Steve Spilde: The only way I can answer that is to if something happens there is no problem. Until we have an accident we will not really know whether it is an issue or not. Signing is a necessary item, especially on curves and hills. They need to be signed correctly for speed.

Rep. Schmidt (29.5) The 55 mph speed limit is enforced on county roads that are gravel? Does 55 mph make that much difference in the construction of a road? 5 miles an hour.

Steve Spilde: I too have been confused by the lack of signing on paved two lane roads and I have the paperwork to prove it. I don't think the 5 mph makes that much difference.

Chairman Weisz Anyone else here in opposition of HB 1299?

Closed hearing (31.0)

Tape 5 Side B .4.6-8.1

Discussion:

Rep. Owens (4.8) If we pass it, then they don't need signs. So I don't understand where the cost of signs come in? Unless they wanted to specifically lower the speed limit. He was talking about the design of the road. There are certain design elements from 55 to 60. I don't think there is much other than the angle of the curve, but still at 5 mph it can't be much.#2. Allot of times

they are concerned about the damage to the highway based on speed. But for years there has been research that says the weight and not the speed damage the highway; particularly during spring when the thaw is coming through.

Rep. Thorpe The weight and type of loads. If you get a liquid load that is the worse one. It is pretty much the weight and then the speed does come into it.

Rep. Hawken I would bet most of the people are going at least 60 mph anyway. I have been on a number of them and I think that is the case.

Motion made by Rep. Hawkens Seconded By Rep. Weiler Carrier: Rep. Iverson

Do Pass 13 Yes 1 No 1 Absent Carrier: Rep. Iverson

Closed (8.1)

FISCAL NOTE
 Requested by Legislative Council
 01/12/2005

Bill/Resolution No.: HB 1299

1A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

| | 2003-2005 Biennium | | 2005-2007 Biennium | | 2007-2009 Biennium | |
|----------------|--------------------|-------------|--------------------|-------------|--------------------|-------------|
| | General Fund | Other Funds | General Fund | Other Funds | General Fund | Other Funds |
| Revenues | | | | | | |
| Expenditures | | | | | | |
| Appropriations | | | | | | |

1B. **County, city, and school district fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

| 2003-2005 Biennium | | | 2005-2007 Biennium | | | 2007-2009 Biennium | | |
|--------------------|--------|------------------|--------------------|--------|------------------|--------------------|--------|------------------|
| Counties | Cities | School Districts | Counties | Cities | School Districts | Counties | Cities | School Districts |
| | | | | | | | | |

2. **Narrative:** *Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.*

HB1299 should have no fiscal impact to the state.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.*

Name: Shannon L. Sauer
 Phone Number: 328-4375

Agency: NDDOT
 Date Prepared: 01/14/2005

Date: 1-20-05
Roll Call Vote #:

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1299

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *No Pass*

Motion Made By *Rep. Hawken* Seconded By *Rep. Weiler*

| Representatives | Yes | No | Representatives | Yes | No |
|---------------------------|-------------|----|-----------------|-----|----|
| Rep. Weisz - Chairman | ✓ | | Rep. Delmore | ✓ | |
| Rep. Hawken - Vice Chair. | ✓ | | Rep. Meyer | ✓ | |
| Rep. Bernstein | ✓ | | Rep. Schmidt | ✓ | |
| Rep. Dosch | | ✓ | Rep. Thorpe | ✓ | |
| Rep. Iverson | ✓ | | | | |
| Rep. Kelsch | ✓ | | | | |
| Rep. Owens | ✓ | | | | |
| Rep. Price | ✓ | | | | |
| Rep. Ruby | <i>Abst</i> | | | | |
| Rep. Vigesaa | ✓ | | | | |
| Rep. Weiler | ✓ | | | | |

Total (Yes) 13 No 1

Absent 1

Floor Assignment *Rep Iverson*

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

REPORT OF STANDING COMMITTEE (410)
January 20, 2005 4:39 p.m.

Module No: HR-13-0809
Carrier: Iverson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1299: Transportation Committee (Rep. Weisz, Chairman) recommends DO PASS
(13 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1299 was placed on the
Eleventh order on the calendar.

2005 SENATE TRANSPORTATION

HB 1299

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1299

Senate Transportation Committee

Conference Committee

Hearing Date 3-03-05

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|----------|
| 1 | | x | 990-4405 |

Committee Clerk Signature

Mary K Monson

Minutes:

Chairman Trenbeath opened the hearing on HB 1299 relating to speed limitations.

Representative Bill Kretschmar (District 28) He introduced this bill for a good paved county road in McIntosh Co. which he drives by frequently. There are no speed limit markings on the road and, under the current statute, when there are no signs on a county road the speed limit is 55 mph. HB 1299 would make the speed limit on unmarked county paved highways 60 mph. As the statutes currently read the county commissions have the authority to mark them for a different speed if they so wish. Signs would have to be put up if they want to keep them at 55 mph.

Senator Trenbeath asked why not just make it 65 mph like other paved roads.

Rep. Kretschmar said he put in 60 because, if people turn off the road and are still driving 65 and the speed limit is 60, they might just get a warning. He would have no objection if the committee wants to make it 65.

Wade Williams (ND Association of Counties) See attached testimony opposing HB 1299.

Senator Espegard asked if there is that much difference between the design of a 55 mph road and a 60 mph road.

Wade Williams said hills would have to be designed differently and the curve radiuses could not be as sharp at 60 as they are at 55.

Senator Espegard asked if 5 miles an hour was that fine a line.

Wade Williams said yes, as he understood it.

Senator Nething asked what the life expectancy of road signs is.

Wade Williams said the engineering people could better answer that.

Senator Bercier said they could reduce the speed to accommodate the sharper turns.

Wade Williams said that was correct. If this bill passes, there will be more signing out there than what there is now.

Senator Trenbeath offered that what was really being talking about was buying signs not redesigning roads.

Wade Williams said they are talking about buying signs but when it was time to put an overlay on the road or reconstruct the road, the county would have to design that road to the 60 mph.

Senator Trenbeath said not if it was signed at 55 mph.

Senator Espegard asked if the roads would be constructed for 55 mph or 60 mph if the road was ever to be overlaid or reconstructed.

Wade Williams said it would depend on if the county signed it back down to 55 mph.

Jon Mill (Burleigh County Engineer) He testified that Burleigh county was opposed to HB 1299. It is basically a mandatory signing bill. If it passes, every county and township would be at risk. They could not automatically be 60 mph because hardly any of them are designed for that.

Local roads come in all versions. Some are quite good but most of them are quite bad. The automatic feature that we've had all these years for 55 mph is fairly good. Even the bad roads can be used fairly safely at 55 mph. If they can't, the local agencies are bound to evaluate that road and sign it at a lesser speed if need be.

(Meter 2190) Discussion on signing roads going from pavement to gravel. By statute, it is not required when coming off the state system to the county system. There are a lot of incidental signs.

Jon Mill continued, saying the roads cannot be improved with legislation. All that can be done is changing some practices and signing. Statistics show that a large percentage of crashes occur on local roads. There is a safety problem now with the speeds people are supposed to be driving. There are two lane paved subdivision roads, too. In the early stages of the subdivisions there is no signing at all. An appeal can be made to the owner of the road and if the owner is comfortable they can raise the speed limit by signing it. He also addressed the cost difference to design for a higher speed. One of the big things people don't recognize is the stopping site distance. He talked about advisory signs and regulatory signs. Getting the signs up to start off with is only half the problem, keeping them up is tough.

Senator Nething asked who supplies the signs.

Jon Mill said they are pretty conservative. They try to get as big a batch as possible for the cheaper price. They get them from whoever is cheaper at the time.

(Meter 2900) He addressed the cost and materials used for signs.

Senator Mutch asked if there are guidelines or if permission is needed to put an overlay on a county federal aid blacktop road.

Jon Mill said a road with federal aid is subject to a whole lot more rules and regulations. That overlay would be subject to all those rules. The problem with an overlay is that it gets narrower unless the base is widened.

Senator Mutch asked if the federal government could stop an overlay from being put on.

Jon Mill said on a federal aid job they could. If you do it with federal aid funds there are guidelines that have to be followed. The rules and strings are not there if federal funds are not used.

Senator Espegard asked if any of the state highway system safety funds are transferred to the counties and, if so, do speed signs constitute a safety purpose.

Jon Mill said, in the past, there have been demonstration funds where safety money was used to demonstrate to a county how much better it would be on there roadway system if they overhauled all their signs. Most of the safety money right now is aimed at more of a geometric type problem such as a bad intersection or something that requires dirt work.

Senator Espegard said that the committee heard testimony that they have trouble getting rid of safety funds. He said maybe this would be a good use for it.

Jon Mill said possibly. It would take some policy changes with the Federal Highway Administration and the DOT. High crash history is used as a priority for getting safety funds.

Roger Kluck (Ward County Engineer, Minot) Testified in opposition to HB 1299. He said it is not just the signing to consider but also what the public will demand. They have had to change some of their design standards to follow the change in speed limits demanded by the public the last time the law was changed. Many of the rural counties are going to be forced to change their design standards to meet public demand. With the cost of construction and cost of the changes in

the federal rules for designs the costs are going to go up to meet those demands. It will have a major effect on the counties and the townships.

Senator Warner asked who writes the standards for highway construction.

Roger Kluck said federal highway sets the overall standard.

Jerry Brickner (Stutsman County) Testified in opposition to HB 1299. He wanted to emphasize the sight distance. If the speed limit was raised on their roads, the chances are very good that they would have virtually continuous "no passing" zones in order to accommodate the sight distance required. Another point he made was that every time there is a sign it creates a problem with snow removal.

Grant Levi (ND DOT) He testified to clarify some of the discussion as related to the engineering aspects of the effects of the change in the speed limit on roadways. (Meter 4075)
A change in the speed limit affects things like guardrails, the clear zone (distance objects can be from the roadway without creating a hazard), horizontal and vertical curvatures, increase in stopping sight distance, and where intersections can be placed on a roadway. The way the ND DOT has been dealing with the raised speed limits that were legislated in the last sessions is when they proceed with future projects. They are required by state policies and when they use federal money to design by the posted speed limit, so it does have an impact on cost. They have found that their signs last from seven to twelve years, depending on the direction they face.

Senator Nething asked if they spoke on the House side on this bill.

Grant Levi replied that the DOT has been monitoring this bill and they weren't asked for any additional information on the House side. They did not testify on the House side.

Senator Nething also asked if the others present had testified on the House side.

Page 6
Senate Transportation Committee
Bill/Resolution Number HB 1299
Hearing Date 3-03-05

They indicated that it had sneaked past most of them. They didn't realize what was happening and they missed it.

The hearing on HB 1299 was closed.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1299

Senate Transportation Committee

Conference Committee

Hearing Date 3-11-05

| Tape Number | Side A | Side B | Meter # |
|-------------|--------|--------|-----------|
| 1 | x | | 1045-1260 |

Committee Clerk Signature

Minutes:

Chairman Trenbeath opened HB 1299 for discussion and action.

Senator Warner motioned a **Do Not Pass**. Seconded by **Senator Espegard**.

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

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

Date: 3-11-05
Roll Call Vote #:

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO 1299

Senate

TRANSPORTATION

Committee

Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Not Pass*

Motion Made By *Sen. Warner* Seconded By *Sen. Espgaard*

| Senators | Yes | No | Senators | Yes | No |
|-----------------------------|-----|----|-----------------|-----|----|
| Senator Espgaard | ✓ | | Senator Bercier | ✓ | |
| Senator Mutch | ✓ | | Senator Warner | ✓ | |
| Senator Nething | ✓ | | | | |
| Senator Trenbeath, Chairman | ✓ | | | | |

Total (Yes) *6* No *0*

Absent *0*

Floor Assignment *Senator Trenbeath*

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

REPORT OF STANDING COMMITTEE (410)
March 11, 2005 11:41 a.m.

Module No: SR-45-4742
Carrier: Trenbeath
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1299: Transportation Committee (Sen. Trenbeath, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1299 was placed on the Fourteenth order on the calendar.

2005 TESTIMONY

HB 1299

**Testimony To The
SENATE TRANSPORTATION COMMITTEE
Prepared March 2, 2005 by the
North Dakota Association of Counties
Wade Williams, Government Relations**

CONCERNING HOUSE BILL NO. 1299

Chairman Trenbeath and members of the Senate Transportation Committee, thank you for the opportunity to testify. My name is Wade Williams, and I am representing the North Dakota Association of Counties.

House Bill 1299 increases the default speed limit from 55 to 60 miles per hour. This bill causes counties a number of concerns, including signage, design and liability.

On average the number of signs needed statewide would be 122 signs per county at a cost of \$230 a sign, bringing the total per county to \$28,000. Please note this is an average statewide, some counties already have 60 mile per hour roadways and need no new signage, other counties need as many as 350 signs to comply.

Design cost is another concern. The cost for a 55 mile per hour design is \$125,000 per mile. The cost for 60 miles per hour would be approximately \$156,250 per mile. The difference comes from designing hills and curve radiuses to accommodate vehicles traveling at higher speeds. A county would incur significant costs if they have a roadway that had good slopes, adequate width and was properly designed for 55 mph. If this roadway is just in need of an overlay,

upgrading to 60 mph would make the costs significantly higher as you would probably need additional right of way, and upgraded curves which would make it into a reconstruction job rather than a simple overlay. Overlays depending on thickness can cost around \$125,000.00 per mile while reconstruction can cost \$200,000.00 to \$475,000.00 per mile depending on the topography and number of curves.

If you would want to compare this to road construction and engineering costs, you could estimate according to the following rough determinations for new construction:

- Flat road, no curves - No difference
- Rolling topography, some curves - 12% increase
- Hilly topography, many curves - 25% increase

Counties also have a liability concern, until all the roads meet 60 mile per hour design. Those concerns being, if a road is designed for 55 miles per hour, yet the default speed limit is 60 miles per hour and the road is not signed back to 55 miles per hour, the county is open to lawsuits should an accident occur on a roadway not designed for the greater speed limit.

It is for these reasons that the North Dakota Association of Counties asks you to consider a Do Not Pass recommendation on House Bill 1299. I'd be happy to address any questions you may have.