

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

2339

2005 SENATE TRANSPORTATION

SB 2339

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2339

Senate Transportation Committee

Conference Committee

Hearing Date 2-03-05

Tape Number	Side A	Side B	Meter #
1	x		30-3745
2	x		860-1085
Committee Clerk Signature <i>Mary K Mouson</i>			

Minutes:

**Chairman Trenbeath** opened the hearing on SB 2339 relating to strobe lights on school buses and motorcycle safety education fees.

**Senator Trenbeath** (District 10; Prime sponsor of SB 2339) (Meter 120) Introduced SB 2339.

The portion of this bill pertaining to school bus strobe lights is about local control. This bill is not a mandate, it is to relieve a mandate. It allows the local school board to make the decision whether the buses will have strobe lights. With respect to the motorcycle registration, the program exists for the \$5 to provide for the motorcycle safety training course. This would raise the fee from \$5 to \$10. It is to cover the cost of the program. It takes it out of the hand of the state and puts it into a private organization that provides these services for motorcycles.

**Claus Lembke** (Representing himself) He is the President of the ND Free Spirit Trikers and is an avid motorcycle rider. He supports SB 2339. He monitored a safety course that the state puts

on and was impressed. It is a great course, not just for new riders. He supports the small fee. It's a small price to pay for the safety.

**Nick Renner** (ABATE) See attached testimony in support of SB 2339.

**Edward Erickson** (Testified on his own behalf in support of SB 2339.) One reason the program costs so much per student is because they supply motorcycles, maintain them, and they supply helmets. Somebody can take the course to learn how to ride a motorcycle without already having one. This is a valuable program. He's paying the fee and doesn't mind paying the \$5 increase.

**Barry Brooks** (Director of Purchasing and Transportation/Minot Public Schools.) See attached testimony in opposition to SB 2339.

**Senator Bercier** asked if schools would discontinue to purchase strobe lights if this legislation were to pass.

**Barry Brooks** said he thought some would. By mandating this, it's just another avenue to ensure that the kids are safe. The strobe lights are a great safety feature in bad weather, and we have bad weather. (Meter 1440) He doesn't think this is an issue of control. Encouraged the committee to let the law stand on the books.

**Senator Trenbeath** asked if he had any statistics on how many states mandate strobes.

**Barry Brooks** said that, from what he gathers, it is about 50-50.

**Senator Trenbeath** asked if he had information on how many deaths in school buses were in buses with strobe lights and how many without.

**Barry Brooks** said he didn't.

**Mark Olson** ( General Manager, Trucks in Bismarck) He responded to comment about an earlier question. Most school buses, when new, are put out on bids. Generally, the low bid wins. If a

piece of safety is not mandated either nationally or by the state, it would be very likely that, if the school didn't specify that in their bid requirements, that piece of equipment would be omitted.

Speaking as a parent, he can't imagine there would be anything that ought to be removed from a school bus that would enforce the safety of our children.

**Senator Trenbeath** asked, if he was saying that, if it wasn't contained in the spec you could still order a bus and not have it on there. If the school board decided they didn't want them, they could omit it from the spec and take the bid that way.

**Mark Olson** replied that was correct. (Meter 1740) Some school districts are more refined in their specs than others. His fear is that, if someone puts out a bid spec for a basic school bus, the manufacturer, wanting to get that business, will spec the minimum equipment the customer asked for and neglect to install that type of safety equipment that was once standard and now optional.

**Senator Bercier** asked what that would cost as an option.

**Mark Olson** said that, installed new on a school bus, it's about \$100 depending on the type of strobe light.

**Senator Bercier** asked about the levels.

**Mark Olson** said they have both standard incandescent or LED technology. (Meter 1840)

**Senator Trenbeath** asked if this strobe is part of the national standards.

**Mark Olson** said the newest level of national standards, May 2000, lists them as optional and may be installed.

**Senator Trenbeath** asked what the law in SD is.

**Mark Olson** said the same as ND.

**Gordon Berge** (Director of Transportation, Mandan Public Schools) See attached testimony in opposition to SB 2339. For the safety of the children throughout the state, he would like to see the law continue as it now stands.

**Senator Trenbeath** asked if he could see a danger that his school board would delete that spec when ordering school buses, especially when it is less than \$100.

**Gordon Berge** said he would hope not, but he can't speak for nine board members. He would encourage them not to.

**Senator Mutch** asked about the definition of a school bus and if mini vans had to have strobe lights.

**Gordon Berge** said they just have strobe lights on the yellow school buses. School buses would be 15 passenger or greater.

**Cal Collins** (Transportation Director, Bismarck Public Schools) They think it is very important that the strobe lights stay on the buses. He said that everybody realizes that school buses are big, yellow, and ugly. But in the winter time and at night they are big and dark. The more they can be made visible to oncoming traffic or traffic coming up behind them, especially in inclement weather and fog, is important. He said the safest form of transportation is the school bus and asked why would we ever want to make it less safe. They haul the most precious cargo in the world, and that is kids.

**Senator Nothing** said that we are always told that seat belts is what makes everything the safest, but school buses don't have seat belts.

**Cal Collins** replied that the reason for no seat belts is the compartmentalized seating, the high backs. In a quick stop or head on accident, the child will fly into the padded restraint in front.

Rollovers in school buses would be the only time when the buses may not be safe, but there are so few.

**Tom Decker** (Director of School District Transportation, DPI) Their records show that there are 2466 school buses in ND that are yellow 15 passenger or more, 865 of those are model year 98 or newer and should have factory installed strobe lights. Many others have had strobe lights retrofitted. There are a lot of complaints about school bus issues, but since 1998, he has received only one complaint about strobe lights. Part of the reason strobe lights are effective is that they are now on a heavy majority of the buses on the road every day. If they become optional, then it becomes spotty, sketchy, and he is inclined to believe that they would be off the school buses they, most likely, should be on. The places that they are most needed and do the most good are in the rural areas. (Meter 2730)

**Senator Bercier** asked if he thought small schools would discontinue the use.

**Tom Decker** said the temptation would be there to remove the significant safety feature.

**Senator Trenbeath** asked if he could give statistics on the number of states that require strobe lights and those that don't.

**Tom Decker** said that he hasn't found a definitive number.

**Virgil Horst** (Mandan) Supports the \$5 education fee for motorcycle safety. He thinks the law should stay as it is with the strobe lights. (Meter 3010) When it is foggy, and he can't see the bus but does see a strobe light, it sends a flag that there are children that are about to cross the street.

**Danny Hugelen** (Representative from Harlow's Bus Sales) Against the bill. Supports the law as it is.

**Marsha Lembke** (ND DOT - DL & TS) Neutral. Wanted to share the following in regard to the motorcycle safety training. (1) They are having to fund it out of federal funds at this point to make it continue to work. Federal funds are not that generous anymore. They do have a state funding that has worked very well. (Meter 3200) (2) Since the motorcycle testing has been waived if they take the motorcycle safety course, they have seen an increase in people getting motorcycle licenses.

**Senator Trenbeath** asked for statistics regarding school bus accidents prior to this law and since it.

**Marsha Lembke** replied that they do keep some statistics but there have been very few school bus accidents. She said she would research that for the committee.

**Bob Pfenning** (ABATE) (Meter 3360) He took his motorcycle test several years ago, and later took an advanced course through ABATE. He realized that maybe he should have taken the beginners course and he probably wouldn't have developed so many bad habits. He said the ABATE instructors are highly qualified and are better able to determine the proficiency of new riders. They are full time riders themselves. He feels it is good sense to allow ABATE to carry out that function. In doing so, they are saving money for the state and insuring that the people riding motorcycles are capable.

**Senator Nething** made the observation that everybody was in favor of one section and everybody was opposed to another section. (Meter 3555)

The hearing on SB 2339 was closed.

Page 7  
Senate Transportation Committee  
Bill/Resolution Number SB 2339  
Hearing Date 2-03-05

Tape 2 Side A (Meter 860)

**Chairman Trenbeath** opened SB 2339 for action.

**Senator Warner** motioned to amend SB 2339 to delete section 1.

Seconded by **Senator Nething**.

There was a short discussion about people not liking the strobe lights. The bill wasn't to outlaw them but to let the school boards make the decision. Section 2 seemed to be the part of the bill the committee wanted to pass. They felt by leaving Section 1 in it could jeopardize Section 2.

The motion on the proposed amendment passed on a voice vote.

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

As per Chairman Trenbeath the vote was held open for Senator Espegard. Final roll call vote 6-0-0. **Passed**. Floor carrier is **Senator Trenbeath**. This bill was rereferred to appropriations.

**FISCAL NOTE**  
 Requested by Legislative Council  
 01/24/2005

Bill/Resolution No.: SB 2339

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				\$220,000		\$220,000
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.*

This bill increased the motorcycle safety education fee from \$5 per year to \$10 per year.

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.*

This bill is expected to generate an additional \$110,000 per year for the Motorcycle Safety Education Fund.

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.*

<b>Name:</b>	Keith Kiser	<b>Agency:</b>	NDDOT
<b>Phone Number:</b>	328-2725	<b>Date Prepared:</b>	01/25/2005

Date: 2-3-05  
Roll Call Vote #: \_\_\_\_\_

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO 2339

Senate TRANSPORTATION Committee

Check here for Conference Committee

Legislative Council Amendment Number 50789.0101 Title .0200

Action Taken Do Pass as Amended Rerefer to Appropriations

Motion Made By Sen. Bercier Seconded By Sen. Warner

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Trenbeath

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

**REPORT OF STANDING COMMITTEE**

**SB 2339: Transportation Committee (Sen. Trenbeath, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Sixth order on the calendar.**

Page 1, line 1, remove "subsection 4 of section 39-21-18 and"

Page 1, line 2, remove "strobe lights on schoolbuses and"

Page 1, remove lines 5 through 19

Renumber accordingly

2005 SENATE APPROPRIATIONS

SB 2339

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2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. 2339

Senate Appropriations Committee

Conference Committee

Hearing Date February 10, 2005

Tape Number	Side A	Side B	Meter #
1		b	1,489
Committee Clerk Signature 			

Minutes:

**Chairman Holmberg** opened the hearing on SB 2339, limited to motorcycle safety.

**Senator Tom Trenbeth**, testified in **support of SB 2339**, indicating this bill is limited to motorcycle safety programs which is provided by a private organization under contract with the state. The bill in the transportation committee was in unanimously in favor of this. This bill increases the fee of registering motorcycles for the benefit of the motorcycle safety program.

**Nick Renner, Lobbyist, in support of SB 2339**. He indicated the motorcycle safety education started in 1980 with the fee funded entirely by motorcyclists and the \$5.00 fee. He indicated now having to charge because of increase in demand.

Questions were raised about whether there was unanimous support from the motorcyclists.

A motion was made for a due pass on SB 2339 by Senator Krauter, seconded by Senator Fischer.

Discussion was held. Roll call vote was taken with 14 yes, 0 no and 1 absent.

Page 2

Senate Appropriations Committee

Bill/Resolution Number 2339

Hearing Date February 10, 2005

**Chairman Holmberg** closed the hearing on SB 2339 indicating Senate Transportation would carry the bill.

Date 2/10/05  
Roll Call Vote #: 1

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2339

Senate SENATE APPROPRIATIONS Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Sen Krauter Seconded By Sen Fischer

Senators	Yes	No	Senators	Yes	No
CHAIRMAN HOLMBERG	✓		SENATOR KRAUTER	✓	
VICE CHAIRMAN BOWMAN	✓		SENATOR LINDAAS	✓	
VICE CHAIRMAN GRINDBERG	✓		SENATOR MATHERN	✓	
SENATOR ANDRIST	✓		SENATOR ROBINSON	✓	
SENATOR CHRISTMANN			SEN. TALLACKSON	✓	
SENATOR FISCHER					
SENATOR KILZER	✓				
SENATOR KRINGSTAD	✓				
SENATOR SCHOBINGER	✓				
SENATOR THANE	✓				

Total (Yes) 14 No 0

Absent 1

Floor Assignment Transportation

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

REPORT OF STANDING COMMITTEE (410)  
February 10, 2005 3:24 p.m.

Module No: SR-27-2473  
Carrier: Trenbeath  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

SB 2339, as engrossed: Appropriations Committee (Sen. Holmberg, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Eleventh order on the calendar.

2005 HOUSE TRANSPORTATION

SB 2339

2005 HOUSE STANDING COMMITTEE MINUTES

BILL NO. SB 2339

House Transportation Committee

Conference Committee

Hearing Date March 3, 2005

Tape Number	Side A	Side B	Meter #
2	X		0-8.0,45.4-52.2
		X	4.5-8.8
Committee Clerk Signature <i>D. Loren Albrecht</i>			

Minutes:

**Chairman Weisz** opened the hearing on SB 2339 A Bill for an Act to amend and reenact section 39-28-01 of North Dakota Century Code, relating to motorcycle safety education fees.

**Senator Trenbeath:** This bill is just to tune up the laws on motorcycle safety. ND requires a safety course be taken by motorcycle rider prior to getting their license. The state of ND doesn't provide that. It is provided under contract with private organizations and there are members from those organizations here today that will speak on their behalf. It is funded through motorcycle registration fees so it is self funding. The problem is over the years the \$5 that was required for the course is no longer adequate for the course. These people will not only give you the book learning to ride a motorcycle, but they also provide a motorcycle during the training period for you to acquire the skills that are necessary to get a license in the state of ND. I certainly ask your favorable consideration.

**Chairman Weisz** I understand they never charged for this and now they have to?

**Senator Trenbeath:** They have been forced to charge to cover the cost of the course. They aren't going to reduce the quality of the course. I think in the interest of the state, we are interested in having everyone take the course and instead of charging people a portion of the cost, by putting it into the registration fee they have to comply with the law.

**Nick P. Renner of ABATE of ND:**(see attached testimony #1)

**Rep. Thorpe**(4.8) Could you tell me how many other organizations in the state that do this training?

**Nick Brenner:** As far as I know we are the only one.

**Rep. Schmidt** Do we need an emergency clause?

**Nick Brenner:** We didn't ask for an emergency clause because if this bill does pass would become affective in August and the majority of motorcycle registrations doesn't occur until January 1st so it would automatically be covered.

**Rep Ruby:**(6.0) If there a fee for that portion that DOT provides?

**Nick Brenner:** Not through the state. You have the option, you don't have to take the motorcycle safety course to get the license. If you wish you can go get your permit and take the skills portion through the state. We felt that we have a much better determination of judging that persons riding abilities over the course of the 20 hours that we teach the program than the state employee does dealing with someone for 5 minutes.

**Chairman Weisz** Anyone else in support of SB 2339. Anyone else in opposition of SB 2339?

**Rep. Thorpe** I would like to hear from the motor vehicle department on their take on this.

**Keith Kiser:**(7.2) We have taken no position on this bill. We already collect the \$5 and there would be no impact to us other than people asking why the fees are going up.

**Rep. Ruby** What is the cost of registering a motorcycle now?

**Keith Kiser**: The cost is \$22; \$15 of that is registration fee; \$5 is public education fee for safety training; \$2 is public transportation.

Closed hearing (8.0)

**Chairman Weisz** reopened hearing on SB 2339.(45.4)

**Rep. Thorpe** (46.1) I don't have a problem with this bill.

**Chairman Weisz** They are charging now, but that has caused some not to take the training. They now charge \$50 to do the training. Taking the training course is better than just walking in and taking the field test. They are charging and they can charge whatever they want.

**Rep. Thorpe** When you go to get the license, you do have to pass the test. It does give you a lot of practical experience for driving safely.

**Chairman Weisz** The test doesn't necessarily focus on all the safety issues. You have to keep the motorcycle upright and drive around the corners without falling over. The course is very extensive and you cover a lot of issues and it is better.

**Rep. Ruby** I have a problem with this because they have to pay \$5 each year they register the bike even though they only use it once and now they are going to be paying \$10?

**Chairman Weisz** This is a one time fee. Or when you sell the vehicle and have to register it again.

**Rep. Bernstein** When was the \$5 fee put on? Chairman Weisz said in 1980.

**Rep. Weiler**(51.0) When Kiser was up there he said there is a \$22 annual fee?

**Chairman Weisz** There is a \$15 annual registration fee for all motorcycles; then there is a \$2 from the public transit fund that goes on every vehicle; then there is \$5 on registration fee.

If I am wrong someone should correct me, I think it is a one time registration fee?

**Rep. Weiler** I brought it up because he said it was an annual fee?(52.2) end of tape.

**Tape 2, Side B**

**Rep. Price** My husband drove to Bismarck to take it in the evening so it is not just the \$50 fee; some of the classes are full and are not offered everywhere in the state so by the time you figure time away and gas etc. it will cost you more than \$50. I don't have it being up \$5 to cover the \$125 or \$150., I think fewer people will take it. Gary was really impressed with the course. He thought every body should have to take it.

**Chairman Weisz**(5.7) I was wrong. The fees are annual fee of \$27 if we pass this.

**Rep. Weiler** I would have the same concerns about the \$5 annual fee that they pay for every year and only use the first time.

**Rep. Hawken**(6.2) I think the safety issue on it overrides just about everything else. I think the motorcycle course is an imperative thing and if this is a way for them to continue the courses with the quality they are it is an investment that is important.

**Rep. Owens**(6.8) Just the point they are paying \$5 for something they may never use or only use once, we are all paying for public transportation and I never use it.

**Chairman Weisz** This was brought forward by the motorcycle group; they support it because they think it is critical for their image and I am sure there are individual motorcycle riders that are opposed to this, but generally the motorcycle groups want this. There were not motorcyclist here opposing this.

**Rep. Delmore**(7.7) I don't think the fee is a huge hardship.

Motion Made By Rep. Hawken Seconded By Rep. Owens

Page 5

House Transportation Committee

Bill Number SB 2339

Hearing Date March 3, 2005

Do Pass 11 Yes 2 No 2 Absent Carrier: Rep. Bernstein

(closed 8.8)

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

**2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 5 B2339**

House Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number \_\_\_\_\_

Action Taken Do Pass

Motion Made By Rep. Hawken Seconded By Rep. Owens

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

Total (Yes) 11 No 2

Absent 2

Floor Assignment Rep. Bernstein

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

**REPORT OF STANDING COMMITTEE (410)**  
March 3, 2005 1:30 p.m.

Module No: HR-39-4075  
Carrier: Bernstein  
Insert LC: . Title: .

**REPORT OF STANDING COMMITTEE**

**SB 2339, as engrossed: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS (11 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2339 was placed on the Fourteenth order on the calendar.**

2005 TESTIMONY

SB 2339

I would like to introduce myself; I am Nick Renner, lobbyist for ABATE of North Dakota and it's membership. I would like to testify in favor of SB2339 part 39-28-01. additional fees for motorized bicycle and motorcycle registration. In addition to the fees required by section 39-04-19 for motorized bicycle and motorcycle registration, a motorcycle safety education fee of five (change to ten) dollars is required at the time of registration of each motorized bicycle and motorcycle.

**History**

The motorcycle rider education program began in 1980. At that time the program was funded entirely by motorcyclists through motorcycle registration fees. \$5 of the registration fee was earmarked for education. Those fees allowed us to provide free motorcycle safety training to the citizens of North Dakota for over 20 years. During that time were able to meet the demands of our motorcyclists without ever having to increase the dedicated fee for motorcycle education.

With the increase in motorcycle registrations and the 2003 legislative approval of waiving the skills test portion of licensing with endorsement and completion of the North Dakota Motorcycle Safety Program has brought forth a short fall in meeting the needs of the motorcycle enthusiasts of our state.

**Situation Now**

We are seeing an increase in motorcycle purchases, resulting in an increase in motorcycle registration and an increase in motorcycle safety program participation. This increase has depleted the motorcycle education funds.

After working with the NDDOT we realized that it costs \$125 - \$150 per student to teach the motorcycle safety program. As a result in 2004 we initiated a \$50 fee per student to try to help off set the cost of the program. Even with the \$50 fee, we were still unable to meet the demands of our citizens. We simply have more students interested in motorcycle safety, than we have funding. It is our mission to reduce motorcycle crashes, injuries and fatalities and in order to do so we have to create more funding. In 2004 we were forced to tap into 402 funds in order to complete the training season.

**Future**

We do realize that SB2339 will not be law until the 2006 season, but passing the bill will help us predict a stable future and ensure the citizens of North Dakota are provided with an accredited motorcycle safety education program.

**Summary**

There has not been an increase in motorcycle registration fees since 1980.

Since the passing of the skills test waiver in 2003 the student demand has increased.

At the current rate of funding for classes we cannot meet the demand of our students.

The original money that was designated to fund the program has been depleted, resulting in the use of 402 Funds.

Motorcyclists are dedicated to safety and are willing to pay for their own training.

Mr. Chairman, and members of the committee, my name is Barry Brooks, Director of Purchasing/Transportation for the Minot Public Schools, with me is Al Schlag, Supervisor of Student Transportation for the Minot Public Schools. We are here to voice our opposition to SB 2339. I know that keeping strobe lights mandatory on buses built after 1998 will ensure that school busing remains safe in North Dakota.

School buses are the safest method of transporting students to school and school related events according to the National Traffic Safety Board, National Highway Traffic and Safety Administration, and 50 state transportation directors.

Strobe lights are an important safety feature that help keep busing safe in day, night, in good weather or inclement weather. Every week during the school year, 23.5 million children begin and end each school day with a trip on a school bus. More than 400,000 school buses travel approximately 4.3 million miles every year. Between 1989 and 1999, an average of 10 passengers were killed each year in school bus crashes. To put this in perspective, during 2001 alone, motor vehicle crashes (non-school buses) claimed the lives of approximately 2,000 children between the ages 5 and 15.

National Highway Traffic and Safety Administration estimates that 96% of the estimated 8,500 to 12,000 children injured in school bus accidents are usually considered minor injuries - bumps, bruises, and scrapes. Most injuries and fatalities involving school buses are pedestrian accidents that occur while the students are getting on and off the school bus. This area, 10 feet around the bus is called the "DANGER ZONE".

(SHOW PICTURE)

The Danger Zone is the area where children are at the greatest risk of being hit by the school bus or a passing car. To reduce the danger of the Danger Zone, the mandatory use of strobe lights must remain the law in North Dakota.

In June 2003, the Pupil Transportation Unit of Manitoba received 593 survey responses by school bus drivers on the use of strobe lights on their buses. The results were as follows:

- a. On average, the frequency of motorists running the buses red flashing lights decreased by 55% following the installation of a strobe light. Gentlemen, this statistic alone should be justification to mandate the continued use of strobe lights in North Dakota.
- b. 42% of school bus drivers reported experiencing a benefit from strobe lights. The greatest benefit was the increased visibility of the bus, especially in limited visibility situations such as fog, dust, and snow, which as well all know are also common in North Dakota.
- c. 87.5 % of school bus drivers reported being unaware of distractions to other motorists caused by strobe lights. Of those reporting a distraction, the most common comment was that other motorists appeared confused or unsure of how to react to the strobe light.
- d. 55% of school bus drivers had been advised by other motorists or members of the general public that the strobe light has increased the visibility of their buses.

When I first heard about this proposal, the other transportation professionals and I asked the question "why the change"? I was told that one reason was public confusion over what the strobe light represented. Is this an emergency vehicle? The second was that the strobe light distracted or blinded on-coming traffic.

The Manitoba Survey also mentioned public confusion and distraction. But does confusion and distraction exist over amber colored strobe lights on garbage trucks as used in Minot. Or the white strobe lights on pay loaders and snow plows that are used to clear snow in our school parking lots and the state's highways. These lights are not design to distract or confuse. They are design so that motorist are aware of the location of these vehicles. Any confusion about strobe lights whether they are on garbage trucks, snow removal equipment or school buses can be cleared up through education, Public Service Announcements, or a visit to your school's transportation department.

The issue of motorist distraction is at worse minimal but the benefit in reducing the dangers within the "Danger Zone" is vast.

Just over two weeks ago in Minot, we had a snow storm that resulted in different weather conditions on several routes at the same time. At approximately 3:30 pm, the weather conditions in downtown Minot was light snow, unlimited visibility however, buses heading North on Highway 83 going to Minot AFB had reduced visibility with blowing snow, and finally another bus North of Minot heading east had nearly zero visibility with blowing snow and compacted

snow/ice on the road. Several buses going in different directions, traveling at the same time and all experiencing totally different weather conditions. The one common safety feature that provided additional protection to the bus was the strobe light. All of Minot Public School buses have been equipped with strobe lights for over seven years. In those seven years, I have never received a single complaint about strobe lights. I have communicated with Trucks of Bismarck, Hartley's of Rugby, Harlows, the Director of Minot Head Start, Bismarck, Mandan Transportation Departments and several parents and they are all opposed to eliminating the requirement of making strobe lights mandatory. The Mandan Director stated that the strobe lights are extremely effective in increasing the visibility of the buses on their routes along the river which are frequently fog covered.

Finally, here is animation made by the National Traffic Safety Board that dramatically shows what did happen to a school bus while dropping off students. Unfortunately, a classic example of the dangers of the Danger Zone.

If strobe lights can prevent one of these accidents in North Dakota in good or bad weather then strobe lights which cost the Minot Public Schools less than \$100 to install is well worth the requirement of mandatory usage.

Thank you.

**Mr. Chairman and Members of the Committee**

**My name is Gordon Berge, Director of Transportation for the Mandan Public Schools. I am here to briefly speak in opposition to SB 2339.**

**The Mandan School District operates 27 bus routes, transporting some 1500 students on a daily bases. Our daily mileage totals 1,786 miles. We, like all school districts, strive to transport our children to and from school in the safest way possible, and I certainly believe that the use of strobe lights gives us an extra element of safety.**

**We often times are traveling in dense fog and blizzard conditions, where the strobe light can shine through the elements and warn oncoming traffic. I believe the strobe light has prevented at least one major accident with one of our school buses. Also, this is not an expensive item, costing approximately \$65.00 to \$85.00 per light.**

**I would urge this committee to vote against passage of SB 2339.**

**Thank You.**