

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
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ROLL NUMBER

DESCRIPTION

2175

2007 SENATE TRANSPORTATION

SB 2175

2007 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2175

Senate Transportation Committee

Check here for Conference Committee

Hearing Date: January 18, 2007

Recorder Job Number 1336 & 1338

Committee Clerk Signature

John Hauge

Minutes:

Chairman G. Lee opened the hearing at 9:00 AM on SB 2175 relating to right of way of vehicles at an intersection.

All members of the committee were present.

Senator Lyson introduced the bill to the committee and referred to it as a fairly simple bill.

Basically, if a traffic light fails to work or becomes dysfunctional this bill addresses who has the right of way. Senator Lyson also said that an engineer was also present to explain this further.

Senator Lyson brought an amendment to SB 2175. He further explained that the amendment had nothing to do with the bill. It is about motorcycles. The amendment is a new section to the law about exhibition driving and drag racing. We have not addressed this before and he stated that it was time to put this law in the century code.

Senator Nething stated that we are going to have an amendment here that is not going to have a hearing. It has never been posted and this is a totally different subject. He asked if there was a reason that it wasn't it's own bill.

Senator Lyson said he understands the concern but that there was some concern on who could sponsor the bill, Senator Lyson could not sponsor an additional bill and the Senators he

talked to also had the same problem. If the committee feels it should be a bill Senator Potter said he would sponsor it.

Senator Nething said that sometime we get a bill that will pass but with the amendment it might fail. He did not know if this would happen but he would hate to see it happen to the original SB 2175.

Senator Lyson said if this was a problem or if the committee did not want the amendment he felt there was time to get the amendment in as a bill and if someone is not billed out and will take it, he did not have a problem with that.

Senator Fiebiger was concerned on section 2 and what it actually said in subsection of section 39-10-24. To clarify section 2 where they refer to subsection 2, 39-10-24, the intern handed out copies of 39-10-24 to further clarify what SB 2175 would change. (See attachment)

Senator Potter further questioned Senator Lyson on the amendment and what the amendment would prohibit and if it extended to special events and if there would be no exemptions.

Senator Lyson could not answer for Bismarck but in Williston you would just get a permit for exhibition. Bismarck is a Home Rule city so this should not prohibit events that they want to have.

Shawn C. Birst testified on behalf of the North Dakota Traffic Operations Roundtable in support of SB 2175. His testimony is enclosed along with letters from Jeffrey Rodacker, Traffic Engineer, City of Minot and David Sprynczynatyk, former Director, NDDOT. He also distributed a list of representatives of the Traffic Operations Roundtable (enclosed)

Senator Fiebiger wanted to know that if 26 states have addressed dark traffic signals if there was any data showing that there was any reduction in accidents.

Mr. Birst replied that there was no data or logs of these events but in Fargo in the spring with the flooding there are problems but no data has been collected.

Andy Zachmeier, of the Bismarck Police commented that if you have an intersection that goes down, this law would make it easier for officers to enforce the law. Mr. Zachmeier's main testimony was on the need for the proposed amendment addressing exhibition driving and drag racing.

Senator Lee asked what the penalties are. In section 3 of 39-08-03 of the century code.

Mr. Zachmeier stated the state penalty in the law is fifty dollars and for Bismarck it is \$100.

Job number 1338

Senator Nething expressed that he thought SB 2175 should stay as it is and the amendment that has been brought forth should be brought in as a separate bill. There was agreement.

The hearing on SB 2175 was closed.

Senator Potter moved for a do pass on SB 2175

Senator Fiebiger seconded

The motion passed 6-0-0

Senator G. Lee will carry the SB 2175

January 17, 2007

PROPOSED AMENDMENTS TO SENATE BILL NO. 2175

Page 1, line 1, replace "section" with "sections 39-08-03.1 and"

Page 1, line 2, after "to" insert "exhibition driving and"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 39-08-03.1 of the North Dakota Century Code is amended and reenacted as follows:

39-08-03.1. Exhibition driving and drag racing - Definitions - Penalty.

1. ~~No person~~ An individual may ~~not~~ engage in exhibition driving of any vehicle on a highway, street, alley, sidewalk, or any public or private parking lot or area, ~~nor~~.
2. An individual may ~~any person~~ ~~not~~ engage in a race, a speed competition, drag race or acceleration contest, test of physical endurance, or exhibition of speed or acceleration. ~~Any person~~
3. An individual who violates ~~this section by engaging in an act defined by subdivision b of subsection 2 1~~ must be assessed a fee of fifty dollars. ~~Any person~~ An individual who violates ~~this section by engaging in an act defined by subdivision a or c of subsection 2~~ must be assessed a fee of one hundred dollars.
2. 4. As used in this section:
 - a. "Drag race" means the operation of two or more vehicles from a point side by side by accelerating rapidly in a competitive attempt to cause one vehicle to outdistance the other; or the operation of one or more vehicles over a common selected course from the same point to the same point for the purpose of comparing the relative speed or powers of acceleration of such vehicle or vehicles within a certain distance or time limit.
 - b. "Exhibition driving" means driving a vehicle in a manner ~~which that~~ disturbs the peace by creating or causing unnecessary engine noise, tire squeal, skid, or slide upon acceleration or braking; ~~or driving and executing or attempting one or a series of unnecessarily abrupt turns;~~ driving a vehicle in a manner that results in a vehicle's tire leaving the surface of the highway; or driving a vehicle with an adjustable suspension and having an individual in the vehicle raise and lower the vehicle while in motion through means other than the natural contours of the road.
 - c. "Race" means the use of one or more vehicles in an attempt to outgain, outdistance or to arrive at a given distance ahead of another vehicle or vehicles; or the use of one or more vehicles to willfully prevent another vehicle from passing the racing vehicle or vehicles, or to test the physical stamina or endurance of the persons driving the vehicles over a long-distance driving route.

3. 5. Nothing in this section ~~shall be construed as prohibiting~~ prohibits drag racing, exhibition driving, or similar events when carried out in an organized manner on a track or other privately owned area specifically set aside and used solely for such purposes by drivers of motor vehicles, including snowmobiles."

Renumber accordingly

Date: 1-18-07
Roll Call Vote #: 6-0-0

2007 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO.

Senate Transportation Committee

Check here for Conference Committee

Legislative Council Amendment Number SB 2175

Action Taken do pass

Motion Made By Senator Potter Seconded By Senator Fiebiger

Senators	Yes	No	Senators	Yes	No
Chairman Gary Lee	✓		Senator JoNell Bakke	✓	
V Ch John Andrist	✓		Senator Tom Fiebiger	✓	
Senator Dave Nething	✓		Senator Tracy Potter	✓	

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Lee

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

REPORT OF STANDING COMMITTEE

SB 2175: Transportation Committee (Sen. G. Lee, Chairman) recommends DO PASS
(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the
Eleventh order on the calendar.

2007 HOUSE TRANSPORTATION

SB 2175

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. SB 2175

House Transportation Committee

Check here for Conference Committee

Hearing Date: 02-08-2007

Recorder Job Number: 3112

Committee Clerk Signature

Lisa M Thomas

Minutes:

Chairman Weisz opened the hearing on SB 2175. All representatives were present.

SB 2175 relates to right of way of vehicles at an intersection.

Rep. Ruby introduced the bill.

Rep. Ruby: This clarifies language in our law dealing with when vehicles approach intersections and there is no traffic control. It was described to me, the first section deals with when you approach a T intersection and it basically clarifies that the person on the right has the right of way. If the street is going anywhere doesn't have a dead end, has the right of way and if they are both at the same time at a stop sign then the one on the right would go. Section two is on a four way where a vehicle approaches the intersection that has traffic control signals, but when the signals are not lit, the driver of the vehicle shall stop and yield at this time. It basically clarifies that the driver on the right has the right of way.

Rep. Thorpe: Do you know if on the section we are amending 39-10-22, are we basically changing it?

Rep. Ruby: It just more clearly defines the language that was there before. Apparently, it was not clear in certain circumstances.

Mark Berg, Traffic engineer with the city of Bismarck, spoke in support of the bill. See written testimony.

Berg: This bill basically is an explanation of a traffic signal light. It is not illuminated with a steady or flashing colored light. The situation of dark traffic signal represents serious safety liability and operational implications. Especially at the major intersections during peak traffic periods. Currently, ND rules of the road require that at a dark signal, it is treated as an uncontrolled intersection, therefore resulting in a yield to the right operation. If we continue to grow as a transportation system in ND, we need to meet the needs of our modern transportation system. This bill would provide that.

Rep. Weisz: Just to clarify, we are not really changing anything, but this bill means to clarify the right of way?

Berg: Yes, we are changing. In the second paragraph is currently, when you approach any intersection where the traffic signal is dark, you must yield to the right. Now if you go out here along state street where we have seven approach lanes, where is right? This clarifies that.

There was no opposition to this bill. The hearing was closed.

Rep. Gruchalla moved a DO PASS. Rep Owens seconded.

Roll Call Vote: 12 yes. 0 no. 1 absent.

Carrier: Rep. Sukut

REPORT OF STANDING COMMITTEE

SB 2175: Transportation Committee (Rep. Welsz, Chairman) recommends DO PASS
(12 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2175 was placed on the
Fourteenth order on the calendar.

2007 TESTIMONY

SB 2175

39-10-24. Stop signs and yield signs.

1. Preferential right of way may be indicated by stop signs or yield signs as authorized in section 39-07-03.

2. Except when directed to proceed by a police officer, every driver of a vehicle approaching a stop sign shall stop at a clearly marked stop line, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After having stopped, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time when such driver is moving across or within the intersection or junction of roadways.

3. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions and, if required for safety to stop, shall stop at a clearly marked stop line, or, if none, before entering the crosswalk on the near side of the intersection, or, if none, then at the point nearest the intersecting roadway where the driver has a view of approaching traffic on the intersecting roadway before entering it. After slowing or stopping, the driver shall yield the right of way to any vehicle in the intersection or approaching on another roadway so closely as to constitute an immediate hazard during the time such driver is moving across or within the intersection or junction of roadways. Provided, however, that if a driver is involved in a collision with a vehicle in the intersection or junction of roadways after driving past a yield sign without stopping, such collision is deemed prima facie evidence of the driver's failure to yield the right of way.

SB 2175: Supporting Information

January 18, 2007

Shawn C. Birst, P.E.
Associate Research Fellow
Upper Great Plains Transportation Institute
430 IACC Building, NDSU
Fargo, ND 58105

I am testifying on behalf of the North Dakota Traffic Operations Roundtable in support of changing the ND Century Code to address unlighted (dark) traffic signals.

- North Dakota Traffic Operations Roundtable consists of approximately 20 traffic/transportation engineers and technicians from North Dakota's major urban areas as well as the North Dakota Department of Transportation (NDDOT).
- A dark traffic signal refers to a traffic signal not being illuminated with a steady or flashing green, yellow, or red indication due to a power outage. Serious safety, liability, and operational implications result from dark traffic signals, especially at busy intersections during peak traffic periods.
- Current North Dakota Rules-of-the-Road requires a dark traffic signal to be treated as an uncontrolled intersection (yield to the right).
- Field observations indicate motorists do not consistently follow this rule. The rule is also hard to apply at busy multi-lane intersections.
- Approximately 80% of the states that have addressed dark traffic signals (which include Minnesota, Montana, and South Dakota) treat them as all-way stops.
- Based on available filed data and a review of state and national practices, it is the ND Traffic Operations Roundtable recommendation to implement a consistent and clear policy on dark traffic signals:
 - Dark traffic signals shall be treated as an all-way stop condition.
- Proposed change is supported by the NDDOT and the North Dakota Highway Patrol.

Enclosures:

- Letter from Jeffrey Rodacker, former Traffic Engineer of the City of Minot and Chair of ND Traffic Operations Roundtable
- Letter from David Sprynczynatyk, former Director, NDDOT

City of Minot

Engineering Department

May 23, 2006

David A. Sprynczynatyk, Director
North Dakota Department of Transportation
608 East Boulevard Avenue
Bismarck, ND 58505-0700

Dear Mr. Sprynczynatyk:

I am writing to you on behalf of the North Dakota Traffic Operations Roundtable to request your support for changing the current rule on dark traffic signals (those not in operation due to a power outage) from being treated as an uncontrolled intersection (yield to the right) to an all-way stop. We believe this change will enhance the safety of North Dakota motorists, reduce potential liability, and improve traffic operations at signalized intersections during power failures.

The North Dakota Traffic Operations Roundtable, which is facilitated by the Advanced Traffic Analysis Center (ATAC) at North Dakota State University, consists of approximately 20 traffic/transportation engineers and technicians from North Dakota's major urban areas as well as the NDDOT. The FHWA and Minnesota DOT are also represented on the roundtable. The main objective of the roundtable is to provide a forum for promoting traffic operations in the state by exchanging information, ideas, and experiences.

During the summer roundtable meeting in Minot, several discussions occurred regarding local and state policies and procedures on dark traffic signals. Due to the numerous power outages across the state each year due to storms, flooding, or other causes, cities and DOTs must deal with dark traffic signals on a frequent basis. Roundtable members noted the serious safety, liability, and operational implications of dark traffic signals, especially at busy intersections during peak traffic periods. They also expressed concerns with driver behavior at dark traffic signals in view of the current rule adopted in NDDOT's Rules of the Road.

The current NDDOT Rules of the Road states:

"If the traffic signals are dark, for example in the event of a power outage, the driver of a vehicle on the left shall yield the right of way to the vehicle on the right if the vehicles are approaching the intersection at approximately the same time."

Source: NDDOT Rules of the Road, 2005 - 2007, Page 22, Paragraph 6, Sentence 3

It is clear from field observations and anecdotal evidence that the current right-of-way rule (yield to the driver on the right) is not consistently practiced at dark signalized intersections. This may be due to a variety of reasons, including a lack of practice using the right-of-way rule due to the increased use of intersection traffic control devices (primarily YIELD and STOP signs) leaving very few intersections unsigned. There is also the issue of

★ The Magic City ★

unbalanced intersections where a major multi-lane road intersects with a minor street. Drivers on the major street will naturally assume they have the right-of-way. Given the traffic density and speeds on the major approach, it only takes one driver to go through the intersection and many more will follow. Some of the most common observations include:

- Motorists driving on the major street assume they have the right-of-way; therefore, they do not stop,
- Motorists on the minor street (which are to the right of the major street) assume that they have the right-of-way; therefore, they may not stop, or
- Motorists assume the intersection functions as an all-way stop.

As a result, local and state agencies implement strategies that range from providing back-up power at busy intersections, deploying temporary stop signs, arranging for manual traffic control by police officers, to doing nothing. Deploying temporary stop signs at busy intersections to help restore operational order after a power outage is probably the most common measure used in the state. Not only is this practice difficult for the agencies due to staff and sign limitations, but it also raises potential liabilities if the stop signs are not placed or removed in a timely manner. A few intersections have power back up equipment to support traffic signal operations for a short period after a power outage. However, this equipment is fairly expensive. Finally, deploying police officers to direct traffic also has several limitations due to staff and funding resources. It is clear that local agencies have adopted different response actions to address power failures at traffic signals and the associated issues with safety and traffic operations.

Although there is currently no federal guidance related to dark traffic signals, each state may address this issue in their respective rules of the road. A review of state driving rules regarding this matter, which was conducted by ATAC, determined that 33 states had a rule on dark traffic signals. Of these 33 states, 79% or 26 states treated traffic signals as all-way stops. Moreover, North Dakota's neighboring states (Minnesota, Montana and South Dakota) were all among the states that treated dark traffic signals as all-way stops.

Due to driver confusion, traffic safety impacts, agency resources and potential liability issues, the North Dakota Traffic Operations Roundtable would like you to support our recommendation and change the state statute to treat a dark traffic signal as an all-way stop. We believe that this change would benefit motorist safety, reduce liability risk, and reduce the financial burden of local and state agencies.

If you agree with our position, we would like to pursue a statute in the 2007 North Dakota Legislative Session that would address this issue. If you have any questions or comments, feel free to contact me at (701) 857-4100.

Sincerely,



Jeffrey Rodacker
Traffic Engineer, City of Minot

Traffic Operations Roundtable Representatives

Organization	Name
City of Williston	Neil Bakken
City of Bismarck	Mark Berg
NDDOT - Traffic Operations	Jane Berger
City of West Fargo	Chris Brungardt
FHWA	Steve Busek
NDDOT - Traffic Operations	Al Covlin
MnDOT - District 4	Janelle Fowlds
City of Minot	Darrell Francis
City of Fargo	Jeremy Gorden
NDDOT - Traffic Operations	Blaine Johanneson
NDDOT - Fargo	Lyle Landstrom
City of Grand Forks	Wayne Lembke
City of Mandan	Tom Little
City of Williston	Monte Meiers
City of Minot	Jeff Rodacker
NDDOT - Design Division	Doug Schumaker
City of Dickinson	Shawn Soehren
NDSU-ATAC	Jason Baker
NDSU-ATAC	Shawn Birst
NDSU-ATAC	Ayman Smadi



North Dakota Department of Transportation

David A. Sprynczynatyk, P.E.
Director

John Hoeven
Governor

June 7, 2006

Mr. Shawn Birst, P.E.
Associate Research Fellow
Advanced Traffic Analysis Center
Upper Great Plains Transportation Institute
430 IACC Building
Fargo, ND 58105

DARK TRAFFIC SIGNALS

Thank you for the May 23 letter expressing the Traffic Operations Roundtable members concern regarding drivers' reaction during dark traffic signals.

After reviewing the information submitted, we concur with the recommended revision from treating dark traffic signals as an uncontrolled intersection (yield to the right) to an all-way stop.

We will be happy to work with the roundtable members at advancing the necessary legislation.

I am taking the liberty of sending a copy of the letter to Col. Bryan Klipfel, North Dakota Highway Patrol commander, for any support he may provide.

The efforts of the roundtable members to advance this safety proposal are commendable. Again, thank each member for their efforts.

DAVID A. SPRYNCZYNYTYK, P.E., DIRECTOR

17/ac/sas
c: Col. Klipfel, NDHP
Grant Levi

SB 2175

February 7, 2007

Mark A. Berg, PE
Traffic Engineer
City of Bismarck
P. O. Box 5503
Bismarck, ND 58506-5503

I am testifying in a technical advisory capacity based on 18 years of experience as a Traffic/Transportation Engineer in the state of North Dakota.

- A dark traffic signal refers to a traffic signal not be illuminated with a steady or flashing green, yellow, or red indication due to a power outage. The situation of a dark traffic signal presents serious safety, liability, and operational implications, especially at major intersections during peak operational periods.
- Current North Dakota Rules-of-the Road requires that a dark traffic signal to be treated as an uncontrolled intersection, therefore resulting in a yield to the right operation.
- With the continued growth of the transportation system in North Dakota the existing regulation in the North Dakota Century Code does not meet the needs of our modern transportation system. In the City of Bismarck we have intersections with seven approach lanes and the current regulation does not meet drivers' needs.
- Field observations indicate there is confusion among drivers on how to proceed when faced with a dark traffic signal.
- The surrounding states of Minnesota, Montana and South Dakota have addressed the situation of a dark traffic signal by treating them as intersection that requires all approaches to stop. That is what this bill provides.

As a Traffic Engineer I try to be consistent in my application of the rules so as to make our roads as safe as possible. This bill provides that consistency.