17.0321.02000

FISCAL NOTE

Requested by Legislative Council
02/13/2017

Amendment to: Engrossed SB 2057

1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$155,000		$3,550,000
Appropriations				$155,000		$3,550,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

As amended, this bill increases the speed limit to 80 mph from 75 mph on access-controlled, paved and divided, multilane interstate highways and changes the penalty for speeding on certain roadways.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 changes the penalty for speeding on certain roadways. Section 2 increases the speed limit on the interstate highway system to 80 mph from the current 75 mph limit.

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.*

We cannot provide a revenue impact as we have no reliable method to determine what affect the provisions of this bill may have on speeding violations.

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.*

The initial fiscal impact of this bill results from the need to change the speed limit signs on affected highways; the estimated cost for this initial change is $155,000.

After the initial impact, as NDDOT reconstructs the ND highway system or makes major improvements, we must follow the standards set out in the AASHTO Green book on Geometric design as well as other nationally recognized manuals. Consequently, there are horizontal and vertical curves that will need to be reshaped, interchange ramps and acceleration or deceleration lanes that need to be lengthened, areas of guardrail that need to be extended, box culverts and pipes that need to be lengthened, and center bridge piers that need to be protected. As a result, during several subsequent bienniums, NDDOT will realize very significant increases in expenditures comparable to those indicated in section 1A for the 2019-2021 biennium.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

NDDOT has not included the initial costs in the 17-19 biennium budget request.

Name: Shannon L. Sauer CPA

Agency: ND Dept of Transportation

Telephone: 328-4375

Date Prepared: 02/13/2017

17.0321.01000

FISCAL NOTE

Requested by Legislative Council
12/23/2016

Bill/Resolution No.: SB 2057

1 A. **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.*

	2015-2017 Biennium		2017-2019 Biennium		2019-2021 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures				$155,000		$3,550,000
Appropriations				$155,000		$3,550,000

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

	2015-2017 Biennium	2017-2019 Biennium	2019-2021 Biennium
Counties			
Cities			
School Districts			
Townships			

2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

This bill increases the speed limit to 80 mph from 75 mph on access-controlled, paved and divided, multilane interstate highways.

B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 1 raises the speed limit on certain roadways.

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.*

The initial fiscal impact that this bill will have is related to the need to change the speed limit signs on affected roadways. The estimated cost for the initial changes is $155,000.

After the initial impact, as the Department reconstructs the Interstate system or makes major improvements we must follow the standards set out in the AASHTO Green book on Geometric design and other Nationally recognized manuals. By increasing the speeds on the Interstate system, there are horizontal and vertical curves that would need to be reshaped, interchange ramps and acceleration or deceleration lanes would need to be lengthen, guardrail would need to be lengthen, speed limit signs would need to be replaced, box culverts and pipes would need to be lengthen, center bridge piers would need to be protected. As a result, after the initial impact, the longer term fiscal impact is estimated at $326.8 million.

C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

NDDOT has not included the initial costs in the 17-19 biennium budget request.

Name: Shannon L. Sauer

Agency: ND Dept of Transportation

Telephone: 328-4375

Date Prepared: 01/10/2017

2017 SENATE TRANSPORTATION

SB 2057

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2057

26830
1/12/17
☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Mary Brunder

Explanation or reason for introduction of bill/resolution:

Relating to speed limitations on multilane interstate highways.

Minutes: Attachments 1-3

Vice Chairman Casper: Opened the hearing on bill SB 2057.

Chairman Laffen: See Attachment #1 and #2. Pertaining to Interstate 94 and 29.

Vice Chairman Casper: With the prevailing speed being 80 now and we raise the speed limit will they drive 85-86 then?

Chairman Laffen: According to the statistics it would be the same. The change is not going to raise our prevailing speed.

Vice Chairman Casper: Have you checked into the cost statistics?

Chairman Laffen: No I haven't.

Senator Nelson: How is the miles per gallon on your vehicle driving at 80?

Chairman Laffen: The mileage is better at 80 m.p.h. on my new vehicle.

Senator Rust: You mentioned it would be saving residents money.

Chairman Laffen: Yes. Less fines.

Senator Rust: On the bad side is the DOT will be losing that revenue then.

Chairman Laffen: Yes. Whoever collects those fines will find it lower than before.

Vice Chairman Casper: If there are less tickets issued that means there will be less processing by the government and less work load.

Chairman Laffen: I don't have the statistics on this, but yes there will be a lowering of tickets and a savings from less work load and processing procedures.

Senator Nelson: Did you check to see what speeding fines are in other states?

Chairman Laffen: I did not check any statistics but I do know that speeding violations are higher in other states.

Vice Chairman Casper: Opposition to SB 2057. None. Neutral testimony to SB 2057.

Ron Henke, Deputy Director for Engineering for the North Dakota Department of Transportation: See Attachment #3. We understand the bill and we were asked to prepare a Fiscal Note for the bill. The costs on the report are associated with changing out the speed limit signs, adding additional signs, fixing vertical curbing, fixing horizontal curbing, lengthening guard rails, etc.

Vice Chairman Casper: Bottom line with what you are saying is this isn't going to make the road less safe but it will cost us a lot of money potentially, and there will be an 8% increase in fatalities.

Ron Henke: What we see is 100 accidents doesn't mean there will be 108 accidents. It means out of the 100 accidents there will be an 8% increase in the fatalities of those 100 accidents.

Vice Chairman Casper: Also the $326 million number seems to be pretty extreme and that includes building the whole interstate across the state of North Dakota so it would be long term. Means a big difference in taxation for the people.

Ron Henke: Our cost right now to build a mile of interstate is $2.4 million dollars. I can get you the breakdown figures on the reconstruction of the interstate if you want.

Senator Rust: What are the highways built for speed wise.

Ron Henke: It is built for 75 m.p.h. right now.

Senator Rust: What about truck traffic? Is there a factor needed there for safety?

Ron Henke: The way the bill is proposed everyone can drive 80.

Senator Rust: If current traffic is at 80-81 why do we have to redesign the roads?

Ron Henke: We have to follow the standards for building roads.

Senator Campbell: Speed limits going through cities, are they state controlled or can the city change those speeds?

Ron Henke: When we see a request for lowering a speed limit through a city, most of the requests come through a city or county.

Senator Campbell: The amount of money sounds like a huge amount for a long term project. Can we just add on and not reconstruct? Can N.D. do the evaluation instead of Washington, D.C.?

Ron Henke: We can do a study and get approved. We just can't go ahead without the guidelines. I have no idea what the cost would be. The Feds have a lot more control on the interstate.

Senator Nelson: I just want to say that I had an e-mail from Triple A and they are in opposition of this bill and I wanted to get it on record. What speed can you drive before you outdrive your headlights?

Ron Henke: I do not have that number...I will try to get it for you.

Senator Nelson: Can we get some additional big yellow caution signs for the curves?

Ron Henke: I would have to check into that.

Chairman Laffen: I am curious to know if South Dakota has been denied any federal funding for their projects.

Ron Henke: We can look into it and bring you the statistics.

Senator Rust: Will increasing the speed limit affect insurance rates?

Chairman Laffen: Have not seen any statistics on that.

Senator Rust: Has the accident rate been higher?

Chairman Laffen: I have no research on that.

Vice Chairman Casper: Senator Campbell you were asking about city law versus state law on city speed limits. Typically state law supersedes city law where that is concerned.

Vice Chairman Casper: Any other neutral testimony.

Patrick Ward, State Farm Insurance, lobbyist: I do not have any research done on this yet and it would be pure speculation to try share anything today.

Vice Chairman Casper: Are the premiums lower in N.D?

Patrick Ward: Yes, N.D. is on the lower range of premiums.

Vice Chairman Casper: No other neutral testimony. Closed the hearing on SB 2057.

2017 SENATE STANDING COMMITTEE MINUTES

Transportation Committee
Lewis and Clark Room, State Capitol

SB 2057
1/26/2017
27455

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Mary Mundee

Explanation or reason for introduction of bill/resolution:

Relating to speed limitations on multilane interstate highways.

Minutes:

Chairman Laffen: Reopened SB 2057. We need to get this bill down to appropriations. There is actually two pieces to the fiscal note, $155,000.00 fiscal note for changing the signs essentially, and a $326.8 million-dollar fiscal note relating to making fixes to the roads. I do have a letter from the North Dakota DOT that says they checked with South Dakota and how they dealt with that issue. They said South Dakota chose to just change the signs and make the changes as they are needed for replacement of the roadway system. It will essentially get rid of the $326.8 million-dollar piece of the fiscal note. The North Dakota DOT said that is how they would proceed with this plan.

Senator Nelson: Whose liability is it if someone is going 80 miles an hour around a curve that is only built for 75 and it is a fatal accident?

Chairman Laffen: Senator Nelson, the letter didn't deal with that at all.

Senator Campbell: There is a built in factor and the change would have to be more extreme. There are signs that can be used to slow traffic down and is way cheaper. Idaho did the same as South Dakota.

Senator Casper: moved a Do Pass and rerefer to Appropriations.

Senator Campbell: Seconded

Roll Call taken: Yeas-5, Nays-1, Absent-0

Senator Casper will carry.

Date: 1-26-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. "Enter Bill/Resolution No." 2057

Senate Transportation Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☒ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Casper Seconded By Campbell

Senators	Yes	No	Senators	Yes	No
Chairman Lonnie J. Laffen	✓		Senator Carolyn Nelson		✓
Senator Tom Campbell	✓				
Senator David Rust	✓				
Senator David Clemens	✓				
Vice Chairman Jonathan Casper	✓				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Casper

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

REPORT OF STANDING COMMITTEE

SB 2057: Transportation Committee (Sen. Laffen, Chairman) recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Eleventh order on the calendar.

This Bill was rereferred to Appropriations on the floor on Friday, Jan. 27, 2017

2017 SENATE APPROPRIATIONS

SB 2057

2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2057
2/3/2017
Job # 27863

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature

Explanation or reason for introduction of bill/resolution:

A BILL for an Act to amend and reenact subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed limitations on multilane interstate highways.

Minutes:

1.Testimony from Senator Laffen
2.Map of US – Maximum Speed Limits
3.Options regarding expenses
4.Letter from Ron Henke
5.Grand Forks Herald – Our Opinion

Chairman Holmberg: called the Committee to order on SB 2057 at 8:30 am in the Harvest Room. Roll call was taken. All committee members were present except Senator Robinson, who was excused. Chris Kadrmas, Legislative Council and Stephanie Gullickson, OMB were also present. We will open the hearing on SB 2057. I will be called away to testify in the House and V. Chairman Krebsbach will take over. There are handouts coming.

(0.01.19-0.12.52) Senator Laffen, District 43, Grand Forks testified in favor of SB 2057 and presented Testimony attached # 1- written testimony supporting the Bill and Testimony attached # 2 – Map of United States-Maximum Speed Limits in the United States. He testified the information provided by DOT (Testimony attached # 4) is a letter explaining the action South Dakota has taken regarding the higher speed limit on the Interstate highways and also a chart showing the costs to implement 80MPH Interstate Speed Limit. I looked at the cost of changing the signs (0.07.56) See Testimony attached # 3 – Options regarding expenses. There was a House speed limit bill and they got into more detail about the costs of signs so I looked at that testimony and that testimony said, the fiscal note says we have 170 signs on these two highways. The testimony from the House says they cost 60 hours each to make. The DOT makes their own signs. He stated he counted the number of signs from Grand Forks and back and I came up with 146 signs but I won't challenge the DOT that they don't have 170 signs. He explained Testimony attached # 3 – Options regarding expenses to increase the speed limit to 80 MPH. The Grand Forks Herald also suggested the fiscal note might be a little bit high. They also noted that on rural interstate there isn't much to slow us down and likewise they would recommend that we pass this bill. See Testimony attached # 5, Our Opinion/Grand Forks Herald. (0.11.24) He continued his testimony on page 3 regarding fatalities and stated there was no opposition to this bill.

Senator Erbele: The other states, what are their fines compared to ours? He was told that we are among the lowest state in fines and they considered raising the fines in this bill, but there are people who have different opinions on both of these issues and we just thought a fine bill should be separate. **Senator Erbele:** Would you agree to the fines being higher if we are going to drive higher?

Senator Laffen stated he would not have a problem with that. Fines are meant to be a deterrent. I don't think they do that.

Senator Erbele: had questions regarding the increasing the speed to 80, that affects fuel efficiencies and fuel economy too.

Senator Laffen: In 1977 when the feds took over the speed limit and lowered it to 55, Ford Mustang with a V6 engine made 14.2 per gallon. My 2017 suburban makes 25.8on the highway. The cars are vastly different today. Our fuel consumption is way less than it was back then when the feds changed that. **(0.14.52)**

Senator Gary Lee: There is a bill in your committee that can fix that low citation and some of the things that Senator Erbele was talking about. I think your map is a little outdated. In Utah, traveling from Salt Lake City to St. George there is a stretch in there that is 85 as well. I think you exaggerate a little bit when you say you don't pass many cars. You passed me last weekend and I was going 77 or 78 and I get frequently passed. My concern are the truck speeds. I think the feds are looking at 62,63,65 MPH and setting a standard for trucking. I think a lot of the companies are instituting governors at 65 There's a lot of trucks on the road. Those are the things that are being passed. And the 40 MPH guy, I think if we are going to raise the speeds to 80 we should have a minimum out there too where some of these people are travelling way to slow. I am concerned about the truck traffic. I think there is some concern with safety. How do you respond to that in terms of not passing anybody, when we really are passing a lot of vehicles in terms of trucks?

Senator Laffen: If you are going 80 the number of people passing goes way down for everybody but semis, you are exactly right. The semi's are all governed out pretty much at 65. I think their companies find that they make better fuel mileage at that number. But they will stay in the right lane and there easy to pass doesn't seem to have a lot of problem.

(0.17.28) V. Chairman Bowman: stated that there were 4 accidents on the interstate when he went home last weekend. They were driving too fast for the conditions. He stated there were times when people passed that he did not feel safe on the road. He said if I am going to vote to increase the speed limit, I feel we need to increase the fine for speeding. I am not going to vote for it if we don't have an increase in fines.

Senator Laffen: We have changing and bad inclement days in driving out on our highways. You shouldn't be driving 80 MPH, 70 MPH or even 50MPH in some of those conditions. There is probably no fixing stupid in that case.

Senator Sorvaag: You talked we have to rebuilt the roads as they do it. We've had 55, 70, 75 since 29, what were they built to? We have problem curves.

Senator Laffen: Ron Henke is here from DOT. We will let him answer that one. I don't have a problem raising traffic fines and if you want to stick it on this bill, I would accept an amendment like that. There is another bill that's looking for a way to fund our radio system, the upgrade that we need to make in North Dakota and it adds a surcharge to traffic violations to help pay for that. It's in a separate bill. I always thought the speed limit fines should be in a separate bill and debated separately but if you want to put it in here and debate it, I have no problem with that.

V. Chairman Bowman: I always thought speed limits and speeding fines were kind of related.

Senator Mathern: What is the motivating factor that wants you to get between Grand Forks and Fargo in 3 minutes less, or whatever this would be? What's going on there? It seems to me there are more options people have to actually enjoy their cars. Interestingly, you noted the difference in your car compared to the Mustang. I've noticed that too. There are so many features in cars now, it is almost a nice reprieve for people to be in a car. You want people to be in the car less. Why do they need to get from this spot to this spot 3 or 4 minutes earlier?

Senator Laffen: If you drive 50,000 miles a year this is one hour a week difference. Those 3 minutes add up to a lot of time for somebody who travels a lot. I am one of them. I average about 60,000 miles a year and I get home to my family quicker and I get that hour every week and I get a week every year. That is a big deal. And I would rather not be wondering if I am going to get picked up for traveling the same speed that everyone is driving. I just don't know why we would ask our Highway Patrolmen to risk 50,000 roadside stops for something everybody is doing.

(0.24.018) Senator Hogue: You mentioned the fatalities went down in SD after the higher speed limit. Do you have from SD the information regarding decreased fatalities are as a result of increasing the speed?

Senator Laffen: I couldn't find it. It is not a dramatic difference. 80 MPH is probably not going to lower the fatalities. The point is they are not going up. I would suspect they are not going up because of the safety features of cars. My new suburban has radar sensing capability and it will not let me run into another car. It just locks up the brakes. That's a pretty fine safety feature in terms of fatalities. All of that stuff, that 75 or 77 Mustang you had a 50//50 chance of surviving a crash at 70 MPH. It took 210 feet to stop that car. And today's Mustang can stop at 150, has 16 air bags and a 5-star safety rating. Cars are so different today then they were back then. I think that is the biggest difference today. Rumble strips are fantastic. All of those things are helping. I looked at Utah's 80 MPH numbers trying to find, they actually had a slight bump in fatalities last year. None of them were on their interstate highways. It was almost all related to distracted driving on slower speed roads. They actually found that they don't have a lot of distracted driving accidents on their higher speed roads because traffic is all moving at the same speed. South Dakota went back and changed their speed from 80 to 75 along the road between Rapid City and the Nebraska border. They had too many curves, they were having some issues, and they just lowered it back down in that one little stretch.

Senator Dever: I appreciate your thought process. Do you think there would be stricter enforcement if the speed limit is 80 so that people are not driving 85?

Senator Laffen: I would expect that. And the Highway Patrol said they would enforce that.

Senator Wanzek: I am impressed you 've done your homework. I had to let everybody know that you have passed me too.

(0.30.37)Senator Grabinger: Our roads are not set up for 80 MPH, yet if we do this, we are allowing people to drive that, are we assuming some liability, knowing our roads aren't capable and we still went ahead with that?

Senator Laffen: I am not sure. I know the other states have done things the same way; they have just changed the signs and they upgrade to those standards as they rebuild sections of the road.

V. Chairman Krebsbach: When you and your boy scouts go out and change those signs, please save the 75 mile ones because they maybe can be used on 83 and 2.

Ron Henke, P.E. Deputy Director for Engineering, DOT: We are here to answer any questions you may have on the fiscal note that we put together or anything else that may come up on this bill.

Senator Sorvaag: What are the standards that the roads are built for?

Mr. Henke: We design for whatever that posted speed limit is. What we are designing for now is 75 MPH.

Senator Sorvaag: what was it originally built to?

Mr. Henke: I do not. I believe if I were to take a guess probably about 65 or 70 mph.

Senator Hogue: What's your explanation for the disparity in the fiscal notes?

Mr. Henke: We used our average bid prices that we get from contractors to do this. Material costs alone that we get on an average sign is $300.00 a sign. Our engineers looked at this, allowed some additional time for the installation of those signs, that is my guess how we got up to the $500.00 to make sure we covered what costs there would be. There are going to be some additional signs that are going to be required. The manuals that we use to design roadways only allow us to drop the speed limit by 20 MPH in any one time. So if you take Fargo, who is at 55, we would have to relocate signs and allow additional dropping so we go from 80 to probably 65 then 65 down to 55. That's why we have those 20 extra signs in there for those areas where we need to add another set of signs to drop that speed limit. Senator Laffen was correct in his dollar amount. That would be over time as we reconstruct roads, we would reconstruct to 80 MPH. What it impacts is there are vertical curves, a little softer not quite a big hill, if there is a sag curve we'd also have to address those; horizontal curves will be a little flatter. We Have a clear zone based off of speed and traffic, so if you drive Interstate 29 many of those median piers have no protection, where you see guardrails in front of those, 80 MPH will put those in that clear zone so when we reconstruct we'd have to add protection devices at those piers because now they are within that clear zone that we have. our guard rail is designed so that the errant vehicle doesn't hit the structure or fly off

and hit the hole that's by the bridge. Those would all get lengthened. So we allowed dollars for that. We also allowed some dollars for culverts, box culverts, round pipes, those all got to be extended those zones as we go about doing this. We took a stab at this, we counted our vertical and horizontal curves, we allowed funds per location. So it's the extra dirt work that's needed to flatten those out or soften the alignments a little bit.

(0.36.57) Senator Mathern: I noticed east of Fargo there is a lot of interstate in Minnesota that now has barriers between the east and west lanes and it goes for miles and miles. Is that becoming a new standard of actually When you note the barriers east of Fargo, there is a lot of barriers between west and east bound lanes. Is that the new standard?

Mr. Henke: Those are in place to prevent the vehicle from going off the one way into the oncoming traffic in the other lane. We believe our medians are wider than Minnesota so we have not done this.

V. Chairman Krebsbach: We will now close the hearing on 2057.

2017 SENATE STANDING COMMITTEE MINUTES

Appropriations Committee
Harvest Room, State Capitol

SB 2057
2/10/2017
JOB # 28231

☐ Subcommittee
☐ Conference Committee

Committee Clerk Signature Alice Delzer

Explanation or reason for introduction of bill/resolution:

A DO NOT PASS AS AMENDED regarding speed limits on interstate highways.

Minutes: 1.Proposed Amendment # 17.0321.01001

Chairman Holmberg: called the Committee to order on SB 2057 at 11:00 in the Harvest Room. All committee members were present except Senator Wanzek. Becky Deichert, OMB and Alex Cronquist, Legislative Council were also present.

V. Chairman Bowman: explained the amendment and his reasoning on increasing the fines for speeding.
V. Chairman Bowman moved the amendment. 2nd by V. Chairman Krebsbach.

The committee discussed the amount of fines, and it was stated it applies to all highways. There were questions regarding speeding in the cities, like Fargo.

Alex Cronquist, Legislative Council: Looking at what was done this would apply on a highway where the speed limit is in excess of 55 MPH.

Senator Hogue: I have a policy question, would you have brought the amendments forward if we didn't have the bill?

V. Chairman Bowman: It is something I have thought about for quite a while. After talking to HP one of the reasons the fines are so low, no one pays attention to it. The person who proposed the bill said he didn't mind the fine increase. It's up to you.

Senator Gary Lee: made comments regarding where the fine money goes and stated he wasn't sure that we needed to add to that fund. He is aware that it goes back to the schools.

V. Chairman Krebsbach: This addresses only the fines. Not the points. She was told that is correct.

Chairman Holmberg: Call the roll on the Amendment. **A Roll Call vote was taken on Amendment # 17.0321.01001. Yea: 11. Nay: 2; Absent: 1.**

Chairman Holmberg: we have to talk to senator Laffen .

Senator Hogue: stated he does not support the bill, stating he thinks driving 83 is too fast. Most people drive where they feel safe. I think it is unsafe. I think the amendment makes it worse.

Senator Gary Lee: stated he doesn't support the bill either even though newer cars have safety features. But a lot of cars don't have those things and it seems the one in violation is the one who walks away. 80 is the new 75 and 85 will be the 80.

V. Chairman Bowman: moved a Do Pass as Amended. 2nd by V. Chairman Krebsbach.

Chairman Holmberg: Call the roll on a Do Pass as Amended. **A Roll Call vote was taken. Yea: 5; Nay: 8; Absent: 1.** It failed.

Senator Erbele moved a Do Not Pass as Amended. 2nd by Senator Gary Lee.

Chairman Holmberg: we have a motion for a do not pass as amended. **Call the roll on a Do Not Pass as Amended.**

A Roll Call vote was taken. Yea: 8; Nay: 5; Absent: 1. Senator Oehlke will carry the bill. The hearing was closed on SB 2057.

Chairman Holmberg: told the committee we have passed out a little over 1/3 of the budget bills. We will meet at 9:00 on Monday morning.

CK
2/10/17

17.0321.01001
Title.02000

Prepared by the Legislative Council staff for
Senator Bowman
February 3, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 1, line 1, after "reenact" insert "section 39-06.1-06 and"

Page 1, line 2, after "to" insert "statutory fees and"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 10 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:

   a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.

   b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.

   c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

   d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one hundred dollars.

   e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

   f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.

   g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.

   h. A violation of section 39-10-59, a fee of one hundred dollars.

   i. A violation of section 39-09-01, a fee of thirty dollars.

   j. A violation of section 39-09-01.1, a fee of thirty dollars.

   k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

4. Except as provided in ~~subsections 5 and 7~~subsection 6, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	$ 5
6 - 10	$ 5 plus $1/each mph over 5 mph over limit
11 - 15	$ 10 plus $1/each mph over 10 mph over limit
16 - 20	$ 15 plus $2/each mph over 15 mph over limit
21 - 25	$ 25 plus $3/each mph over 20 mph over limit
26 - 35	$ 40 plus $3/each mph over 25 mph over limit
36 - 45	$ 70 plus $3/each mph over 35 mph over limit
46 +	$100 plus $5/each mph over 45 mph over limit

5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

~~Miles per hour over lawful speed limit~~	~~Fee~~
~~1 - 10~~	~~$2/each mph over limit~~
~~11 +~~	~~$20 plus $5/each mph over 10 mph over limit~~

~~6.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;

c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle

that has been placed out of service prior to its repair, five hundred dollars; and

d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7.~~6. On a highway on which the speed limit is posted in excess of ~~sixty-five~~fifty-five miles ~~[104.61 kilometers]~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of ~~five~~fifty dollars plus ten dollars for each mile per hour over the limit.

~~8.~~7. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the statutory fees related to exceeding the speed limit.

Date: 2-10-17
Roll Call Vote #: 1

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2057

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: 17.0321.01001

Recommendation: ☒ Adopt Amendment
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☐ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Bowman Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern	✓	
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	A				
Senator Kilzer	✓				
Senator Lee		✓			
Senator Dever	✓				
Senator Sorvaag	✓				
Senator Oehlke	✓				
Senator Hogue		✓			

Total (Yes) 11 No 2

Absent 1

Floor Assignment _____

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

Date: 2-10-17
Roll Call Vote #: 2

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2057

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description: _____

Recommendation: ☐ Adopt Amendment
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ _____

Motion Made By Bowman Seconded By Krebsbach

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓		Senator Mathern		✓
Vice Chair Krebsbach	✓		Senator Grabinger	✓	
Vice Chair Bowman	✓		Senator Robinson		✓
Senator Erbele		✓			
Senator Wanzek	A				
Senator Kilzer		✓			
Senator Lee		✓			
Senator Dever		✓			
Senator Sorvaag	✓				
Senator Oehlke		✓			
Senator Hogue		✓			

Total (Yes) 5 No 8

Absent 1

Floor Assignment _____

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

failed

Date: 2-10-17
Roll Call Vote #: 3

2017 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 2057

Senate Appropriations Committee

☐ Subcommittee

Amendment LC# or Description:

Recommendation: ☐ Adopt Amendment
☐ Do Pass ☒ Do Not Pass ☐ Without Committee Recommendation
☒ As Amended ☐ Rerefer to Appropriations
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐

Motion Made By Erbele Seconded By G. Lee

Senators	Yes	No	Senators	Yes	No
Chairman Holmberg	✓	✓	Senator Mathern	✓	
Vice Chair Krebsbach	✓	✓	Senator Grabinger	✓	✓
Vice Chair Bowman	✓	✓	Senator Robinson	✓	
Senator Erbele	✓				
Senator Wanzek	A				
Senator Kilzer	✓				
Senator Lee	✓				
Senator Dever	✓				
Senator Sorvaag	✓	✓			
Senator Oehlke	✓				
Senator Hogue	✓				

Total (Yes) 8 No 5

Absent 1

Floor Assignment Oehlke

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

REPORT OF STANDING COMMITTEE

SB 2057: Appropriations Committee (Sen. Holmberg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 39-06.1-06 and"

Page 1, line 2, after "to" insert "statutory fees and"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 10 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:

   a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.

   b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.

   c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

   d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one hundred dollars.

   e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

   f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.

   g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.

   h. A violation of section 39-10-59, a fee of one hundred dollars.

   i. A violation of section 39-09-01, a fee of thirty dollars.

   j. A violation of section 39-09-01.1, a fee of thirty dollars.

   k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

   l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

4. Except as provided in ~~subsections 5 and 7~~subsection 6, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	$ 5
6 - 10	$ 5 plus $1/each mph over 5 mph over limit
11 - 15	$ 10 plus $1/each mph over 10 mph over limit
16 - 20	$ 15 plus $2/each mph over 15 mph over limit
21 - 25	$ 25 plus $3/each mph over 20 mph over limit
26 - 35	$ 40 plus $3/each mph over 25 mph over limit
36 - 45	$ 70 plus $3/each mph over 35 mph over limit
46 +	$100 plus $5/each mph over 45 mph over limit

5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

~~Miles per hour over lawful speed limit~~	~~Fee~~
~~1 - 10~~	~~$2/each mph over limit~~
~~11 +~~	~~$20 plus $5/each mph over 10 mph over limit~~

~~6.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;

c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle that has been placed out of service prior to its repair, five hundred dollars; and

d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7.~~6. On a highway on which the speed limit is posted in excess of ~~sixty-five~~fifty-five miles ~~[104.61 kilometers]~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of ~~five~~fifty dollars plus ten dollars for each mile per hour over the limit.

~~8.~~7. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

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

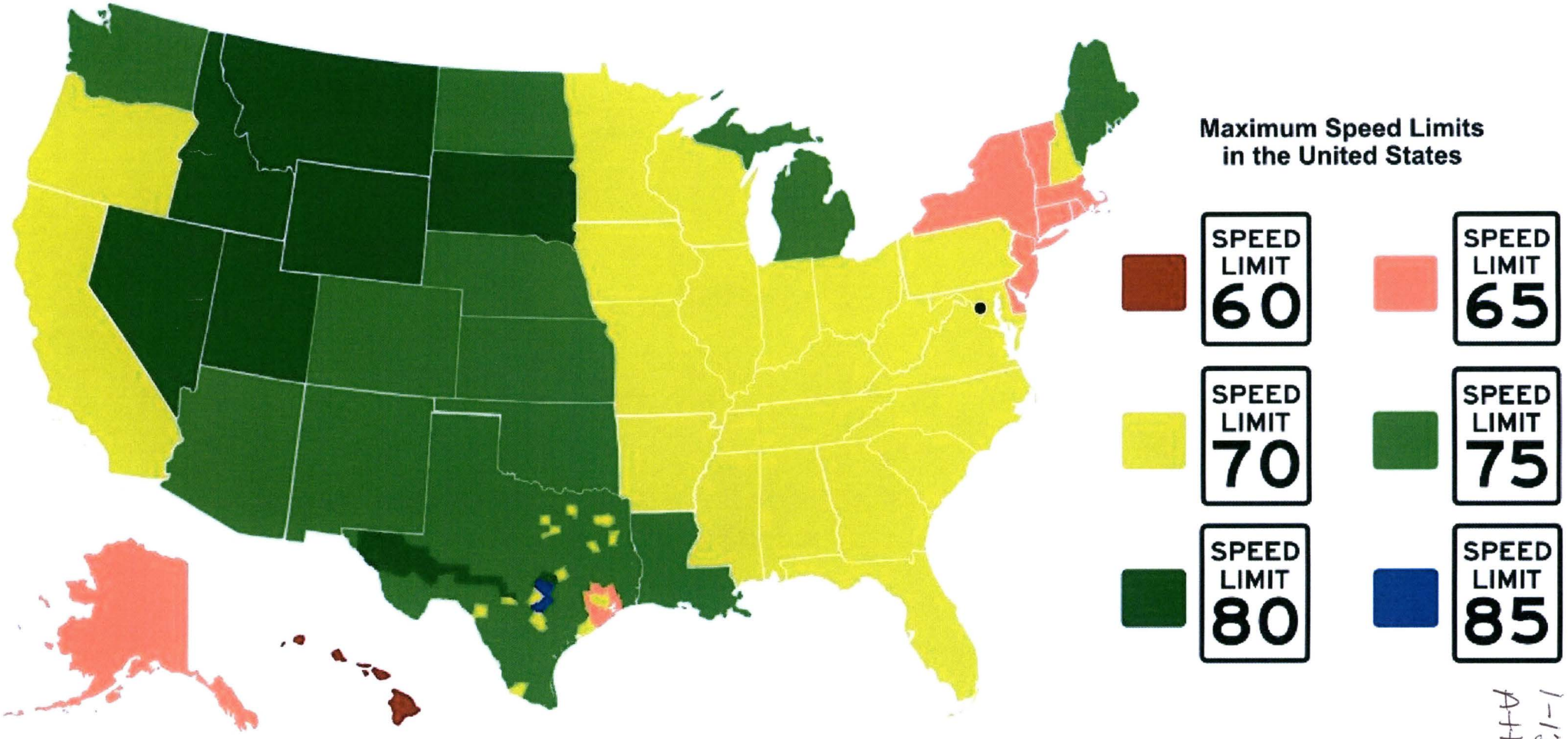
Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the statutory fees related to exceeding the speed limit.

2017 TESTIMONY

SB 2057



1-12-17 SB 2057
Attachment # 1
pg. 1

Mr. Chairman and members of the hardest working Committee in the ND Senate, my name is Lonnie Laffen and I represent District 43, the SW quarter of Grand Forks.

I am here to introduce the shortest bill of the session – it changes one number.

This bill would raise the speed limit from 75 MPH to 80 MPH on two roads and two roads only I-94 & I-29. It will continue to allow the cities located along these corridors to control the speed as they pass through their communities.

Six other states already have 80 MPH state-wide and are all contiguous to each other (as we would be to them) - SD/MT/WY/ID/UT & NV. (hand out the map). Texas has some selected highways at 80 and some at 85 MPH.

Mr. Chairman - There are two reasons to make this change:

1. Improve the efficiency of travel - giving the gift of time to ND residents.
2. Allow our ND Highway Patrol to spend less time ticketing people for what is already our normal operating speed on these two roads.

Let's look at each of these:

1. **Time:** Some people have asked what difference this would really make in travel time. Let me give you an idea. If you drive 50,000 miles per year (and a lot of people do) – this amounts to a savings of one hour a week or an entire week per year. Imagine getting back an hour a week – every week, and bonus, not having to be on the highway. For people who drive daily - this would be an incredible gift. If there are more ways to save an hour a week - sign me up.

2. **Cost:** I started looking at the statistics of those states that have made this change. Let's take SD as an example. Before the change - SD averaged 2,800 speeding violations per month. After the change - that number dropped to 20 per month. At an average of $50 per ticket – that is a reduction from $1.68M in fines to $12K. SD residents are now saving $1.67M per year. And for your information - we issued 4,400 tickets in North Dakota in 2016 - half again more than South Dakota did prior to their 80 MPH change. Mr.

Chairman - I could not have any more respect for our ND Highway Patrol and I am not being critical of their enforcement of the law established by this body. I just think it's a bad idea to ask them to risk their lives writing tickets for what is the normal operating speed on these two roads, and I would prefer to keep a million dollars in the pockets of our citizens.

Mr. Chairman, I have four offices located on I-29 – two in ND and two in SD. I travel I-29 **a lot**. If you were a passenger in my car, fell asleep and then woke to not know which state you were travelling in – you would never be able to tell the difference. The scenery is the same, the cars are the same, the Norwegians are the same, and yes – the cars are travelling the same speed. There is zero difference. There are no more people driving over 80 in SD than in ND. In fact, a study in Utah following their increase to 80 MPH found a 20% **reduction** in the number of people driving more than 80 MPH. That study showed that in some places the average speed increased by 2 mph and in another area it went down by 2 mph. The overall affect was no change in the **average** speed. Utah is now looking at increases in their rural roads.

The arguments against doing this are going to be cost and safety. So let's look at these two issues:

1. **Cost:** As I spoke earlier - I believe cost is one of the reasons to make this change. There is no doubt that the taxpayers of North Dakota will see some additional expense to make this happen and I expect NDDOT will give us that number. I don't know what that number is but I will guess that the money our taxpayers will save in fewer violations will more than compensate for the increase in executing this change.

2. **Safety:** People are going to say that this change will be unsafe. It would be great if we could just look at statistics and prove one way or the other considering seven states already have 80 MPH. Almost all states in our nation have seen an increase in traffic accidents in the past year due to a substantial increase in miles driven, due to lower fuel prices. In Utah - highways deaths have increased this year, but the Utah DOT has said higher speed limits are not to blame. Only a handful of fatalities occurred on highways with speed limits of 80 MPH. The Utah DOT has blamed the increase almost solely to

distracted driving on slower speed roads. Montana has seen an increase but blames more snow and a diminishing lack of seat belt use to most of their increase. South Dakota, probably our best case study, has seen a decrease in fatalities since 80 MPH was implemented there.

Mr. Chairman: The Federal Highway Administration, the National Cooperative Highway Research Program and the Institute of Transportation Engineers all recommend the 85% rule to determine speed limits. That rule states that if more than 85% of regular traffic drives above the **posted** speed limit then steps should be to taken to raise the limit. Over the past two weekends I have to Grand Forks & back - 1,000 miles on these two highways (my own personal experiment - and yes, the roads were perfect). I rarely passed anyone. More vehicles passed me. The speed at which traffic is moving is known as the **"prevailing speed"** and on I-94 and I-29 the prevailing speed is already 80 MPH. People do not drive at the speed limit – people drive at the speed they feel safe.

Why does this 85% rule work? Raising the limit causes the slower traffic to move up to the prevailing speed and brings a more uniform flow of traffic.

People will argue that everyone will just go ahead and drive 85 mph, but that's just an easy potshot to make and the SD violation statistics prove this just hasn't happened.

Raising the speed limit also brings additional benefits.

a. It improves relations with law enforcement. Rather than having to reflexively brake when seeing a patrol car, or worrying about selective enforcement of speed laws when everybody is traveling over the speed limit, rational speed limits mean that average drivers can simply go about their business. No one should have to worry about being pulled over for driving in a safe manner.
b. And finally, it improves respect for the law. Speeding should be seen as a serious matter, not a routine offense most of us commit every day.

Mr. Chairman: 80 MPH is not going to be the answer for every state. But ND is not one of them. This bill does not increase speed limits on heavily used oil country roads as a similar bill on the house side does.

Consider this: When congress enacted a national 55 mph speed limit - a 1975 V8 Mustang needed 215 feet to go from 70 to zero, made 14 miles per gallon, and you had a 50/50 chance of surviving a crash at that speed. Today's V8 Mustang has dual front, rear, side and head airbags, four-wheel anti-lock brakes, a five-star safety rating from the National Highway Traffic Safety Administration, makes 25 miles per gallon and can stop in one third less distance. What a difference 40 years has made.

Mr. Chairman: This change is not going to raise our prevailing speed and it's not going to change our traffic accident statistics. All it will do is save ND citizens time and money. And for the Highway Patrol - it will also eliminate more than 100,000 dangerous roadside stops.

Hope the Senate Transportation Committee will agree with this idea and give this bill a do-pass recommendation.

Thank You.

ND speeding violations.
2012: 58,496
2013: 54,705
2014: 56,723
2015: 55,913
2016: 52,892

1-12-17 S.B. 2057
Attachment # 3 pg. 1

SENATE TRANSPORTATION COMMITTEE
January 12, 2017 – 9:30 a.m. – Lewis and Clark Room

North Dakota Department of Transportation
Ron Henke, P.E., Deputy Director for Engineering

SB 2057

Good morning Mr. Chairman and members of the committee. I'm Ron Henke, Deputy Director for Engineering for the North Dakota Department of Transportation (DOT). I'm here today to provide some information on how this bill would impact Interstate projects and what we found in research.

The proposed bill, as we understand it, would change the posted speed limit on the Interstate from 75 mph to 80 mph. As we design roadways there are many factors that are taken into account and speed is one of those. The Department of Transportation follows national design standards when reconstructing the Interstate and many of the features that are incorporated into roadway projects are impacted by the posted speed limit.

We thought it would be important to share with you what we believe are the fiscal impacts associated with the change in speed limit.

- There would be an immediate investment of approximately $155,000 needed to change the speed limit signs.
- We also believe we would see a biennial increase of $3,550,000 in cost to Interstate projects. This is based on the projects that we have scheduled for construction in 2018 and 2019, a two-year period.
- The third number we have included in the fiscal note is a long term investment cost to bring the entire Interstate systems (I-94 and I-29) up to an 80 mph design speed, $326,780,000, in today's dollars.

We also want to share that our research did not find any publication that specifically evaluates the impact to crashes for the states that have increased Interstate speeds. However, we did find that the Insurance Institute on Highway Safety Study in April 2016 - reported that a 5 mph increase in speed limit is associated with an 8 percent increase in fatality rates on Interstate.

This concludes my testimony and I am available to answer questions the committee may have. Thank You.

North Dakota
Department of Transportation

Grant Levi, P.E.
Director

Doug Burgum
Governor

January 18, 2017

The Honorable Lonnie Laffen, Chair
Senate Transportation Committee
Senate Chamber
600 East Boulevard Avenue
Bismarck, ND 58505

ADDITIONAL INFORMATION REQUESTED – SB 2057

At the hearing on Thursday, January 12, a request was made to provide details on how the fiscal note was prepared and to also provide information on how South Dakota was going about the changes to their Interstate system since theirs is signed for 80 mph.

We were able to get in touch with South Dakota DOT and from what we have gathered, their approach to the design features of the Interstate system related to the increase in speed limit is the same as we are proposing to approach in North Dakota. If the proposed bill is passed, the speed limit signs will need to be replaced. The NDDOT would update its design criteria in the NDDOT Design Guideline Manual to include 80 mph design values according to the AASHTO Green Book. As projects are programmed to reconstruct or make improvements to the Interstate system, the 80 mph design criteria will be used to upgrade those features as needed.

A detail sheet showing the features that would need to be reviewed and upgraded to meet the 80 mph design speed is enclosed. This enclosure only reflects what we believe to be the cost to go from 75 mph design to 80 mph design.

If you need any additional information, please contact my office at 328-2584.

RON HENKE, P.E., DEPUTY DIRECTOR FOR ENGINEERING

01/rh/lmm
Enclosure

Costs to Implement 80 MPH Interstate Speed Limit

Speed Limit Signs					
	Number of Speed Limit Signs to Replace	Number of New Speed Limit Signs Needed	Estimated Cost to Replace Signs	Estimated Cost to Install a New Sign	Total Cost
Interstate 29	70	20	$500	$3,500	$105,000
Interstate 94	100	0	$500	$3,500	$50,000
Curve/Advisory Signing					
	Number of Curve/Advisory Signs to Install	Number of Chevrons to Install	Estimated Cost Per Curve/ Adivsory Sign	Estimated Cost Per Chevron	Total Cost
Interstate 29	275	10	$2,000	$1,600	$550,000
Interstate 94	350	375	$2,000	$1,600	$700,000
Vertical Curvature					
	Total Number of Vertical Curves	Number of Vertical Curves Below 80 mph Standards	Length of Substandard Vertical Curves (Miles)	Estimated Cost Per Mile for Reconstruction	Total Cost
Interstate 29	952	75	12.4	$2,400,000	$29,700,000
Interstate 94	1926	600	93.3	$2,400,000	$223,800,000
Structures					
	Number of Structures On Substandard Vertical Curves		Estimated Cost Per Structure		Total Cost
Interstate 29	1		$3,000,000		$3,000,000
Interstate 94	4		$3,000,000		$12,000,000
Horizontal Curvature					
	Total Number of Horizontal Curves	Number of Horizontal Curves Below 80 mph Standards	Length of Substandard Horizontal Curves (Miles)	Estimated Cost Per Mile for Reconstruction	Total Cost
Interstate 29	256	2	0.2	$2,400,000	$480,000
Interstate 94	382	25	12.8	$2,400,000	$30,600,000

Guardrail			
	Number of Guardrail Locations That Don't Meet 80 mph Standards	Estimated Cost Per Location	Total Cost
Interstate 29	275	$10,000	$2,750,000
Interstate 94	350	$10,000	$3,500,000
Bridge Pier Protection			
	Number Of Bridge Piers to Protect	Estimated Cost Per Location	Total Cost
Interstate 29	85	$135,000	$11,340,000
Interstate 94	1	$135,000	$135,000
Drainage Structures (RCB & SPP)			
	Total Number of Structures	Number of Structures that Don't Meet 80 mph Clearzone	Total Cost
Interstate 29	37	30	$4,100,000
Interstate 94	49	15	$2,410,000
Loop Ramp Acceleration & Deceleration Lanes			
	Number of Loop Ramp Acceleration & Deceleration Lanes That Don't Meet 80 mph Standards	Estimated Cost Per Lane	Total Cost
Interstate 29	1	$260,000	$260,000
Interstate 94	5	$260,000	$1,300,000
		Interstate 29 Subtotal	$52,285,000
		Interstate 94 Subtotal	$274,495,000
		Total	**$ 326,780,000**

1.25.2017

2-3-17 SB2057 #1
p1

TO: North Dakota Senate Appropriations Committee
Senator Ray Holmberg, Chairman

RE: SB2057

FROM: Senator Lonnie J. Laffen, District 43

Mr. Chairman & members of the Senate Appropriations Committee:

This is the shortest bill of the session – it changes one number. It raises the speed limit from 75 MPH to 80 MPH on two roads and two roads only I-94 & I-29. It will continue to allow the cities located along these corridors to control the speed as they pass through their communities.

Six other states already have 80 MPH state-wide and are all contiguous to each other (as we would be to them) - SD/MT/WY/ID/UT & NV. Texas has some selected highways at 80 and some at 85 MPH.

Mr. Chairman: I have four offices located on I-29 – two in ND and two in SD. I travel I-29 a lot. If you were a passenger in my car, fell asleep and then woke to not know which state you were travelling in – you would never be able to tell the difference. The scenery is the same, the cars are the same, the Norwegians are the same, and yes – the cars are travelling the same speed. The only difference on these two roads is that one says 75 and one says 80. There are no more people driving over 80 in SD than in ND.

Mr. Chairman: The Federal Highway Administration, recommends the 85% rule to determine speed limits. That rule states that if more than 85% of regular traffic drives above the **posted** speed limit then steps should be to taken to raise the limit. Over the past month I have travelled 2,500 miles on these two roads. All at 80 MPH. I rarely pass or get passed. The speed at which traffic is moving is known as the **"prevailing speed"** and on I-94 and I-29 the prevailing speed in both ND & SD is 80 MPH. People do not drive the speed limit – people drive at the speed they feel the safest.

Why does this 85% rule work? According to the Highway Administration - raising the speed limit causes slower traffic to move up to the prevailing speed and brings a more uniform flow of traffic.

People will argue that everyone will just go ahead and drive 85 mph, but that's just an easy potshot to make and the SD violation statistics prove this isn't happening. Before the 80 MPH change SD averaged 2,800 speeding violations per month. After the change - that

number has dropped to 20 per month. If they were driving 85 - they would be issuing more than 20 tickets a month. And if you have been there - you will know it isn't happening. At an average of $50 per ticket SD residents are now saving $1.67M per year. #1 p2

So let's get to the fiscal note - it has two parts:

1. The second part suggested that it would cost $326.8M to reconstruct the two highways to support 80 MPH. We asked what this really meant and we were told that the lions share was to change curves and shave the tops off of hills. We specifically asked how many of those hills were on I29 and was told there were 952 on I29. Mr. Chairman we had a good laugh in committee as the only thing that obstructs your view on I29 is the curvature of the earth. We asked NDDOT if they could check with SD to see what changes SD made and they came back with this letter. *Handout*. The letter states that SD made no changes and implements the new design standard as road sections are rebuilt. The letter states that ND would do the same. I have since checked with MT and they also did nothing but change their current signs.

2. The first part of the fiscal note is changing the signs - a cost projected at $155,000. Mr. Chairman - I'm not sure how you approach fiscal notes here but I was a skeptic - so I ran my own numbers. *Hand out.*

The Grand Forks Herald stated this:

We accept that it will cost $155,000 to change signs, but we find the latter figure difficult to believe. We can't imagine those six other states committed to these changes knowing those other costs. Simply put: On rural North Dakota interstates, there isn't much to slow us down. Likewise, the 80 MPH bill shouldn't be slowed down, either.

Mr. Chairman: People are going to say that this change will be unsafe but the statistics show that does not happen. SD's fatalities have gone down every year since 80 MPH - just like the Highway Administration suggested would happen. And keep in mind that all states have seen a massive increase in highway miles being driven, due to substantially lower fuel prices. Our multi-lane controlled access highways are the safest we have - only 8% of our ND's accidents happen on I29 / I94.

For the Highway Patrol - it will likely eliminate more than 30,000 dangerous roadside stops. And in case you are wondering - that is 7 Highway Patrol FTE's that we could certainly use for something better.

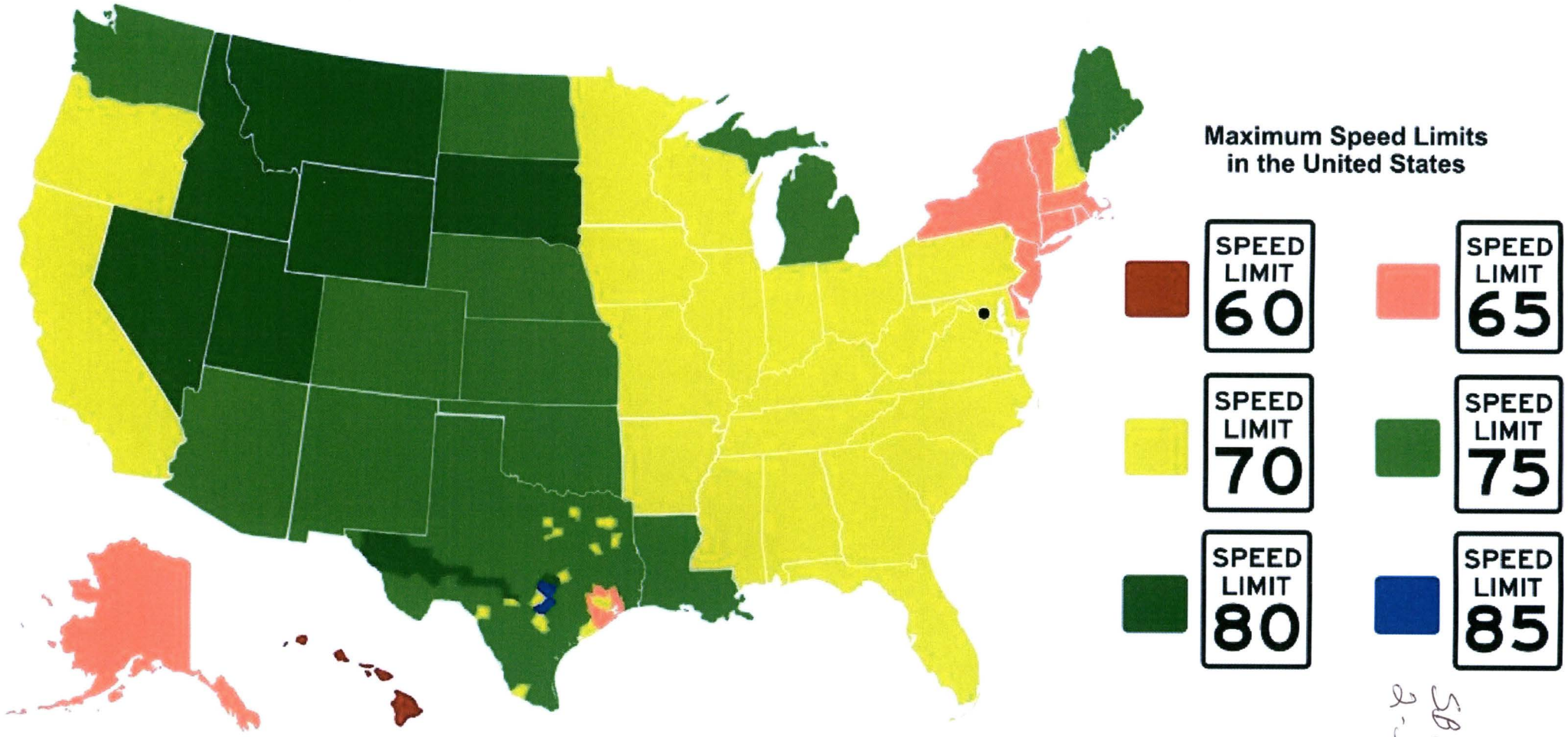
Mr. Chairman - It will also improve relations with our law enforcement. Rather than having to reflexively brake when seeing a patrol car, or worrying about selective

enforcement of speed laws when everybody is traveling over the speed limit, rational speed limits mean that average drivers can simply go about their business. No one should have to worry about being pulled over for driving in a safe manner. It will improve respect for the law. Speeding should be seen as a serious matter, not a routine offense most of us commit every day. #1 p3

Mr. Chairman: 80 MPH is not going to be the answer for every state. But ND is not one of them. The Transportation Committee gave this bill a 5-1 Do-Pass. There was no testimony in opposition.

I hope the Appropriations Committee will agree with this idea and give this bill a do-pass recommendation.

Thank You.



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p1

OPTION 1

MPH Signs: 170 signs @ $60 ea. = $10,200
- *$60 per sign per NDDOT from House testimony*
- *70 signs going east & north*
- *76 signs going west & south*

Install Parts: 170 @ $6.00 = $1,020 *(assuming you need 6 new bolts)*

Install Labor : 2 men @ $30 per hour x 1 hour x 170 signs = $10,200
- *From house testimony the NDDOT will use their own staff with no OT*

Travel Labor: 2 men x $30 per hour x 15.24 hours (*1,143 miles @ 75MPh*) = $914

Mileage: 1,143 miles x $0.535 = $611

TOTAL: $22,945

OPTION 2 - ASSUMES 80 MPH

MPH Signs: 170 signs @ $60 ea. = $10,200

Install Parts: 170 @ $6.00 = $1,020

Install Labor : 2 men @ $30 per hour x 1 hour x 170 signs = $10,200

Travel Labor: 2 men x $30 per hour x 14.2 hours (*1,143 miles @ 80MPh*) = $852

Mileage: 1,143 miles x $0.535 = $611

TOTAL: $22,883

OPTION 3 - ASSUMES WE HAVE ALREADY PAID FOR OUR NDDOT MAINTENANCE STAFF

MPH Signs: 170 signs @ $60 ea. = $10,200

Install Parts: 170 @ $6.00 = $1,020

Mileage: 1,143 miles x $0.535 = $611

TOTAL: $11,831

OPTION 1 - BOY SCOUT OPTION

TOTAL: $25,000

Beach, North Dakota

Fargo, North Dakota

Dakota Magic Casino, 16849 102nd St

Pembina, North Dakota

Fargo, North Dakota

Beach, North Dakota

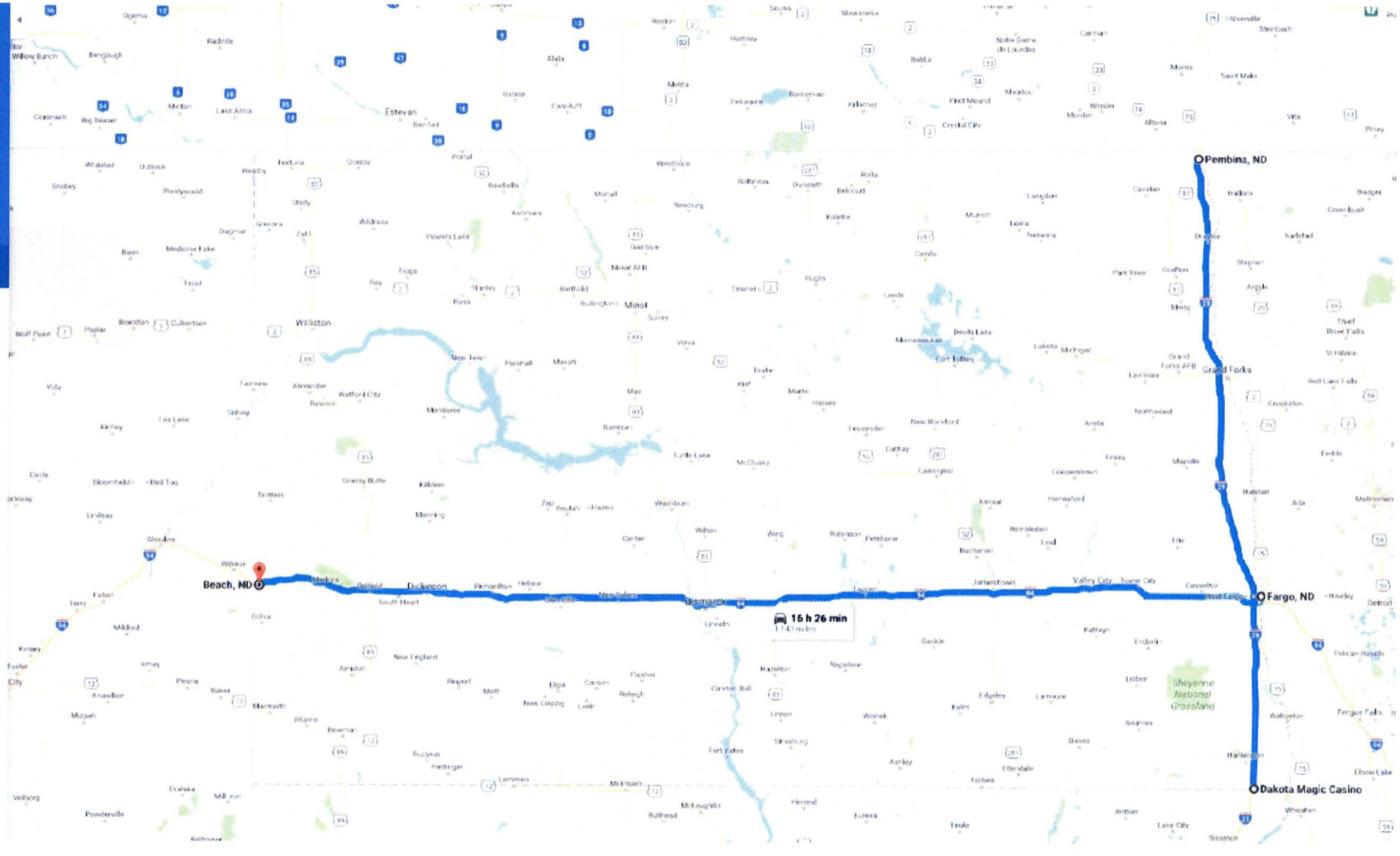
OPTIONS

Send directions to your phone

via I-94 E — 16 h 26 min

16 h 26 min without traffic — 1143 miles

DETAILS



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2-3-17 SB2057

North Dakota Department of Transportation

Grant Levi, P.E.
Director

Doug Burgum
Governor

#4
P1

January 18, 2017

The Honorable Lonnie Laffen, Chair
Senate Transportation Committee
Senate Chamber
600 East Boulevard Avenue
Bismarck, ND 58505

ADDITIONAL INFORMATION REQUESTED – SB 2057

At the hearing on Thursday, January 12, a request was made to provide details on how the fiscal note was prepared and to also provide information on how South Dakota was going about the changes to their Interstate system since theirs is signed for 80 mph.

We were able to get in touch with South Dakota DOT and from what we have gathered, their approach to the design features of the Interstate system related to the increase in speed limit is the same as we are proposing to approach in North Dakota. If the proposed bill is passed, the speed limit signs will need to be replaced. The NDDOT would update its design criteria in the NDDOT Design Guideline Manual to include 80 mph design values according to the AASHTO Green Book. As projects are programmed to reconstruct or make improvements to the Interstate system, the 80 mph design criteria will be used to upgrade those features as needed.

A detail sheet showing the features that would need to be reviewed and upgraded to meet the 80 mph design speed is enclosed. This enclosure only reflects what we believe to be the cost to go from 75 mph design to 80 mph design.

If you need any additional information, please contact my office at 328-2584.

RON HENKE, P.E., DEPUTY DIRECTOR FOR ENGINEERING

01/rh/lmm
Enclosure

#4 p2

Costs to Implement 80 MPH Interstate Speed Limit

Speed Limit Signs					
	Number of Speed Limit Signs to Replace	Number of New Speed Limit Signs Needed	Estimated Cost to Replace Signs	Estimated Cost to Install a New Sign	Total Cost
Interstate 29	70	20	$500	$3,500	$105,000
Interstate 94	100	0	$500	$3,500	$50,000
Curve/Advisory Signing					
	Number of Curve/Advisory Signs to Install	Number of Chevrons to Install	Estimated Cost Per Curve/ Adivsory Sign	Estimated Cost Per Chevron	Total Cost
Interstate 29	275	10	$2,000	$1,600	$550,000
Interstate 94	350	375	$2,000	$1,600	$700,000
Vertical Curvature					
	Total Number of Vertical Curves	Number of Vertical Curves Below 80 mph Standards	Length of Substandard Vertical Curves (Miles)	Estimated Cost Per Mile for Reconstruction	Total Cost
Interstate 29	952	75	12.4	$2,400,000	$29,700,000
Interstate 94	1926	600	93.3	$2,400,000	$223,800,000
Structures					
	Number of Structures On Substandard Vertical Curves		Estimated Cost Per Structure		Total Cost
Interstate 29	1		$3,000,000		$3,000,000
Interstate 94	4		$3,000,000		$12,000,000
Horizontal Curvature					
	Total Number of Horizontal Curves	Number of Horizontal Curves Below 80 mph Standards	Length of Substandard Horizontal Curves (Miles)	Estimated Cost Per Mile for Reconstruction	Total Cost
Interstate 29	256	2	0.2	$2,400,000	$480,000
Interstate 94	382	25	12.8	$2,400,000	$30,600,000

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p3

Guardrail			
	Number of Guardrail Locations That Don't Meet 80 mph Standards	Estimated Cost Per Location	Total Cost
Interstate 29	275	$10,000	$2,750,000
Interstate 94	350	$10,000	$3,500,000
Bridge Pier Protection			
	Number Of Bridge Piers to Protect	Estimated Cost Per Location	Total Cost
Interstate 29	85	$135,000	$11,340,000
Interstate 94	1	$135,000	$135,000
Drainage Structures (RCB & SPP)			
	Total Number of Structures	Number of Structures that Don't Meet 80 mph Clearzone	Total Cost
Interstate 29	37	30	$4,100,000
Interstate 94	49	15	$2,410,000
Loop Ramp Acceleration & Deceleration Lanes			
	Number of Loop Ramp Acceleration & Deceleration Lanes That Don't Meet 80 mph Standards	Estimated Cost Per Lane	Total Cost
Interstate 29	1	$260,000	$260,000
Interstate 94	5	$260,000	$1,300,000
		Interstate 29 Subtotal	$52,285,000
		Interstate 94 Subtotal	$274,495,000
		Total	**$ 326,780,000**

SB 2057 2-3-17 #5 p1

Our opinion: Interstates safe enough for 80 mph limit

By Korrie Wenzel on Jan 18, 2017 at 11:16 a.m.

our OPINION

Safety concerns are a natural reaction to speed limit increases. Common sense tells us the higher the speed limit, the more likely a fatal accident could result.

Statistically speaking, that's probably true in all cases. But it isn't necessarily automatic.

For instance, South Dakota in 2015 raised its interstate speed limits to 80 miles per hour and, in 2016, had 115 traffic fatalities statewide. It was the lowest tally in that state since 2011.

That's why the proposal to raise interstate speed limits in North Dakota shouldn't solely hinge on concerns about supposed safety.

State Sen. Lonnie Laffen, R-Grand Forks, has introduced a bill that would raise the North Dakota speed limit on Interstate 94 and I-29 to 80 mph, or 5 mph faster than current speed limits. Cities along the routes could still control the speed limits within their boundaries.

Laffen says increasing the speed limit will help drivers save money in the form of fewer speeding tickets. Also, people who regularly drive the interstate system could save hours over the year with the new speed limit, he said. For the latter, Laffen said a new speed limit "would be an incredible gift."

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This Week's Circulars

#5 P2

Although we don't mind the idea, it's not for Laffen's reasons. We're not interested in giving such gifts — especially money saved through speeding tickets — to motorists, but we do shrug and concede that 80 mph isn't out of the ordinary for our remote stretches of interstate.

If approved, North Dakota will be the seventh state to enact 80 mph limits on its interstates. The others are South Dakota, Wyoming, Montana, Idaho, Nevada and Utah. A portion of Texas highway also is at 80 mph, but it's not a statewide speed limit.

All of those states have something in common — remote, isolated stretches of interstate with hardly a sharp curve to distract a driver. Sounds a lot like North Dakota.

As South Dakota showed in 2016, traffic fatalities don't necessarily shoot upward with the increased speed. On most stretches of interstate in the Dakotas, many drivers already have cruised along about 5 mph faster than the posted limits, anyway.

And in South Dakota, we have noticed many choose not to drive much past 75 or 80. Everyone has their own comfort level.

Cars are safer today. Roads are, too.

If the new limit is approved in North Dakota, we hope the Highway Patrol will not be lenient with those who drive faster than 80.

The move would come with some costs. Ronald Henke, deputy director for engineering at the North Dakota Department of Transportation, said in a committee hearing last week it will cost $155,000 to change speed limit signs along the interstates. He also said it eventually will cost an estimated $326 million to lengthen interchange ramps, acceleration lanes, guardrails and other infrastructure changes.

We accept that it will cost $155,000 to change signs, but we find the latter figure difficult to believe. We can't imagine those six other states committed to these changes knowing those other costs.

Simply put: On rural North Dakota interstates, there isn't much to slow us down.

Likewise, Laffen's bill shouldn't be slowed down, either.

Korrie Wenzel for the Herald

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2-10-17 SB 2057

17.0321.01001
Title.

Prepared by the Legislative Council staff for
Senator Bowman
February 3, 2017

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PROPOSED AMENDMENTS TO SENATE BILL NO. 2057

Page 1, line 1, after "reenact" insert "section 39-06.1-06 and"

Page 1, line 2, after "to" insert "statutory fees and"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 39-06.1-06 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-06. Amount of statutory fees.

The fees required for a noncriminal disposition under section 39-06.1-02 or 39-06.1-03 must be as follows:

1. For a nonmoving violation as defined in section 39-06.1-08, a fee of twenty dollars except for a violation of any traffic parking regulation on any state charitable or penal institution property or on the state capitol grounds, a fee in the amount of five dollars, excluding a violation of subsection 10 of section 39-01-15.

2. For a moving violation as defined in section 39-06.1-09, a fee of twenty dollars, except for:

   a. A violation of section 39-10-26, 39-10-26.2, 39-10-41, or 39-10-42, a fee of fifty dollars.

   b. A violation of section 39-10-05 involving failure to yield to a pedestrian or subsection 1 of section 39-10-28, a fee of fifty dollars.

   c. A violation of section 39-21-41.2, a fee of twenty-five dollars.

   d. A violation of subsection 1 of section 39-12-02 or section 39-08-23, a fee of one hundred dollars.

   e. A violation of subdivision d of subsection 1 of section 39-12-04, a fee of one hundred dollars.

   f. A violation of subsection 1 of section 39-04-37 by an individual by becoming a resident of this state, a fee of one hundred dollars.

   g. A violation of subsection 2 of section 39-10-21.1, a fee of two hundred fifty dollars.

   h. A violation of section 39-10-59, a fee of one hundred dollars.

   i. A violation of section 39-09-01, a fee of thirty dollars.

   j. A violation of section 39-09-01.1, a fee of thirty dollars.

   k. A violation of section 39-10-46 or 39-10-46.1, a fee of one hundred dollars.

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l. A violation of subsection 1 of section 39-08-20, one hundred fifty dollars for a first violation and three hundred dollars for a second or subsequent violation in three years.

3. For a violation of section 39-21-44 or a rule adopted under that section, a fee of two hundred fifty dollars.

4. Except as provided in ~~subsections 5 and 7~~subsection 6, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:

Miles per hour over lawful speed limit	Fee
1 - 5	$ 5
6 - 10	$ 5 plus $1/each mph over 5 mph over limit
11 - 15	$ 10 plus $1/each mph over 10 mph over limit
16 - 20	$ 15 plus $2/each mph over 15 mph over limit
21 - 25	$ 25 plus $3/each mph over 20 mph over limit
26 - 35	$ 40 plus $3/each mph over 25 mph over limit
36 - 45	$ 70 plus $3/each mph over 35 mph over limit
46 +	$100 plus $5/each mph over 45 mph over limit

5. ~~On a highway on which the speed limit is a speed higher than fifty-five miles [88.51 kilometers] an hour, for a violation of section 39-09-02, or an equivalent ordinance, a fee established as follows:~~

~~Miles per hour over lawful speed limit~~	~~Fee~~
~~1 - 10~~	~~$2/each mph over limit~~
~~11 +~~	~~$20 plus $5/each mph over 10 mph over limit~~

~~6.~~ For a violation of subsection 3 of section 39-21-46, a fee established as follows:

a. Driving more than eleven hours since the last ten hours off duty, driving after fourteen hours on duty since the last ten hours off duty, driving after sixty hours on duty in seven days or seventy hours in eight days, no record of duty status or log book in possession, failing to retain previous seven-day record of duty status or log book, or operating a vehicle with four to six out-of-service defects, one hundred dollars;

b. False record of duty status or log book or operating a vehicle with seven to nine out-of-service defects, two hundred fifty dollars;

c. Operating a vehicle after driver placed out of service, operating a vehicle with ten or more out-of-service defects, or operating a vehicle

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that has been placed out of service prior to its repair, five hundred dollars; and

d. All other violations of motor carrier safety rules adopted under subsection 3 of section 39-21-46, fifty dollars.

~~7.~~6. On a highway on which the speed limit is posted in excess of ~~sixty-five~~fifty-five miles ~~[104.61 kilometers]~~[88.51 kilometers] an hour, for a violation of section 39-09-02, or equivalent ordinance, a fee of ~~five~~fifty dollars plus ten dollars for each mile per hour over the limit.

~~8.~~7. For a violation of a school zone speed limit under subdivision b of subsection 1 of section 39-09-02, a fee of forty dollars for one through ten miles per hour over the posted speed; and forty dollars, plus one dollar for each additional mile per hour over ten miles per hour over the limit unless a greater fee would be applicable under this section.

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

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the statutory fees related to exceeding the speed limit.