

# MICROFILM DIVIDER

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



ROLL NUMBER

DESCRIPTION

1322

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallmark  
Operator's Signature

10/3/03  
Date

2003 HOUSE TRANSPORTATION

HB 1322

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Halliwell  
Operator's Signature

10/3/03  
Date

2003 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1322

House Transportation Committee

Conference Committee

Hearing Date January 23, 2003

Tape Number	Side A	Side B	Meter #
1		x	37.7 to end
2	x		0.1 to 21.3
Committee Clerk Signature <i>Laura B. Zink</i>			

Minutes:

Rep Weisz, Chairman opened the hearing on HB 1322, a bill for an Act to amend and reenact subsection 12 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for a violation of a highway construction zone speed limit.

Rep. Weiler representing District 30 in Bismarck spoke for HB 1322 as prime sponsor. He noted the key words in this legislation were "and place" on line 21. A copy of his written testimony is attached.

Rep. Headland: How is the vehicle operator going to know -- is this going to take additional signage?

Rep. Weiler: In the bill itself I believe it says there must be proper signage. Also you are going to be able to see people as you drive up to that work place.

Rep Ruby: ( 43.1 ) Is that zone where it will be 80 -- does that also include --if somebody is working in the ditch? Working on equipment or is that for people standing there flagging?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

*Deanna Halverson*  
Operator's Signature

10/3/03  
Date

Page 2  
House Transportation Committee  
Bill/Resolution Number HB 1322  
Hearing Date January 23, 2003

Rep. Weiser: The bill doesn't address that specifically; however, if there are people present , people do need to slow down.

Mark Dougherty , Membership Services Director for the Associated General Contractors of North Dakota spoke in support of HB 1322. A copy of his prepared remarks are attached.

Rep. Delmore: ( 48.1 ) I have traveled all over the United States and I have wondered why do we have so many miles of marked as construction when there is so little work going on in one limited area?

Mark Dougherty: I am not sure I can answer that. Possibly Grant Levi here from the DOT can answer that. We don't have lot of input how they setup the length of the project.

Rep. Delmore: I don't have a problem at all when there are workers there but when we have all of those open miles where nothing is going on.

Rep. Thorpe: What is your answer as to how your construction people will handle this variance from 40 to 80? How is that going to be posted?

Mark Dougherty: As the legislation says -- yes it has to be posted. I assume that would go up where the work is taking place. It shouldn't be too hard for the public to tell.

Rep Ruby: Say there is some culvert work be done with equipment in the ditch - - is the sign going to be put up for \$80?

**End of tape -- go Tape 2 Side A**

Mark Dougherty: I guess I would have to do some research on that -- if there was but one piece of equipment working there of the roadway -- I would say that would be a \$40 fine.

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Donna Hall  
Operator's Signature

10/3/03  
Date

Page 3  
House Transportation Committee  
Bill/Resolution Number HB 1322  
Hearing Date January 23, 2003

Rep. Galvin: I would like to see it enforced -- most of the time you are driving on a single lane road with work on both sides -- how does a Patrolman get in there to enforce this? I never see anybody enforcing these laws?

Mark Dougherty: ( 1.3 ) I guess I have seen them out there -- mostly on the Interstate because that is the highway I travel the most. I don't have the numbers but there has been a considerable number of speeding fines in these areas. In the Valley City District -- the Patrolman do very excellent job enforcing those laws. ON the two lane roads -- I understand it is harder for them but they have the radar guns -- they just have to wait until they are through the work zone before they can pull them over.

Grant Levi: Director for Engineering, ND DOT -- a copy of his prepared written remarks are attached.

Rep. Weisz: It is very clear what this legislation deals with but when you have your employees out there doing crack filling on you roads -- there is not minimum or anything posted -- people have to go around -- is there any law that relates to that?

Grant Levi: With respect to our maintenance activities the signing is different than for construction. It is typically a shorter duration -- we do not post at this time for maximum or minimum -- I don't believe there is any state statute would increase the fees for not slowing down .

Rep. Delmore: Can you answer my question why you block off twenty miles to do fifty feet of work?

Grant Levi: We have various construction project the occur throughout the construction season --- on occasions we do come in and review or mark off traffic control for project for 10 to 15

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

Page 4  
House Transportation Committee  
Bill/Resolution Number HB 1322  
Hearing Date January 23, 2003

miles in length -- we decide on what length of roadway we put up the traffic control for based on the type of work -- really the efficiencies that a contractor can provide in that construction zone -- for example on a seal coat project such as those similar to what occurred on the Interstate 94 this past summer -- we did sign for a construction zone of about 15 to 20 miles -- when the contractor does come in it does take a period of time for them to put the signing in place to protect the traveling public where the work is actually occurring -- the contract comes in and he can seal as much as seven miles of roadway a day -- really the length of the work zone depends on the type of work and the efficiency that a contractor can bring when he negotiates a contract.

Rep. Delmore: Do you have a copy of that policy that the committee could see -- because I think there are a number of people who think that shortening those zones will make people show done -- more than are doing so now?

Grant Levi: We don't have a written policy per se -- that is the way we make that approach -- to try and balance out the efficiency -- we do have standards that we use for various projects whether it be a concrete project or an interstate -- I could share those standards with you.

Rep. Delmore: If we pass this bill -- who is responsible for the design speed and how often will they have to be moved -- I assume they are going to have to be more mobile --- because that work is going to have to be signed -- who is going to responsible for that and is there going to be an added cost?

Grant Levi: The responsibility for the signing is really the responsibility of the contract as a result of the bidding the provisions we put into the contract -- each of our construction contracts we put in the signing provisions the contractor must adhere to -- to comply with the contract requirements -- so we will as an agency if the bill were to pass change our specifications and

Deanna Hallworth  
Operator's Signature

10/3/03  
Date

Page 5  
House Transportation Committee  
Bill/Resolution Number HB 1322  
Hearing Date January 23, 2003

require different signing and the contractor will be responsible for placing that and we will monitor that --- Mr. Chairman I have not seen a copy of the proposed amendment -- the was brought forward when the bill was introduced -- I would offer that at least on -- Note: he was furnished a copy which he studied -- in listening to the discussion I will share with the committee how the present state statute is applied on a construction project. that occurs on the present contracts that we have -- is that the forty fee applies only when there are individuals working in the area -- if you travel through a construction zone and there is no one working in that zone or in that area of the zone -- they are -- the fee is not forty dollars -- since we haven't seen the proposed amendments we didn't understand that you were proposing two different fee in the work zones -- one fee for the whole zone and another where men were working. I would offer to the committee that would create some challenges.

Rep. Thorpe: As the discussion continues -- I think the intent of this legislation is becoming more clear to me -- the intent was the same but the fee would be \$80 in the area where men are working -- is that right?

Grant Levi: Yes I believe so. The state statute is written so the there must be men working in the area. We believe the present law as it is applied there must be construction activity in the area before the law applies --not in the rest of the zone. To answer the previous question -- the work must be on top of the roadway.

Mark Nelson: Field Operations Officer -- North Dakota Highway Patrol -- he appeared in support of this legislation . During the past two years -- in excess of 2000 citations issued for speeding and well over a 1000 warning issued. The average speed we -- we issued citation for were -- in 25 mile an hour zone -- was 50.5 mph; in a 35 mile an hour zone - - the average speed

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Dorinda Hallworth  
Operator's Signature

10/3/03  
Date

Page 6  
House Transportation Committee  
Bill/Resolution Number HB 1322  
Hearing Date January 23, 2003

was 50.4 mph ; in a 40 mph zone -- the average speed was 56.1 mph. Safety is a huge issue with us and we take it seriously. Typically it is a 15 to 20 mph variance.

Rep. Ruby: Would this increase the liability of the construction company and their employees if we pass this and if an employee were killed on the roadway surface when they didn't get the signage out ?

Mark Dougherty: All the contractors carry liability insurance for their employees.

Rep. Delmore: About enforcement when there is no work going on -- if I am going 70, the legal limit and I come to the 60 where I need to slow down -- and it gets to the 40 drop off -- then to 25 and there is no construction going on -- do I still need to slow down to that speed ?

Mark Nelson: If it is sign as a regulatory speed the answer is yes like any other roadway -- if the regulatory speed marked a 60 mile an hour speed -- then you must slow down to 60. However if workers are not present -- then the regular speed zone speed apply not the 40 minimum because the workers are not present.

Rep. Dosch: Would you define what you mean by 'present speed' -- does that mean within 10 feet or within 10 miles?

Mark Nelson: Obviously there is some discretion left to the officers in enforcing within the construction zone -- we do look to see there is people in the immediate area-- if there is no one within eyesight then there is no citation. I would say within a quarter of a mile -- you need that to achieve the right speed.

Rep. Weiler: Would you clarify one thing for me -- you said that at the start of the construction zone and at the end and there is one mile where there are workers -- if you are not in that one mile area you are speeding -- you said the signs are not applicable?

The micrographic images on this film are accurate reproductions of records delivered to Modern Information Systems for microfilming and were filmed in the regular course of business. The photographic process meets standards of the American National Standards Institute (ANSI) for archival microfilm. NOTICE: If the filmed image above is less legible than this Notice, it is due to the quality of the document being filmed.

Deanna Hall  
Operator's Signature

10/3/03  
Date



