

Good morning, Chairman Ruby and members of the House Transportation Committee. My name is Wade Kadrmas, and I serve as the Chair for the Vision Zero Speeding and Aggressive Driving Priority Emphasis Area Team. I am here today on behalf of the team, in support of Senate Bill 2168. I have been in law enforcement for over 25 years. I served three years as a correctional officer in Dickinson, three years as a police officer for the City of Dickinson, and the past 18 years as a trooper for the North Dakota Highway Patrol, serving the last five as the agency's Safety and Education Officer, focusing on traffic safety and outreach.

The mission of the Speeding/Aggressive Driving Team is to explore ways to address behaviors of motorists that lead to serious injury/fatality crashes. Drivers are taught and encouraged to drive defensively, not aggressively. Aggressive driving violations include exceeding the speed limit; running stop signs and red lights; turning/passing violations; improper lane changes; following too close; and distracted driving. Drivers who frequently engage in these driving behaviors choose to ignore the safety of other roadway users, putting themselves and other motorists at risk of being involved in a serious injury/fatality crash.

The current Speeding/Aggressive Driving Team is comprised of traffic engineers; driver's education instructors; and representatives from work force safety, law enforcement, and private corporations. As elected officials, I encourage you to participate in one or more of the Vision Zero Priority Area Emphasis teams, your role as elected officials is vital in helping create safer roadways in our state.

The bill before you would increase speeding fines for speeds of 21 mph and greater over the posted speed limit. If passed, these fees would be increased one hundred percent, doubling the fee. The spreadsheets on pages three, four, and five reflect the changes that would occur if the bill passed in its current form.

Earlier this session, the House Transportation Committee added an amendment to HB 1325, which relates to increasing the fee for certain intersection violations. That amendment eliminated the ability of cities to double traffic fines. Section two of SB 2168 exists so cities wouldn't be able to double the enhanced fine. The bill was drafted in this manner due to the failure of HB 1279 during the 67th legislative session. HB 1279 would have standardized speeding fines, making simpler for drivers to understand the penalty, instead of penalties, for exceeding the speed limit in any zone. It would have created one fee schedule for all speed zones. One reason it failed was due to concerns over cities being allowed to double traffic fees.

The intent of SB 2168 is to deter drivers who unreasonably exceed the posted speed limit. Penalties for speeding haven't been adjusted on most North Dakota roads since 1983. Law enforcement and traffic safety partners work tirelessly to educate the public about the dangers of speeding, but we need your help to pass legislation that enhances our education efforts by deterrence. The motorists who chose to travel well above the 85th percentile are exceeding the safe and reasonable speed for the road endangering themselves and other roadway users. On pages 10 and 11 of the testimony is data showing the 85th percentile on a number of our major roads.



Earlier this session I testified on HB 1475 on behalf of the Speeding/Aggressive Driving Team. HB 1475 would raise the speed limit on the interstate to 80 mph. We offered an amendment that would have moved all speeding fee schedules to the interstate/divided highway fee schedule, which is five dollars for every mile per hour over the posted limit. This was initially attempted in 2003 when the interstate speed limit was raised to 75 mph, the higher two fee structures were increased during at this time. The Speeding/Aggressive Driving Team believes it would have been a reasonable step to address speeding in general on our roadways since it would have moved all fee schedules to our most fee schedule. In addition to simplifying our fee schedules another reason for the request was to address the speed zones that see the most serious crashes, depicted in the map at the end of my testimony. Unfortunately, the Committee took no steps to address speeding with HB 1475, so we ask for your support on SB 2168 to do so.

In North Dakota speed continues to be a factor in fatal crashes. In 2021, thirty-four percent of fatal crashes involved speed or aggressive driving. Over the past five years (2017-2021), speed and aggressive driving were contributing factors in 178 deaths and forty percent of serious injury crashes (659 of 1,625).

Over the past three years (2020-2022), 284 severe crashes occurred on roadways with speed limits between 55 mph and 70 mph. During that same time frame, 859 severe crashes were on roadways with a speed limit of 55 mph or less.

We need to adequately address drivers who exceed our speed limits for many reasons. The <u>Insurance Institute for Highway Safety</u> list the following as dangers of speed:

- speed increases the distance a vehicle travels from the time a driver detects an emergency to the time the driver reacts.
- speed increases the distance needed for a vehicle to stop once the driver starts to brake.
- speed increases the risk that an evasive steering maneuver will result in loss of control.
- speed increases the crash energy exponentially.

The established speed limit on a roadway frames expectations for all drivers to accept and follow. These expectations are set according to road engineering design and studies based on traffic volume, operating speeds, roadway characteristics, and crash history. When a driver chooses to exceed the posted speed limit, that choice inhibits other roadway users from full use of their reaction time and by introducing more energy into a crash which significantly raises the likelihood of serious injury or death.

All drivers must accept the potential risk when they get behind the wheel and travel on our roadways, but they should not have to accept the increased risk other motorists take when exceeding the posted speed limit by such a high rate. On behalf of the Vision Zero Speeding and Aggressive Driving Team, I respectfully ask for your support on SB 2168 to enhance speeding penalties to deter the risk-taking behaviors of these aggressive drivers.



SB 2168

	55	mph and less	60	-65 mph	70 mph and greater		
	39	9-06.1-06 (4)	39-06.1-06 (5)		39-06.1-06 (7)		
	:	Since 1983	Since 1985		Established 2003		
MPH Over	Fine	Proposed Fine	Fine Prosped Fine		Fine Proposed F		
1 mph	\$ 5		\$ 2		\$ 5		
2 mph	\$ 5		\$ 4		\$ 10		
3 mph	\$ 5		\$ 6		\$ 15		
4 mph	\$ 5		\$ 8		\$ 20		
5 mph	\$ 5		\$ 10		\$ 25		
6 mph	\$ 6		\$ 12		\$ 30		
7 mph	\$ 7		\$ 14		\$ 35		
8 mph	\$ 8		\$ 16		\$ 40		
9 mph	\$ 9		\$ 18		\$ 45		
10 mph	\$ 10		\$ 20		\$ 50		
11 mph	\$ 11		\$ 25		\$ 55		
12 mph	\$ 12		\$ 30		\$ 60		
13 mph	\$ 13		\$ 35		\$ 65		
14 mph	\$ 14		\$ 40		\$ 70		
15 mph	\$ 15		\$ 45		\$ 75		
16 mph	\$ 17		\$ 50		\$ 80		
17 mph	\$ 19		\$ 55		\$ 85		
18 mph	\$ 21		\$ 60		\$ 90		
19 mph	\$ 23		\$ 65		\$ 95		
20 mph	\$ 25		\$ 70		\$ 100		
21 mph	\$— <u>28</u>	\$ 56	\$—— 75	\$ 150	\$— 105	\$ 210	
22 mph	\$31	\$ 62	\$	\$ 160	\$ — 110	\$ 220	
23 mph	\$34	\$ 68	\$—— 85	\$ 170	\$ 115	\$ 230	
24 mph	\$37	\$ 74	\$90	\$ 180	\$— 120	\$ 240	
25 mph	\$ —40	\$ 80	\$95	\$ 190	\$ 125	\$ 250	
26 mph	\$ —43	\$ 86	\$— 100	\$ 200	\$ 130	\$ 260	
27 mph	\$ —46	\$ 92	\$— 105	\$ 210	\$— 135	\$ 270	
28 mph	\$ —49	\$ 98	\$110	\$ 220	\$_140	\$ 280	
29 mph	\$52	\$ 104	\$— 115	\$ 230	\$— 145	\$ 290	
30 mph	\$—— 55	\$ 110	\$— 120	\$ 240	\$— 150	\$ 300	
31 mph	\$58	\$ 116	\$— 125	\$ 250	\$— 155	\$ 310	
32 mph	\$—— 61	\$ 122	\$— 130	\$ 260	\$_160	\$ 320	
33 mph	\$—64	\$ 128	\$— 135	\$ 270	\$— 165	\$ 330	
34 mph	\$—_ 67	\$ 134	\$—140	\$ 280	\$170	\$ 340	
35 mph	\$—70	\$ 140	\$— 145	\$ 290	\$— 175	\$ 350	
36 mph	\$— 73	\$ 146	\$— 150	\$ 300	\$ 180	\$ 360	



Current Construction Zone Fines 39-06.1-06 (9) First Established 1995 55 mph and less zones 60-65 mph zones **MPH Over Fine Workers Present Proposed Fine Workers Present Proposed Fine Fine** \$ \$ \$ 1 mph 5 80 \$ 2 80 \$ \$ \$ 5 80 \$ 4 80 2 mph \$ 6 \$ 3 mph \$ 5 | \$ 80 80 \$ 4 mph \$ 5 80 \$ 8 \$ 80 \$ \$ 5 \$ \$ 5 mph 80 10 80 \$ \$ \$ \$ 6 80 80 6 mph 12 \$ \$ \$ 7 mph \$ 7 80 14 80 \$ \$ \$ \$ 80 8 mph 8 80 16 \$ \$ 9 \$ 80 9 mph 80 18 \$ \$ \$ 10 mph \$ 10 80 20 80 \$ \$ 11 | \$ \$ 82 82 11 mph 25 \$ \$ \$ 84 12 mph \$ 12 84 30 13 mph \$ 13 | \$ 86 \$ 35 \$ 86 \$ 14 mph \$ 14 | \$ 88 40 \$ 88 \$ 15 | \$ \$ 15 mph \$ 90 45 90 \$ 17 | \$ \$ \$ 16 mph 92 50 92 19 | \$ \$ \$ 94 17 mph \$ 94 55 \$ \$ \$ \$ 96 18 mph 21 96 60 \$ 23 | \$ \$ \$ 19 mph 98 65 98 25 | \$ \$ \$ \$ 20 mph 100 70 100 \$ 102 \$ 102 204 21 mph 28 204 75 22 mph 31 104 \$ 208 80 104 \$ 208 23 mph 106 \$ 106 \$ 212 34 212 85 37 | \$ 108 \$ 108 \$ **216** 24 mph 216 90 25 mph 40 | \$ 110 \$ 95 \$ \$ 220 \$ 220 110 26 mph \$ 43 112 \$ 224 100 112 \$ 224 \$ 27 mph 46 \$ 114 \$ 228 105 114 228 28 mph 49 116 \$ 232 110 116 \$ 232 \$ 29 mph 52 \$ 118 \$ 236 115 118 236 \$ 120 \$ 120 \$ 240 30 mph 55 240 120 When workers present a minimum of \$80 unless greater fee applicable



Current School Zone Penalties 39-06.1-06 (8) Established in 2001					SB2168	
MPH Over	F	ine	Ch	ildren Present	Children Pre	esent
1 mph	\$	5	\$	40		
2 mph	\$	5	\$	40		
3 mph	\$ \$ \$	5	\$ \$ \$	40		
4 mph		5		40		
5 mph	\$	5	\$ \$	40		
6 mph	\$	6		40		
7 mph	\$	7	\$	40		
8 mph	\$	8	\$	40		
9 mph	\$	9	\$	40		
10 mph	\$	10	\$	40		
11 mph	\$	11	\$	41		
12 mph	\$	12	\$ \$	42		
13 mph	\$	13		43		
14 mph	\$	14	\$	44		
15 mph	\$	15	\$	45		
16 mph	\$	17	\$	46		
17 mph	\$	19	\$	47		
18 mph	\$	21	\$	48		
19 mph	\$	23	\$	49		
20 mph	\$	25	\$	50		
21 mph	4	— 28	\$	51	\$	102
22 mph	4	— 31	\$	 52	\$	104
23 mph	\$	— 34	\$	 53	\$	106
24 mph	.	— 37	\$	 54	\$	108
25 mph	\$	_ 40	\$	 55	\$	110
26 mph	4	_4 3	\$	 56	\$	112
27 mph	4	–46	\$	 57	\$	114
28 mph	\$	_4 9	\$	 58	\$	116
29 mph	\$	<u> 52</u>	\$	59	\$	118
30 mph	\$	— 55	\$	 60	\$	120
When child	When children present a minimum of \$40 unless greater fee applicable					



North Dakota Point System

- Driving privileges are suspended upon an accumulation of 12 points.
- For each point over 11 it is suspended for a period of 7 days.
- Drivers under the age of 18 will have their licensed canceled upon an accumulation of 6 points.
- One points is removed every 90 days of violation free driving.
- Three points can be reduced if a driver takes an approved defensive driving course, which can only be done once every 12 months.
- Drivers issued a citation with a penalty of five points or less may elect to attend an approved driving course in lieu of entry of points on their driving record. The driver must notify the court at the time they post their bond and provide proof of course complete to DOT within 30 days.
- Insurance companies only see violations assigned 3 points or more unless the driver signs a waiver for the insurance company to view their entire driving record.
- Below is a list of points for various violations. If the violation isn't listed, then there is no point assigned to that violation.
- An example of this is for driving distracted or texting and driving. There are no points assigned to these dangerous driving behaviors. These fall under NDCC 39-08-23, 39-08-24, and 39-08-25.

Speed Zones Less Than 70 mph		
Speed (mph)	Points	
1 - 5 mph over limit	0	
6 - 10 mph over limit	0	
11 - 15 mph over limit	1	
16 - 20 mph over limit	3	
21 - 25 mph over limit	5	
26 - 35 mph over limit	9	
36 - 45 mph over limit	12	
46 mph plus over limit	15	
Speed Zones 70 mph or Greater	WHI.	
Speed (mph)	Points	
1 - 5 mph over limit	0	
6 - 10 mph over limit	1	
11 - 15 mph over limit	3	
16 - 20 mph over limit	5	
21 - 25 mph over limit	7	
26 - 30 mph over limit	10	
31 - 35 mph over limit	12	
2C mah akus ayas limit	45	



Zero fata	ilities.	Zero	excuses.
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Traffic Violations	
Violation	Points
Overtaking where prohibited or unlawful.	2
Driving on wrong side of road	2
Failing to yield right-of-way	2
Failing to use care required	2
Disobeying traffic control signals	2
Failing to yield-right-of-way to funeral procession	2
Knowingly driving illegally modified vehicle	2
Open container (Driver)	2
Exhibition driving	3
Violating corrective lens restriction	3
Failing to stop at RR crossing	3
Violating or exceeding restriction contained in a restricted certificate or license or Instructional Permit	4
Clinging to other vehicle while riding a motorcycle	4
Operating a motor vehicle without a license	4
Overtaking a school bus	6
Failing to give immediate notice of accident	6
Careless driving (Basic Rule)	6
No fiability insurance	6, 12, or 14
Reckless driving	8
Racing in a motor vehicle	10
Aggravated reckless driving	12
Leaving the scene of accident involving property damage	14
Leaving the scene of accident involving injury or death	18
Fleeing from law enforcement officer in a motor vehicle	24

Traffic Violations	
Violation	Points
Operator/Responsible party falling to provide child restraint device.	1
Failing to display license plates	1
Unlawful parking in specified prohibited places	1
Leaving motor vehicle improperly unattended on an open highway	1
Opening or leaving motor vehicle doors open when unsafe to do so	1
Nonmoving violation of parking in a space assigned for the mobility impaired	0
Failing to dim head lamps	1
Violating hazardous material regulations	2
Knowingly operating an unsafe vehicle	2
Improperly operating or unlawfully carrying passengers or packages on a motorcycle	2
Improperly operating a motorcycle in laned traffic	2
Carrying a passenger on a motorcycle not equipped with passenger footrests	2
Operating a motorcycle without protective headgear	2
Permitting unauthorized minor or person to drive	2
Driving in Violation of the Conditions of an Instruction Permit(Effective January 1, 2012)	2
Unlawful stopping, standing, or parking on an open highway	2
Causing accident w/emergency vehicle	2
Knowingly driving with defective, non-existent or unlawful equipment	2
Knowingly driving with defective brakes	2
Disregarding lawful command of police officer	2



Enhanced Penalty for Higher Speeds Handout

- North Dakota Speed-Related Crashes
 - Speeding or traveling too fast for conditions is a factor in about 30-40 percent of all fatal crashes in North Dakota each year. (Source: NDDOT Highway Safety Division)
 - There were 160 fatal crashes on North Dakota roadways from 2017-2021. Of these,
 33.8 percent (160 of 473) were related to speed/too fast for conditions. (Source: NDDOT Highway Safety Division)
 - There were 1,652 serious injury crashes on North Dakota roadways from 2017-2021.
 Of these, 39.9 percent (659 of 1,652) were related to speed/too fast for conditions. (Source: NDDOT Highway Safety Division)
 - Of the 659 speed-related crashes that resulted in a fatality or serious injury on North Dakota roadways from 2017-2021, 23 percent (151 of 659) were speed-related rollover crashes.
 - 178 people have died in speed/aggressive driving-involved crashes in North Dakota over the past five years (2017-2021). Know the road conditions and adjust your speed accordingly. (NDDOT Crash Summary)
 - Nearly every 2.4 hours, one speed/aggressive driving-involved crash occurred in North Dakota in 2021. Stop speeding before it stops you. (NDDOT Crash Summary)
 - Every 10.4 days, one speed/aggressive driving-involved vehicle fatality occurred in North Dakota in 2021. Plan ahead and allow extra time so everyone can make it to their destination safely. (NDDOT Crash Summary)
 - Speeding and/or aggressive driving has been a factor in 34% of fatal crashes in North Dakota in 2021. Slow down and arrive alive. (NDDOT Crash Summary)
- Speeding isn't just aggressive driving, it's deadly driving. (Vision Zero ND Speed & Aggressive Driving)
- Over 20,000 speed-related citations of 20 mph over the posted speed limit were issued from 2017-2021. (NDDOT Drivers License)



- All too often, drivers make the wrong choice by trying to pass slower traffic or drive too fast for road conditions. Think ahead. The stopping distance at 20 mph is about 60 feet. At 65 mph, you may travel 450 feet or more before stopping. (Vision Zero ND – Speed & Aggressive Driving)
- Every driver and vehicle occupant in North Dakota need to take personal responsibility for their actions while travelling in order to help the state achieve the zero goal. (Vision Zero ND Speed & Aggressive Driving)
- There is a direct correlation between collision speed and the *severity* of a crash. *The higher the collision speed, the more serious the consequences in terms of injury and material damage.* In addition, the human body is physically very vulnerable in comparison with the enormous forces released in a collision. During the past decades, vehicles have become ever better equipped (with crush areas, airbags and seatbelts) to absorb the energy released in a crash, thus protecting the occupants. However, the collision speed still is very important for the crash outcome. (Source: Institute for Road Safety Research)
- FHWA is currently promoting a Safe Systems approach to safety on our roadways. One of the elements of the Safe Systems approach is safe speeds. FHWA states "Humans are unlikely to survive high-speed crashes. Reducing speeds can accommodate human injury tolerances in three ways: reducing impact forces, providing additional time for drivers to stop, and improving visibility".
- Rational speed limits promote public safety by helping drivers choose reasonable and prudent speed that is appropriate for normal traffic, weather, and roadway conditions. This encourages more drivers to travel at about the same speed, which has been shown to reduce the likelihood of crashes. Rational speed limits make sense to the majority of drivers because they are not unrealistically low or high, therefore mostly self-enforcing. (Source: FHWA)
- The most widely accepted method by state and local agencies is to set the speed limit at or below the speed at which 85 percent of the traffic is moving. The 85th percentile speed is the speed not exceeded by 85 percent of drivers. Studies have shown crash rates are lowest at around the 85th percentile speed. Drivers traveling significantly faster or slower than this speed are at a greater risk for being in a crash. It is the variation of speed in traffic that is related to crash risk, not just high speeds. (Source: Speed Limits in North Dakota brochure, North Dakota Department of Transportation, North Dakota State University Upper Great Plains Transportation Institute and the North Dakota Highway Patrol)

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- Automatic Traffic Records (ATR) data shows the 50th percentile speed is about 78 mph and the 85th percentile speed is about 82 mph. (Source: NDDOT Planning/Asset Management Division)
- The 85th percentile speed is the speed at or below which 85 percent of the drivers travel on a road segment. Motorists traveling above the 85th percentile speed are considered to be exceeding the safe and reasonable speed for road and traffic conditions. Drivers traveling between the 50th and 85th percentile have the lowest risk of crashing due to speed. Drivers exceeding the 90th percentile have a significantly higher risk of crashing. (Source: FHWA)

I-94 ATR Sites;

•	Tower City all lanes, RP 312.5 = $>85^{\circ\circ}$ percentile speed	82.5 mph
•	Tower City all lanes, RP 312.5 = $>50^{th}$ percentile speed	77.8 mph
•	New Salem all lanes, RP 126.8 = >85 th percentile speed	83.8 mph
•	New Salem all lanes, RP 126.8 = >50 th percentile speed	79.0 mph

I-29 ATR Sites;

•	Buxton all lanes, RP 112.8 = >85 th percentile speed	81.8 mph
•	Buxton all lanes, RP 112.8 = >50 th percentile speed	77.5 mph
•	Mooreton all lanes, RP $25.0 = 85^{th}$ percentile speed	83.0 mph
•	Mooreton all lanes, RP 25.0 = >50 th percentile speed	78.0 mph

I-94 WIM Sites;

I-29 WIM Sites;

•	Joliette SB only,	RP 207.8 = >8	55 th percentile speed	79.0 mph
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US 2 ATR Sites;

•	Ray all lanes, RP 51.2986 = >85 th percentile speed	76.5 mph
•	Ray all lanes, RP 51.2986 = >50 th percentile speed	71.2 mph
•	Blaisdell all lanes, RP 107.10 = >85 th percentile speed	78.1 mph
•	Blaisdell all lanes, RP 107.10 = >50 th percentile speed	73.0 mph
•	Granville all lanes, RP 177.76 = >85 th percentile speed	78.1 mph
•	Granville all lanes, RP 177.76 = >50 th percentile speed	73.2 mph
•	Rugby EB lanes, RP 207.3265 = >85 th percentile speed	78.1 mph
•	Rugby EB lanes, RP 207.3265 = >50 th percentile speed	73.0 mph
•	Michigan all lanes, RP 296.65 = >85 th percentile speed	78.1 mph
•	Michigan all lanes, RP 296.65 = >50 th percentile speed	73.0 mph



US 52 ATR Sites;

•	Foxholm all lanes, RP 78.26 = >85 th percentile speed	72.0 mph
•	Foxholm all lanes, RP $78.26 = 50^{th}$ percentile speed	67.4 mph
•	Sawyer all lanes, RP 102.7136 = >85 th percentile speed	72.8 mph
•	Sawyer all lanes, RP 102.7136 = $>50^{th}$ percentile speed	67.8 mph

Jamestown all lanes, RP 259.5408 = >85th percentile speed
 Jamestown all lanes, RP 259.5408 = >50th percentile speed
 77.6 mph
 71.8 mph

US 83 ATR Sites;

•	Hague all lanes, RP 1.1144 = >85 th percentile speed	72.2 mph
•	Hague all lanes, RP $1.1144 = 50^{th}$ percentile speed	67.5 mph

US 85 ATR Sites;

•	Fairfield all lanes, RP 80.885 = >85 th percentile speed	72.4 mph
•	Fairfield all lanes, RP 80.885 = >50 th percentile speed	67.7 mph
•	Grassy Butte all lanes, RP 113.85 = >85 th percentile speed	71.4 mph
•	Grassy Butte all lanes, RP 113.85 = >50 th percentile speed	67.1 mph
•	Alexander all lanes, RP 162.208 = >85 th percentile speed	73.5 mph
•	Alexander all lanes, RP 162.208 = >50 th percentile speed	68.5 mph

US 281 ATR Sites;

•	Carrington all lanes, RP 117.9013 = >85 th percentile speed	71.6 mph
•	Carrington all lanes, RP 117.9013 = >50 th percentile speed	67.1 mph
•	Sheyenne all lanes, RP 141.48 = >85 th percentile speed	73.1 mph
•	Sheyenne all lanes, RP 141.48 = >50 th percentile speed	67.4 mph

ND 22 ATR Sites;

•	Manning all lanes, RP 81.5055 = >85 th percentile speed	71.3 mph
•	Manning all lanes, RP 81.5055 = >50 th percentile speed	67.2 mph
•	Killdeer all lanes, RP 112.1350 = >85 th percentile speed	70.0 mph
•	Killdeer all lanes, RP 112.1350 = >50 th percentile speed	66.1 mph

WIM Sites - 85% Speed

•	Sykeston – Hwy 52, RP 212 @ .3	71 mph
•	Devils Lake – Hwy 2, RP 263 @ .4	77 mph
•	Wahpeton – I-29, RP 10 @ .1	83 mph
•	Ellendale – Hwy 281, RP 1 @ .9	73 mph
•	Washburn – Hwy 83, RP 120 @ .6	78 mph
•	Langdon – Hwy 5, RP 299 @ .9	72 mph