

2021 HOUSE TRANSPORTATION

HCR 3004

2021 HOUSE STANDING COMMITTEE MINUTES

Transportation Committee
Room JW327E, State Capitol

HCR 3004
1/22/2021

A concurrent resolution urging the Dept. of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

10:08 AM **Chairman Ruby** opened the hearing.

Attendance

Representatives	
Representative Dan Ruby	P
Representative Tom Kading	P
Representative Rick Becker	P
Representative Cole Christensen	P
Representative LaurieBeth Hager	P
Representative Jared C. Hagert	P
Representative Karla Rose Hanson	P
Representative Terry B. Jones	P
Representative Emily O'Brien	P
Representative Mark S. Owens	P
Representative Bob Paulson	P
Representative Gary Paur	P
Representative Robin Weisz	P
Representative Greg Westlind	P

Discussion Topics:

- Uses for dynamic signs.
- Reasons for opposition to using signs for other purposes.

Representative Becker introduced the bill.

Karen Mongeon, Safety Division Director, for ND Department of Transportation.
Opposition. Testimony #1962.

10:36 **Chairman Ruby** closed the hearing.

10:54 Bill discussion.

Representative Jones moved a DO PASS.
Representative Christensen seconded the motion.

Roll Call Vote

	Vote
Representative Dan Ruby	Y
Representative Tom Kading	Y
Representative Rick Becker	Y
Representative Cole Christensen	Y
Representative LaurieBeth Hager	A
Representative Jared C. Hagert	N
Representative Karla Rose Hanson	N
Representative Terry B. Jones	Y
Representative Emily O'Brien	N
Representative Mark S. Owens	N
Representative Bob Paulson	Y
Representative Gary Paur	Y
Representative Robin Weisz	N
Representative Greg Westlind	N

The motion passed. 7-6-1

Representative Becker carrier.

Additional written testimony:

Matthew Simon #2163.

11:05 **Chairman Ruby** adjourned.

Jeanette Cook, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3004: Transportation Committee (Rep. D. Ruby, Chairman) recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3004 was placed on the Eleventh order on the calendar.

HOUSE TRANSPORTATION COMMITTEE
January 22, 2021 – 10 AM

North Dakota Department of Transportation
Karin Mongeon, Safety Division Director
HCR 3004

Good morning Chairman Ruby and members of the Committee. My name is Karin Mongeon. I serve as the Safety Division Director for the North Dakota Department of Transportation (NDDOT).

I am here today on behalf of the NDDOT in opposition of House Concurrent Resolution 3004, a resolution that urges the NDDOT to use dynamic message signs (DMS) solely for weather-related, road condition, emergency, work zone, and missing persons messages.

Since 2014, the NDDOT has used the DMS for traffic safety messages to encourage safe driving and riding choices by motorists on North Dakota roads. Broad public information and education is a component of the North Dakota Vision Zero strategy to reduce motor vehicle fatalities and serious injuries to zero and the DMS assist to distribute effective safety messages.

The NDDOT has developed guidance that complies with federal regulation related to the appropriate use of DMS for public safety messages. Per this guidance, the DMS are: (1) used for safety messages only during planned traffic safety campaigns to advance public awareness of the campaigns; (2) displayed for short periods (not to exceed three days); and (3) used only when the DMS boards are not in use for other priority purposes including weather-related, road conditions, emergency, work zone, and missing person situations.

Since using the DMS for safety purposes, the NDDOT has identified many uses for the DMS to advance safety and has received a significant amount of positive feedback about the messages and requests to add new messages to the rotation. A few examples include:

- The NDDOT displayed relevant motorcycle messages on the DMS before and during the annual Sturgis Motorcycle Rally in South Dakota.
- The NDDOT received a note of thanks from an emergency medical services (EMS) provider for a DMS message that reminded motorists to move over for emergency vehicles. The EMS provider was driving an ambulance transfer from Dickinson to Bismarck with their emergency lights on. The EMS provider said that most vehicles pulled over for them as a result of the message when typically few drivers pull over.
- A farmer in rural North Dakota requested that the NDDOT add a message for motorists to watch for slow moving equipment during harvest season. This message is now used regularly during the months of harvest.
- A child injury prevention program requested that the NDDOT add the message *Never Leave a Child Behind. Hot Cars Can Kill.* to prevent child fatalities through heatstroke. This message is now used regularly during the hot summer months.
- The NDHP periodically requests messages to heighten awareness of planned enforcement on specific highway segments.

There are many studies on the efficacy of public health and safety messages. Studies show that people respond to simple messages over complex and that repeat exposure to a simple message can change behavior.

A research study conducted in 2020 by the National Highway Traffic Safety Administration (NHTSA) Vehicle Research and Testing Center showed that drivers found non-traditional safety messages on DMS effective and DMS messages about distracted driving, messages that include humor, and messages that use word play and rhymes ranked high among multiple measures of effectiveness.

Additionally, there is no evidence of driver distraction as a result of safety messages displayed on DMS.

The NDDOT supports the use of DMS for distribution of safety messages because simple reminders to buckle up, drive sober, not text and drive, and not to leave a child behind in a hot car, can save lives and saving lives on North Dakota roads is the mission of the NDDOT and the goal of Vision Zero.

This concludes my testimony. I would be happy to respond to any questions you may have.

January 21, 2021

House Transportation Committee
HCR 3004

Chairman Ruby and Committee members:

Let the record reflect my support for House Concurrent Resolution 3004 ("HCR 3004"), as written, and as introduced by Representatives Becker, Christensen, Jones, Kading, Paur, and Senators Clements and D. Larsen.

Dynamic signs add to the already voluminous distractions to drivers, thereby creating the exact sort of safety hazard they are purporting to be addressing. By their very nature, these signs are intended to direct the eyes of passing motorists.

Now, in the context of warning of traffic or weather conditions, or in identifying missing persons, a reasonable argument may be made that these signs remain a net benefit. Their ability to convey information regarding changing conditions in real time furthers the safety of our communities. However, the messaging on such signs has grown far beyond such useful purposes into a propagandized waste of taxpayer funded resources (I do not need to be paying somebody to send me messages on the road insisting I "mask up", nor does taking my eyes off the road to read a message board instructing me to not text while driving provide any less degree of distraction than if I was engaging in the exact sort of behavior the sign is requesting I avoid).

Aside from the distractions they create to motorists, and the unnecessary misallocation of staff resources, while these signs may seem outwardly innocuous, their messaging often implies a demand for subservience. To be frank, they have morphed into being eerily Orwellian, in a "Big Brother is watching you" sort of manner. The purpose of this observation is not to imply mal-intent, rather just to make plain the inappropriateness of the use of such signs as a medium for delivering this sort of messaging.

Wise men of antiquity cautioned against the use of governmental power beyond the limited purposes proscribed to it. While the use of dynamic road signs to "modify people's behavior and promote social conformity" may seem rather benign in isolation, it is the culmination of a multitude of such mediums that can morph good intentions into despotism. Since I cannot top the wisdom of such men, I conclude with a few quotes for your consumption while considering approval of HCR 3004:

"Government's first duty is to protect the people, not run their lives." - Reagan

"If we can but prevent the government from wasting the labours of the people, under the pretence of taking care of them, they must become happy." -- Jefferson

"Of all tyrannies, a tyranny sincerely exercised for the good of its victims may be the most oppressive. It would be better to live under robber barons than under omnipotent moral busybodies. The robber baron's cruelty may sometimes sleep, his cupidity may at some point be satiated; but those who torment us for our own good will torment us without end for they do so with the approval of their own conscience." -- C.S. Lewis

Respectfully,

2021 SENATE TRANSPORTATION

HCR 3004

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HCR 3004
3/18/2021

A concurrent resolution urging the Department of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

Vice Chair Fors calls the meeting to order. Present are Vice Chair Fors, Senators Bakke, Conley, D. Larsen. Absent are Chair Clemens and Senator Dwyer. [9:01]

Discussion Topics:

- Electronic signs on highways
- “Moralizing” from the federal government
- Public information and encouragement
- Vision Zero

Representative Becker [9:02], representing District 7, presents the resolution and testifies orally in favor.

Chair Clemens [9:06] enters the meeting.

Ron Henke [9:08], Deputy Director for Engineering for the ND Department of Transportation, submits testimony #9985 in opposition.

Vice Chair Fors adjourns the public hearing. [9:21]

Vice Chair Fors opens committee work. [9:21]

Senator Dwyer [9:23] enters the meeting.

The Committee [9:25] calls **Ron Henke** back to the stand to answer questions.

Vice Chair Fors adjourns the meeting. [9:28]

Sheldon Wolf, Committee Clerk

**SENATE TRANSPORTATION COMMITTEE
March 18, 2021 – 9:00 AM**

**North Dakota Department of Transportation
Ron Henke, Deputy Director for Engineering
HCR 3004**

Good morning Chairman and members of the Committee. My name is Ron Henke, Deputy Director for Engineering for the North Dakota Department of Transportation (NDDOT).

I am here today on behalf of the NDDOT in opposition of House Concurrent Resolution 3004, a resolution which urges the NDDOT to use dynamic message signs (DMS) solely for weather-related, road condition, emergency, work zone, and missing persons messages.

Since 2014, the NDDOT has used the DMS for weather-related, road conditions, emergency, work zones, missing persons and traffic safety messages. The traffic safety messages are the messages that the NDDOT would be encouraged not to put on these DMS. These simple traffic safety messages are reminders to buckle up, drive sober, and not text and drive. They can save lives and saving lives on North Dakota roads is the mission of the NDDOT and the goal of Vision Zero. Broad public information and education is a component of the North Dakota's Vision Zero strategy to reduce motor vehicle fatalities and serious injuries to zero and the DMS assist in distributing these effective safety messages. The NDDOT would like to continue to use the DMS for the distribution of these traffic safety messages.

There are many studies on the efficacy of public health and safety messages. Studies show that people respond to simple messages, and that repeat exposure to a simple message can change behavior. Additionally, there is no conclusive evidence of driver distraction because of safety messages displayed on DMS.

The NDDOT had developed guidance that complies with Federal Highway Administration (FHWA) guidance related to the appropriate use of DMS for traffic safety messages. The NDDOT guidance limits the use of safety messages to: (1) planned traffic safety campaigns to advance public awareness of the campaigns; (2) short periods (not to exceed three days); and (3) when the DMS are not in use for other priority purposes including weather-related, road conditions, emergency, work zone, and missing person situations.

In late January, Departments of Transportation received updated guidance from FHWA that clarifies that the primary purpose for DMS is for the display of traffic operational, regulatory, warning and guidance information. The guidance continues to allow traffic safety messages, but only as a supplement to broader national or state-level campaigns that rely on other media (such as TV, radio and social media) as their principal means of communicating the campaign message. These are primarily enforcement campaigns. The guidance also disallows unconventional messages, witty statements, hashtags or internet slang.

The NDDOT has already made adjustments to the DMS messages being used during planned safety campaigns to assure compliance with FHWA guidance.

Table 1 summarizes the DMS use cases by source of guidance. HCR 3004 would be the most restrictive of all guidance that exists.

Table 1

DMS Uses	HCR 3004	FHWA Guidance	NDDOT Guidance
Weather-related, road condition, emergency, work zone, and missing persons messages	X	X	X
Safety messages as a supplement to broader national or state-level safety campaigns		X	X

The NDDOT would like to continue to use the DMS for distribution of safety messages because simple reminders can save lives and saving lives on North Dakota roads is the mission of the NDDOT and the goal of Vision Zero.

Considering the new FHWA guidance and the limitations it applies to the use of DMS for safety messages, the NDDOT believes further restrictions through this resolution are unnecessary.

This concludes my testimony. I would be happy to respond to any questions you may have.



Memorandum

Subject: **INFORMATION**: MUTCD – Official
Ruling No. 2(09)-174 (I) – Uses of and
Nonstandard Syntax on Changeable
Message Signs

Date: **January 4, 2021**

From: Mark R. Kehrli
Director, Office of Transportation
Operations

MARK RICHARD

Digitally signed by MARK RICHARD
KEHRLI
Date: 2021.01.04 12:44:38 -05'00'

In Reply Refer To:
HOTO-1

To: Federal Lands Highway Division Directors
Division Administrators

Purpose: The purpose of this memorandum is to provide an official interpretation of the provisions of the 2009 edition of the *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) related to changeable message sign messaging. Specifically, we have been asked whether the MUTCD provides for displays on changeable message signs (CMS) that use unconventional wording typically not found on standard signing and how public input into the development of CMS messages may be used. This information will clarify the provisions of the MUTCD and will assist States and local agencies in ensuring that their traffic control devices will promote the safe and efficient utilization of the highways.

Background: A CMS can be an effective tool to provide real-time traffic regulatory, warning, or guidance information to the traveling public. In most cases, the messages displayed on CMS are related to traffic delays, travel times, lane closures, rerouting due to traffic incidents, and similar strategies to manage traffic actively on the highway system. With few exceptions, the MUTCD limits the use of CMS to the display of traffic operational, regulatory, warning, and guidance information.¹ Chapter 2L of the MUTCD contains information on all the general types of messages allowed on CMS.

A determination of whether a specific CMS message is suitable begins with consideration of the fundamental principles common to all official traffic control devices:

Traffic control devices or their supports shall not bear any advertising message or any other message that is not related to traffic control.²

In addition, for a traffic control device to be effective, it should meet the following characteristics:³

- A. *Fulfill a need;*
- B. *Command attention;*
- C. *Convey a clear, simple meaning;*
- D. *Command respect from road users; and*
- E. *Give adequate time for proper response.*

¹ *Manual on Uniform Traffic Control Devices for Streets and Highways* (MUTCD) 2009 Ed. § 2L.01 ¶ 3

² *Id.*; § 1A.01.

³ *Id.*; § 1A.02.

It is when these five traffic control device principles are engineered into the design, placement, and use of a CMS that it is most effective. When one or more of these principles is compromised, so, too, is the effectiveness of the CMS.

Similarly, it has been shown that inappropriate or excessive use of a traffic control device can diminish its effectiveness:

A standard device used where it is not appropriate is as objectionable as a non-standard device; in fact, this might be worse, because such misuse might result in disrespect at those locations where the device is needed and appropriate.⁴

The application of this principle to CMS becomes even more complex as it can refer to the location of the CMS itself, the frequency of display of messages on the CMS, the content of the message displayed, or combinations thereof.

The following illustrates the application of the five principles of an effective traffic control device as they apply to CMS:

1. *Fulfill a need.* Signs fulfill a need by providing regulatory, warning, or guidance information to the road user at the point that information is needed to ensure safe and efficient operation. The primary purpose of CMS is to provide relevant information on changing highway traffic conditions. To meet this need, these signs are most often located in advance of major junctions, before areas prone to incidents or adverse road-weather conditions, and in areas of recurring congestion on facilities with higher volumes and speeds where driver workload demands are high. Thus, the need to display a message is determined in response to nonpermanent or temporal factors.
2. *Command attention.* By their nature of displaying an illuminated message and, often, by their placement to take advantage of long viewing distances and in an overhead position, electronic CMS tend to capture the attention of the road user.
3. *Convey a clear, simple meaning.* Clear and simple messages are easy to read and comprehend with only short glances away from the roadway, resulting in minimal visual and cognitive distraction from the driving task. The use of witticisms, colloquialisms, and popular culture references that target or are comprehended only by a limited segment of the population is not consistent with a clear, simple meaning for all. Instead, these messages rely on hidden meanings or targeted cultural knowledge to understand the message. Similarly, the use of newly coined terms (neologisms), words combining the meanings of two words or blending of sounds (portmanteaus), metadata tags (“hashtags”), electronic shorthand (“Internet slang”), and other forms that do not use conventional syntax do not convey a clear, simple meaning to many road users.
4. *Command respect from road users.* Respect for CMS is gained through the posting of information that is relevant to all road users at the location and time it is displayed. Just as important, CMS messages also command respect through the consistent use of simple, official language and design. The use of colloquialisms, popular culture references, and other types of indirect or potentially esoteric messaging tends to diminish respect of a CMS as a traffic control device because of its unauthoritative tone and its similarity to promotional advertising that employs a similar approach.
5. *Give adequate time for proper response.* The use of nonstandard or unconventional syntax in a message often results in significantly longer times for the observer to recognize and

⁴ *Id.*; § 1A.06.

process. Further, if comprehension of such a message is poor, then a significant portion of drivers will not respond accordingly or might respond unpredictably, negating any potential benefit that might be gained.

It is important to recognize that the non-static nature and advanced technological capabilities of CMS still require adherence to the principles that govern other types of official traffic signs whose messages do not change. While many of the criteria specific to CMS are stated in Chapter 2L of the MUTCD, it is not an independent or comprehensive Chapter unto itself. Other criteria, such as background and legend color, for example, are stated in Chapter 2A and apply to CMS.

Similarly, the format, content, and amount of legend displayed on CMS should be based on scientific principles that account for the human factors that include the information processing capabilities of the road user, habituation, and credulity. These principles should not be relegated to lesser importance simply because of the procedures by which the CMS are operated or because of the attractiveness and versatility of their capabilities. For those cases in which a new technology exists, but appears not to be addressed in the MUTCD, the official interpretation and official experimentation provisions⁵ of the MUTCD apply.

Effective and Safe Uses of CMS

The primary purpose of CMS is for the display of traffic operational, regulatory, warning, and guidance information. Other messages allowed by the MUTCD include traffic safety campaigns (by contrast with active warning messages of downstream conditions) and non-commercial messages related to improving traffic conditions such as those providing information on alternative means of transportation, electronic toll collection, or carpooling. In addition, the display of emergency and homeland security messages, and America's Missing: Broadcast Emergency Response (AMBER) alerts, is also allowed in the relatively rare instances when specific conditions are met. Primarily displaying relevant traffic-related messages of changing conditions due to congestion, incidents, weather, etc., will help to condition the motoring public to expect a message pertinent to them during those times. In contrast, excessive display of messages not relevant to traffic operational, regulatory, warning, and guidance information, regardless of the travel or traffic conditions, might adversely impact driver attention to the display of information that is critical to the driving task. Therefore, the selective and judicious use of CMS for these other purposes will promote the effectiveness of the sign for its primary purpose, which is to display real-time traffic information. Lastly, adherence to a policy establishing suitable controls that limit the number and duration of non-traffic related messages should make the signs less prone to requests to use them for inappropriate purposes.

The use of CMS to help promote traffic safety is becoming increasingly popular among States and transportation agencies. It is recognized that CMS can be an effective means of further propagating traffic safety campaign messages directly to the motoring public in a cost-effective manner. However, to ensure safety and effectiveness as a traffic control device, it is expected that CMS will be used judiciously for the display of safety messages, and that those messages will be derived from larger safety campaigns that rely on other media as their principal means of communicating the campaign message. These other media generally include, but might not be limited to, such outlets as television, radio, and Internet advertisements; 511 travel information system and Highway Advisory Radio messages; displays in rest areas; and mailings with motor vehicle registrations. The CMS display, if used as part of a traffic safety campaign, should be a supplement to the broader national or State-level campaign. In addition, a safety campaign, such as seat-belt use or prevention of impaired driving, should include active enforcement as a primary element of the campaign.

⁵ *Id.*; § 1A.10.

Design of Sign Messages

- Basic Message Development

Many of the current generation of electronic-display CMS have significant technological advancements when compared with their predecessors. Their high-resolution, full-color display capabilities have improved representation of sign lettering and allow the accurate depiction of route shields, symbols, and other features commonly used on static signs. While these capabilities are quite enabling, their overuse can result in overly complex or superfluous messages. Accordingly, it is essential that detailed messages developed for CMS adhere to the same principles used for static, non-changeable sign legends to the extent practicable. For example, displaying an image of a Speed Limit sign with a redundant word legend placed next to it within the CMS display confronts the observer with what appears to be multiple messages when, in fact, they convey the same message. Similarly, displaying the Slippery When Wet symbol sign adjacent to a word message that advises motorists of slippery roadway conditions also imposes an unnecessary informational load on observers. This effect of a duplicative sign and message within the same sign display is merely a product of the advanced capabilities of the CMS rather than actual need or improved effectiveness. The advanced functionality of newer CMS should be used only to improve legibility and comprehension of the sign message to convey a clear, simple meaning.

- Engaging the Public

Public input on official matters can be helpful in informing agency decisions on transportation issues. However, the messages that are displayed on signs including CMS are expected to adhere to the basic principles of traffic control devices and the provisions of the MUTCD. To this end, if public input is solicited on traffic control devices, it should only serve to inform whatever message is developed and displayed by the agency technical representatives, in accordance with conventional sign legend syntax.

- Unconventional Message Syntax

There is no objective evidence that colloquial, popular culture, or other unconventional messages on CMS have any greater effect on driver behavior than conventional sign messages. Further, the use of nonstandard language, neologisms, portmanteaus, and witticisms has the potential to result in additional time and attention on the message when compared with a standard or conventional message. Similarly, most references to popular culture simply will not be understood by certain segments of the population, again resulting in more attention directed toward viewing and attempting to decipher the message and away from the road. The result is that the intended message is not received by some if not many observers due to the use of nonstandard or unconventional diction and an increased safety risk.

Principal Uses of CMS

The MUTCD lists several uses of CMS. These uses are consistent with the uses of traffic control devices in general throughout the rest of the MUTCD and, with two special exceptions, are related to traffic control. The public has now developed a confidence in the operational capabilities of CMS and has come to primarily expect that information relevant to travel conditions will be displayed on them in the event of unexpected conditions.

- Real-Time Traffic Control Messages

The original intent of CMS was to provide information about traffic and travel conditions in real time. Whether for non-recurring congestion, incidents, work zones, or similar conditions, CMS are mainly used for the purpose of informing the traveling public of

unexpected or atypical travel conditions. Accordingly, uses other than relevant real-time traffic control messages should be selective and confined to periods during which traffic exposed to those messages will not be likely to habituate to seeing non-relevant messages on the signs.

- Travel Time Messages

Travel time messages are a valuable resource to travelers during periods of congestion when travel time might vary considerably. To be effective, the travel time should have some point of reference, most often a distance, over which that time applies so that the traveler can gauge the level of congestion and extent of any delay. Either a distance or a reference-location-based exit number⁶ appropriately provides this context. Ideally, comparative travel times for alternative routes to a common destination will provide the most direct message and help to balance traffic volumes among the two routes.

These two uses remain the principal function of CMS. Any other uses, to the extent that they are allowed, are considered secondary.

Acceptable Secondary Uses of CMS

- Traffic Safety Campaign Messages

It is important that any safety campaign related messages be limited in duration. Displaying safety campaign messages on a near-continuous basis can be counterproductive to the intended purpose, as motorists might habituate to and ignore messages that are displayed for long periods of time or with such frequency or predictability that motorists perceive them as being displayed continually.

Frequencies as often as weekly (e.g., “Safety Sundays,” “Message Mondays,” “Haiku Holidays”) typically do not tie into an active safety campaign whose primary components include outreach and enforcement concurrent with the display of the messages as only a supporting element. Instead, a more effective and strategic approach to traffic safety campaigns and accompanying messages is for them to coincide with those on the National Highway Traffic Safety Administration’s annual communications calendar.⁷ Alignment with national campaigns helps ensure consistency for long-distance travel from one State to the next and may avoid the need for States to establish individual policies that might vary widely. It also helps to stem overuse of the CMS for such messages making the messages more impactful.

In addition, it is important that any safety campaign message be in response to a specific traffic safety concern relevant to the roadway type on which it is displayed. For example, a safety campaign message reminding drivers to watch for school children at the beginning of the school year would be inappropriate for a freeway application where school children and other school activity are not present.

In summary, whether part of a broader national or State-level traffic safety campaign, the display of the associated safety message on CMS should be limited to provide optimum impact and must be relevant to the roadway type on which it is displayed.

- Emergency and Homeland Security Messages

In times of a declared state of emergency, it might be appropriate to display messages related to evacuation or homeland security information, pre-empting other messages that are not related to the emergency. Traffic patterns likely will be atypical due to the

⁶ See MUTCD § 2E.31.

⁷ <https://www.trafficsafetymarketing.gov/calendars>

emergency, necessitating unique messaging that might not be specifically related to traffic conditions.

Homeland security messages are displayed only in emergency situations when there is an imminent security threat to the general population. These messages are not "promotional" or "advisory" in nature and should undergo significant levels of scrutiny prior to being approved for broadcast. Conversely, generic security or personal safety messages do not promote safe and effective highway use when there is no context of a declared state of emergency or known imminent national security threat.

- America's Missing: Broadcast Emergency Response (AMBER) Alerts

The posting of AMBER alerts on CMS is the result of a statutory requirement.⁸ The AMBER alert is a nationally coordinated program under the U. S. Department of Justice. Its stated purpose is to recover an abducted child where an intent to harm has been determined. A case goes through multiple levels of law enforcement review before an AMBER alert is ever issued. The information also must have been entered into the National Crime Information Center system. Accordingly, AMBER alerts on CMS are relatively rare, making them a true exception. These messages are not "promotional" or "advisory" in nature.

No other types of alerts have been authorized for display on CMS. Other "alert" concepts have been extrapolated inappropriately from the AMBER alert concept and are inconsistent with the safe and effective use of a traffic control device, which is not intended or the purpose of displaying public notices.

- Transportation-Related Messages

Transportation agencies sometimes desire to display messages for the purpose of improving traffic conditions such as those providing information on alternative means of transportation, electronic toll collection, or carpooling as a means of reminding drivers of relevant options or opportunities for transportation. The provision in the MUTCD allowing for transportation-related messaging is intended only for messages narrowly focused toward these types of purposes. Messages regarding broader transportation items not related to improving traffic conditions, such as reminders of driver's license or vehicle registration renewal, vehicle recall information, and vehicle maintenance, are outside the intent of this provision.

Consistent with the principles articulated in the MUTCD, CMS are not intended for promotional purposes or messages that are unrelated to traffic control. Limiting the uses of CMS to messages primarily related to traffic control is expected to help transportation agencies preserve the effectiveness of the sign and its primary function as traffic control devices whose messages adhere to established criteria. Among the uses that are inappropriate for CMS are the following:

- Date and time (except as related to expected roadway or traffic conditions, such as planned closures or other events affecting traffic)
- Display of Web site or e-mail addresses, uniform resource locators (URL), domain names, metadata tags ("hashtags"), electronic device applications ("apps"), or similar forms
- Display of telephone numbers (except as specifically allowed)⁹

⁸ Pub. L. 108-21 (April 30, 2003).

⁹ See MUTCD § 2A.06.

- Display of statistics, such as highway fatalities or summonses issued
- Personal safety messages (e.g., WEAR SUN SCREEN)
- Promotional advertising (commercial or non-commercial)
- Public awareness campaigns unrelated to traffic operation or safety
- Public safety alerts (except homeland security and AMBER alerts as described herein)
- Public service announcements
- Sponsor acknowledgment
- Weather conditions or advisories (except as related to expected adverse road-weather conditions)
- Any use of video, motion, flashing, or other graphic features not specifically provided for in the MUTCD

Conclusion: Electronic-display CMS, when used judiciously, provide important, real-time information to travelers for improving the safe and effective utilization of the highways. Their messages help road users navigate congestion and prepare for other unexpected roadway conditions. As official traffic control devices, it is important that all the allowable types of messages displayed on these signs adhere to the most fundamental principles of effective traffic control devices, among which are relevance and timeliness, simplicity and familiarity of message, minimization of legend elements and complexity, and consistency with other types of signs. To maintain the integrity and effectiveness of CMS, prudent judgment should be employed in the determination of the use of CMS as well as the content and syntax of messages displayed thereupon. The adoption by agencies of sound policies governing the judicious use of these official traffic signs is expected to benefit the motorist by preserving their primary use of relevant and timely messages that help the motorist navigate unexpected or unusual traffic and travel conditions.

For recordkeeping purposes, this interpretation has been assigned the following Official Ruling number and title: “2(09)-174 (I) – Uses of and Nonstandard Syntax on Changeable Message Signs.” Please direct any inquiries regarding appropriate CMS use or message design to Mr. Marty Calawa, Martin.Calawa@dot.gov, of the Office of Transportation Operations MUTCD Team.

Copy:
Associate Administrators
Chief Counsel
Chief Financial Officer
Directors of Field Services
Chief Technical Services Officer

2020 DMS Messages

Occupant Protection

~~Click It Or Ticket~~

~~Buckle Up
For The Ones You Love~~

~~Don't Get Ejected
Buckle Up~~

~~It's Love When It Clicks
Buckle Up~~

~~Your Mom Loves You
Buckle Up~~

~~Your Family Loves You
Buckle Up~~

~~All Buckled, All Seats, All The Time~~

~~Buckle Up
Next Million Miles~~

~~Fasten Your Seat Belt
Enforcement Is On~~

~~That Seat Belt
Looks Good On You~~

~~Thanks For Buckling Up~~

~~Seat Belts Save Lives~~

~~Windshields Hurt...
Buckle Up~~

~~2020 Crash Deaths Nearing 100
Buckle Up~~

~~93 Crash Fatalities This Year
Buckle Up~~

Child Passenger Safety

~~The Back Seat Is Safest
For Children Younger Than 13~~

~~Boosters Save Lives
Don't Rush To A Seat Belt~~

~~Buckle Kids In The Back Seat~~

~~Use Booster Seats
For Kids Up To 4'9"~~

~~Protect Your Child
Use The Tether
On Forward Facing Car Seats~~

Distracted Driving

~~U Text. U Drive. U Pay.~~

~~Control Your Fate-
The Text Can Wait~~

~~Drive Distraction Free~~

~~Eyes On The Road-
Hands On The Wheel~~

~~Hey North Dakota!
Thanks For Not Texting~~

~~Put Down The Phone
Make It Home~~

~~Who Ya Gonna Call?
Nobody. You're Driving.~~

~~Prevent A Tragedy
Dnt Txt And Drv~~

~~Yakety Yak Don't Text Back~~

Impaired Driving

Drive Sober Or Get
Pulled Over

~~Just Buzzed?~~

~~Nice Try...That's a DUI~~

~~Buzzed Driving Is~~

~~Drunk Driving~~

~~Crashes Are Not Accidents~~

~~Drive Sober~~

~~Designate A Sober Driver~~

~~Life Is A Gift~~

~~Call For A Lift~~

~~Prevent A Tragedy~~

~~Drive Sober~~

~~Under The Influence?~~

~~Under Arrest~~

Speed

~~Obey The Sign Or Pay The Fine~~

~~Fast Drive Could Be Your Last Drive~~

~~Good Deed? Don't Speed~~

~~Slow Ride...~~

~~Take It Easy~~

Lane Departure

~~Stay In Your Lane~~

Motorcycles

~~Look Twice For Motorcycles~~

~~Save A Motorcyclist~~

~~Look Twice~~

~~Live To Ride, Ride To Live~~

~~Take A Riders Course~~

~~Share The Road~~

~~Watch For Motorcycles~~

Misc.

~~Drive Smart~~

~~Don't Break A Heart~~

~~Vision Zero~~

~~0 Fatalities, 0 Excuses~~

~~Move Over For Emergency Vehicles~~

~~It's The Law~~

~~Snow Plows Need~~

~~Room To Groom~~

~~Winter Driving Conditions~~

~~Don't Use Cruise~~

Holidays

~~Drinking & Driving
Impairs Your 2020 Vision~~

~~Hop To It
Buckle Up~~

~~You're Not a Firecracker
Don't Drive Lit~~

~~Be A Firework
Spark Responsible Driving~~

~~Don't Be The Real Monster
Drive Sober~~

~~Don't Rely On Luck
Drive Sober~~

~~Fans Don't Let Fans Drive Drunk~~

~~You Aren't A Pumpkin
Don't Drive Smashed~~

~~New Year, Same Mission
Zero Deaths~~

~~Make The Nice List
Drive Sober~~

~~Mash Potatoes...
...Not Your Head
Buckle Up~~

~~Turkey Says Buckle Buckle~~

~~Xmas Trees Get Lit
Not Drivers~~

~~Drive Sober
Or Yule Be Sorry~~

2021 DMS Messages

Messages posted Friday-Sunday

Occupant Protection

Click It Or Ticket

Seat Belts Save Lives

Fasten Your Seat Belt
Enforcement Is On

Boosters Save Lives

Buckle Kids In The Back Seat

Distracted Driving

U Text. U Drive. U Pay.

Drive Distraction Free

Impaired Driving

Drive Sober Or Get Pulled Over

Designate A Sober Driver

Drive Sober
Enforcement Is On

Speed

Obey The Sign Or Pay The Fine

Motorcycles

Look Twice For Motorcycles

Misc.

Move Over For Emergency Vehicles

2021 SENATE STANDING COMMITTEE MINUTES

Transportation Committee Fort Totten Room, State Capitol

HCR 3004
3/19/2021

A concurrent resolution urging the Department of Transportation to use dynamic message signs solely for weather-related, road condition, emergency, work zone, and missing persons messages.

Chair Clemens calls the meeting to order. Present are Chair Clemens, Vice Chair Fors, Senators Bakke, Conley, Dwyer, and D. Larsen. [10:46]

Discussion Topics:

- Electronic signs on highways
- Distracted driving

Senator Bakke [10:49] motions DO NOT PASS.

Senator Dwyer [10:50] seconds.

Senators	Vote
Senator David Clemens	N
Senator Robert Fors	N
Senator Cole Conley	N
Senator Michael Dwyer	Y
Senator Doug Larsen	N
Senator JoNell Bakke	Y

Motion fails 2-4-0. [10:50]

Senator D. Larsen [10:50] motions DO PASS.

Senator Dwyer [10:50] seconds.

Senators	Vote
Senator David Clemens	Y
Senator Robert Fors	Y
Senator Cole Conley	Y
Senator Michael Dwyer	N
Senator Doug Larsen	Y
Senator JoNell Bakke	N

Senate Transportation Committee

HB 3004

3/19/21

Page 2

Motion passes 4-2-0. [10:51]

Senator D. Larsen will carry.

Chair Clemens adjourns the meeting. [10:52]

Sheldon Wolf, Committee Clerk

REPORT OF STANDING COMMITTEE

HCR 3004: Transportation Committee (Sen. Clemens, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Fourteenth order on the calendar.