

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **1796**

04/22/2013 Authored by Erhardt and Brynaert

The bill was read for the first time and referred to the Committee on Transportation Policy

03/10/2014 Adoption of Report: Amended and re-referred to the Committee on Transportation Finance

03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

03/26/2014 Adoption of Report: Placed on the General Register

Read Second Time

1.1 A bill for an act
1.2 relating to transportation; amending prohibitions, requirements, and penalties
1.3 related to highway safety in work zones; mandating legislative report;
1.4 appropriating money; amending Minnesota Statutes 2012, sections 169.011, by
1.5 adding a subdivision; 169.06, subdivision 4, by adding a subdivision; 169.14,
1.6 subdivision 5d, by adding a subdivision; 169.475, by adding a subdivision;
1.7 proposing coding for new law in Minnesota Statutes, chapter 169.

1.8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.9 Section 1. Minnesota Statutes 2012, section 169.011, is amended by adding a
1.10 subdivision to read:

1.11 Subd. 95. **Work zone.** "Work zone" means a segment of street or highway for which:

1.12 (1) a road authority or its agent is constructing, reconstructing, or maintaining the
1.13 physical structure of the roadway, which may include but is not limited to shoulders,
1.14 features adjacent to the roadway, and utilities and highway appurtenances, whether
1.15 underground or overhead; and

1.16 (2) any of the following applies:

1.17 (i) official traffic-control devices that indicate the segment of street or highway under
1.18 construction, reconstruction, or maintenance, are erected;

1.19 (ii) one or more lanes of traffic are closed;

1.20 (iii) a flagger under section 169.06, subdivision 4a, is present;

1.21 (iv) a construction zone speed limit under section 169.14, subdivision 4, is
1.22 established; or

1.23 (v) a workers present speed limit under section 169.14, subdivision 5d, is in effect.

1.24 **EFFECTIVE DATE.** This section is effective August 1, 2014.

Sec. 2. Minnesota Statutes 2012, section 169.06, subdivision 4, is amended to read:

Subd. 4. **Obedience to traffic-control signal or flagger authorized persons; presumptions.** (a) The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this chapter, unless otherwise directed by a police officer or by a flagger authorized under this subdivision, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic-control devices are required, such section shall be effective even though no devices are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

~~(e) A flagger in a designated work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a designated work zone may proceed after stopping only on instruction by the flagger.~~

(f) An overdimensional load escort driver with a certificate issued under section 299D.085, while acting as a flagger escorting a legal overdimensional load, may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by an escort driver acting as a flagger may proceed only on instruction by the flagger or a police officer.

~~(g)~~ (f) A person may stop and hold vehicles in place until it is safe for the vehicles to proceed, if the person: (1) holds a motorcycle road guard certificate issued under section 171.60; (2) meets the safety and equipment standards for operating under the certificate; (3) is acting as a flagger escorting a motorcycle group ride; (4) has notified each statutory or home rule charter city through which the motorcycle group is proceeding; and (5) has obtained consent from the chief of police, or the chief's designee, of any city of the

first class through which the group is proceeding. A flagger operating as provided under this paragraph may direct operators of motorcycles within a motorcycle group ride or other vehicle traffic, notwithstanding any contrary indication of a traffic-control device, including stop signs or traffic-control signals. A person operating a vehicle that has been stopped by a flagger under this paragraph may proceed only on instruction by the flagger or a police officer.

EFFECTIVE DATE. This section is effective August 1, 2014.

Sec. 3. Minnesota Statutes 2012, section 169.06, is amended by adding a subdivision to read:

Subd. 4a. **Obedience to work zone flagger; violation, penalty.** (a) A flagger in a work zone may stop vehicles and hold vehicles in place until it is safe for the vehicles to proceed. A person operating a motor vehicle that has been stopped by a flagger in a work zone may proceed after stopping only on instruction by the flagger or a police officer.

(b) Notwithstanding section 299D.03, subdivision 5, or 609.0331, or any other law to the contrary, a person operating a motor vehicle who violates this subdivision is subject to a fine of \$300 in addition to the surcharge under section 357.021, subdivision 6. The fines collected under this paragraph must be deposited in the work zone safety account under section 169.255.

(c) A peace officer may stop and issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of paragraph (a) within the past four hours.

(d) If a motor vehicle is operated in violation of paragraph (a), the owner of the vehicle, or for a leased motor vehicle the lessee of the vehicle, is guilty of a petty misdemeanor and is subject to a fine as provided in paragraph (b). The owner or lessee may not be fined under this paragraph if (1) another person is convicted for that violation, or (2) the motor vehicle was stolen at the time of the violation. This paragraph does not apply to a lessor of a motor vehicle if the lessor keeps a record of the name and address of the lessee.

(e) Paragraph (d) does not prohibit or limit the prosecution of a motor vehicle operator for violating paragraph (a).

(f) A violation under paragraph (d) does not constitute grounds for revocation or suspension of a driver's license.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to violations committed on or after that date.

Sec. 4. Minnesota Statutes 2012, section 169.14, subdivision 5d, is amended to read:

Subd. 5d. **Speed zoning limit in work zone; surcharge when workers present.**

(a) Notwithstanding subdivision 2 and subject to subdivision 3, the speed limit on a road having an established speed limit of 50 miles per hour or greater is adjusted to 45 miles per hour in a work zone when (1) at least one lane or portion of a lane of traffic is closed in either direction, and (2) workers are present. A speed in excess of the adjusted speed limit is unlawful.

(b) Paragraph (a) does not apply to a segment of road in which:

(1) positive barriers are placed between workers and the traveled portion of the highway;

(2) the work zone is in place for less than 24 hours;

(3) a different speed limit for the work zone is determined by the road authority following an engineering and traffic investigation and based on accepted engineering practice; or

(4) a different speed limit for the work zone is established by the road authority under paragraph (c).

(c) The commissioner, on trunk highways and temporary trunk highways, and local authorities, on streets and highways under their jurisdiction, may authorize the use of reduced maximum speed limits in highway work zones. The commissioner or local authority is not required to conduct when workers are present, without an engineering and traffic investigation before authorizing a reduced speed limit in a highway work zone required. The work zone speed limit must not reduce the speed limit on the affected street or highway by more than:

(b) ~~The minimum highway work zone speed limit is 20 miles per hour. The work zone speed limit must not reduce the established speed limit on the affected street or highway by more than 15 miles per hour, except that the highway work zone speed limit must not exceed 40 miles per hour. The commissioner or local authority shall post the limits of the work zone. Highway work zone speed limits are effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed greater than the posted highway work zone speed limit is unlawful.~~

(c) ~~Notwithstanding paragraph (b), on divided highways the commissioner or local authority may establish a highway work zone speed limit that does not exceed 55 miles per hour.~~

(d) ~~Notwithstanding paragraph (b), on two-lane highways having one lane for each direction of travel with a posted speed limit of 60 miles per hour or greater, the~~

~~commissioner or local authority may establish a highway work zone speed limit that does not exceed 40 miles per hour.~~

~~(e) For purposes of this subdivision, "highway work zone" means a segment of highway or street where a road authority or its agent is constructing, reconstructing, or maintaining the physical structure of the roadway, its shoulders, or features adjacent to the roadway, including underground and overhead utilities and highway appurtenances, when workers are present.~~

~~(f) Notwithstanding section 609.0331 or 609.101 or other law to the contrary, a person who violates a speed limit established under this subdivision, or who violates any other provision of this section while in a highway work zone, is assessed an additional surcharge equal to the amount of the fine imposed for the speed violation, but not less than \$25.~~

~~(1) 20 miles per hour on a street or highway having an established speed limit of 55 miles per hour or greater; and~~

~~(2) 15 miles per hour on a street or highway having an established speed limit of 50 miles per hour or less.~~

~~(d) A work zone speed limit under paragraph (c) is effective on erection of appropriate regulatory speed limit signs. The signs must be removed or covered when they are not required. A speed in excess of the posted work zone speed limit is unlawful.~~

~~(e) For any speed limit under this subdivision, a road authority shall erect signs identifying the speed limit and indicating the beginning and end of the speed limit zone.~~

~~**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to violations committed on or after that date.~~

Sec. 5. Minnesota Statutes 2012, section 169.14, is amended by adding a subdivision to read:

Subd. 6a. **Work zone speed limit violations.** Notwithstanding section 299D.03, subdivision 5, or 609.0331, or any other law to the contrary, a person operating a motor vehicle who violates a speed limit in a work zone, or who violates any other provision of this section while in a work zone, is subject to a fine of \$300 in addition to the surcharge under section 357.021, subdivision 6. The fines collected under this subdivision must be deposited in the work zone safety account under section 169.255.

~~**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to violations committed on or after that date.~~

Sec. 6. **[169.255] WORK ZONE SAFETY.**

6.1 Subdivision 1. **Work zone safety account; appropriation.** (a) A work zone safety
6.2 account is established in the special revenue fund. The account consists of fines for work
6.3 zone related violations as specified under this chapter, and any other money donated,
6.4 allotted, transferred, or otherwise provided to the account.

6.5 (b) The commissioner of management and budget shall annually transfer \$28,000
6.6 from the work zone safety account to the general fund.

6.7 (c) Following the transfer under paragraph (b), the revenue in the work zone safety
6.8 account under this subdivision is annually appropriated to the commissioner for:

6.9 (1) enhanced traffic enforcement efforts at work zones under the jurisdiction of the
6.10 commissioner and local road authorities; and

6.11 (2) information, training, and educational campaigns to raise awareness about work
6.12 zones.

6.13 Subd. 2. **Legislative report.** Annually by October 1, the commissioner shall submit
6.14 a report on work zone safety to the chairs and ranking minority members of the legislative
6.15 committees with jurisdiction over transportation policy and finance. At a minimum,
6.16 the report must:

6.17 (1) summarize the amount and uses of funds from the work zone safety account;

6.18 (2) analyze impacts of work zone traffic enforcement on vehicle speeds, crash
6.19 rates, and traffic safety;

6.20 (3) evaluate the effectiveness of work zone safety efforts; and

6.21 (4) propose legislative changes, if any, related to work zone safety.

6.22 **EFFECTIVE DATE.** Subdivision 1 is effective July 1, 2014. Subdivision 2 is
6.23 effective the day following final enactment, applies for reports due on or after October
6.24 1, 2015, and expires on October 2, 2017.

6.25 Sec. 7. Minnesota Statutes 2012, section 169.475, is amended by adding a subdivision
6.26 to read:

6.27 Subd. 2a. **Prohibition on use; work zones.** Notwithstanding subdivision 3, clauses
6.28 (1) and (2), no person may operate a motor vehicle while using a cellular phone, whether
6.29 handheld or hands-free, when the vehicle is (i) in motion or a part of traffic, and (ii) in
6.30 a work zone, when workers are present.

6.31 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
6.32 violations committed on or after that date.