

Senate Transportation Committee

Kat Bourque 271-3093

SB 14, relative to the use of amber lights by plow operators.

Hearing Date: January 10, 2017

Time Opened: 1:17 PM

Time Closed: 1:47 PM

Members of the Committee Present: Senators Birdsell, Gannon, Ward, Watters and McGilvray

Members of the Committee Absent: None

Bill Analysis: This bill eliminates the requirement that a plow operator be actively engaged in plowing in order to use amber lights.

Sponsors:
Sen. Feltes

Who supports the bill: Senator Feltes, Andrew Tarball

Who opposes the bill: Stephen Kace (Department of Safety)

Who is neutral on the bill: Rene Fortin (New Hampshire Towing Association), Bruce Crawford (Auto Recyclers)

Summary of testimony presented in support:

Senator Watters

- Senator Watters introduced the bill on behalf of Senator Feltes.

Senator Feltes

Prime Sponsor

- This bill is a constituent service request.
- The substantive change in the law is that the word “actively” is removed from the statute. In other words, the bill eliminates the requirement that a plow operator be actively engaged in plowing in order to use amber lights.
- Most consider active plowing to be when the plow is down. However, there are times when a plow truck may want to use their lights for safety reasons when they are not plowing.
- He added that the committee may hear some concerns about this bill, including from the New Hampshire towing Association. This particular group has concerns about the overuse of lights. This is something for the committee to consider.
- Senator Feltes added that, most importantly, he does not want plow truck drivers who feel a situation is unsafe to get a ticket if their lights are on and their plow is not in use.

Andrew Tarball

- Mr. Tarball is the constituent who requested that Senator Feltes sponsor this legislation.
- This legislation was prompted by an event following a snow storm a few years ago. Mr. Tarball did not have his lights running and was behind a state plow. At a stop light, the state plow went right on a red light and almost clipped his truck, which also had a plow on it. This happened again at a different intersection moments later. He then turned his amber lights on while he was not plowing and was pulled over and given a warning on the issue.
- He believes that it is difficult for others to figure out the length and width of the vehicle and plow in poor lighting and inclement weather.
- If there are many problems with overuse of lights, the state should work to figure out why individuals are running their lights and whether or not they are being used as a warning device.
- When many plow drivers are out working hours at a time, it can be exhausting when the lights on other vehicles are overwhelming.
- He believes that there are so many lights used by vehicles because drivers are worried about defending themselves against potential accidents and want to give other drivers ample warning.
- Mr. Tarball stated that he believes the goal is to ensure that individuals are not hit due to the fact that they weren't seen.

Summary of testimony presented in opposition :

Stephen Kace

Department of Safety (DOS)

- DOS opposes the legislation.
- Mr. Kace stressed that the use of lights is specifically for warning. If a plow driver were to leave their lights on while not plowing, it is unclear if a driver may have forgotten to turn off their lights or is trying to clear traffic or something else.
- RSA 265:6-A II states that individuals must yield when amber warning lights or emergency lights are used. The unknowing motorist doesn't know if the amber lights are contracted by the town or the state and is obligated to keep out of its way.
- In regards to the number and type of lights on the road, there are many vehicles that have too many lights. It is true that the general public will be desensitized with the overuse of lights.
- Mr. Kace stated that he has never issued a ticket to plow drivers who were using their lights while not plowing, but has had an educational discussion with them.
- Senator Birdsell asked Mr. Kace if he would be against a driver running their lights only in inclement weather. Mr. Kace stated that this would lead the public to wonder why the lights were illuminated. He believes that there are other professionals who are tasked with the safety of motorists. Even though this may be well-intended, the Department doesn't believe this should be changed in the law.

Neutral Information Presented:

Rene Fortin

President, New Hampshire Towing Association

President, New England Conference of Northeast Towing Association

- Mr. Fortin is not in support of or opposition to the bill, but proposed different aspects of the issue to be discussed with the committee.
- Mr. Fortin noted that during snow storms and inclement weather, adding two reflective bands on the outer edges of the plow may be a solution to notifying oncoming drivers.
- He expressed concern about lights on plows in general. The Association is currently talking with DOS to reduce the number of lights that run along the highway. Many motorists have become desensitized to lights because of the overabundance on the roads.
- Nationwide, the plowing industry is losing one tow operator every six days either through an injury or fatality.
- He stressed that it is important to do everything we can to make distracted, impaired drivers aware of plows.
- Current law states that one needs to be towing with a beacon operating. If we secure the vehicle properly to the plow or tow bar, and the drag lights are installed at the back of the vehicle, the towed vehicle becomes nothing more than a trailer. In his opinion, towed vehicles do not need lights.
- Scaling back on light uses is the first step in addressing this issue.
- In regards to plowing specifically, if the visibility is bad, lights may do nothing more than blind the driver.
- If the committee was interested in examining light usage in the state, Mr. Fortin stated that he would be more than willing to serve on a subcommittee or study committee.

Bruce Crawford

Executive Director, Auto and Truck Recyclers

- Mr. Crawford has been involved in plowing since 1962.
- He does not believe that reflective material on the outside edge of the plows will be effective or be a viable solution in the long run.
- The headlights that come from a factory vehicle are hidden by a snow plow. Specific plow lights are farther apart, but do not indicate how wide the plow is.
- Usually, snow plowing is done in less-than-perfect weather. There is either weather occurring or plow drivers are cleaning up from recent weather.
- Referencing lighting on vehicles, Mr. Crawford cannot imagine any officer writing ticket for having lights on while a plow is not operating. He believes that this would show a lack of safety consciousness.
- As far as towing vehicles, lights should not be necessary. There is not much difference between a car in a tow bed and lumber on a loading truck. Once the object is secure, additional lighting doesn't seem necessary.
- When there is an emergency, paying attention to lighting is important. However, most can agree that we do not want drivers to pay extra attention to something that is not urgently important.
- The majority of complaints that he hears about plow truck drivers include the brightness of their lights and disturbances that they may cause.
- Senator Birdsell asked if he was supporting or opposing the legislation. Mr. Crawford stated that he did support the fact that there needs to be lights on plow trucks.

Future Action: Pending

KAB

Date Hearing Report completed: January 11, 2017