



## **Testimony of the Associated Pennsylvania Constructors (APC)**

**Submitted to/for:**

**Senate Transportation Committee  
“Automated Enforcement of Traffic Violations”**

**461 Main Capitol Building  
Harrisburg, PA**

**September 18, 2023**

We thank Chairman Langerholc, Chairman Flynn, and the Senate Transportation Committee members for allowing our organization, the Associated Pennsylvania Constructors (APC), to submit the following testimony for your consideration as you examine the various legislative proposals to enforce the traffic laws in our Commonwealth.

APC is a trade association that unites more than 400 members, including prime and subcontractors, consulting engineers, material suppliers, manufacturers, and others interested in Pennsylvania's road and bridge construction industry. The association has been serving the industry for over 90 years and represents the majority of actively bidding contractors in the Commonwealth's \$2 billion highway industry.

On October 19, 2018, Act 86 was signed into law, bringing automated speed enforcement technology in work zones to Pennsylvania. The highway construction industry is on the front lines of building and maintaining our infrastructure system. But far too often we've seen the dangers and risks associated with this line of work. Speeding in work zones is by far the most cited danger highway workers say they face in carrying out their daily tasks. Tragically, our members have felt the impact when a father, mother, husband, wife, or coworker didn't go home after their shift because of a work zone-related speed incident.

APC wholeheartedly supported Act 86 in 2018. We applauded the General Assembly's actions to provide greater protections to highway workers and the general traveling public by enacting this life-saving law. But Act 86 had a five-year pilot program sunset provision, and we are now at that point in time.

We cannot and should not allow Act 86 to expire. APC now urges you to reauthorize Act 86 because it has proven successful at reducing work zone speeding and because it will continue to send the message that highway workers deserve to work in safe conditions and return home to their loved ones at the end of every shift.

When enacted, the program had five main goals. One, reduce speeds in work zones. Two, promote work zone safety. Three, improve driver behavior. Fourth, save worker and traveler lives. Five, complement existing speed enforcement by the Pennsylvania State Police. We would maintain that all of these goals were achieved and should continue with the passage of Act 86.

The program was enacted, however, as a five-year pilot and now needs to be reauthorized before February 2024. To say the program has been effective is an understatement. PennDOT reported that the number of crashes in work zones was down from 1,800 annually to just over 1,400 since the law was enacted.<sup>i</sup>

PennDOT also reported the following statistics to the state Transportation Advisory Commission in February of this year:

- 8,868 deployments led to 1,088,780 violations.
- Overall speeding (1 mph or more) fell to 17.24% in 2022 from 27.95% in 2020.
- Excessive speeding (11 mph or more) fell from 4.97% to 2.62% over that same time.
- When deployed, the average speed in a work zone dropped from 52 mph to 46 mph at the location of the enforcement unit.

While these statistics show the Automated Work Zone Speed Enforcement (AWZSE) program is working, some concerns remain. The data also indicates that repeat violations are rising from 12.61% in 2020 to 18.57% in 2022. This rising trend is mainly due to the public's familiarity that a first violation of the law leads to only a warning being issued. In addition, a financial penalty is only assessed to repeat offenders.

As a result, APC's Board of Directors adopted a policy position that the General Assembly should adopt when reauthorizing Act 86.

- First, **remove any sunset language** and allow Act 86 to become a permanent statute.
- Second, **establish a first-offense penalty** to reduce recidivism as the public's familiarity with the program increases, and it now knows that a first offense leads to no penalty other than a warning.
- Third, the program should be **expanded to all work zones** throughout the state regardless of roadway type or the presence of highway workers.

To that end, APC supports Senate Bill 748 and thanks Senators David Argall and Judy Schwank for being the prime sponsors of the legislation. While this legislation does not currently address provision three of our adopted policy, we still fully endorse its passage and hope the General Assembly amends it to expand applicability to all highway work zones.

APC also supported the work zone-related provisions of House Bill 1284 before the committee decided to remove them. We would urge the General Assembly to reconsider adding back the reauthorization of Act 86 language should the Senate Transportation Committee decide to take up this legislation.

Additionally, APC maintains that after having a warning for first offenses over the past five years, the pilot program served its purpose of warning the public of our new law. It's now time to establish a first-offense fine similar to what other neighboring states have already done. For example, Maryland established a flat \$40 penalty for all violations. New York recently enacted a law that provides \$50 for the first violation, \$75 for the second violation, and \$100 for the third and subsequent violations.

APC thanks the committee for allowing us to submit this testimony to you and remains willing to work with you in developing an AWZSE reauthorization bill that continues to achieve the levels of success it has in the past and provides even greater protection to the traveling public in the future.

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