

PENNSYLVANIA HOUSE and SENATE TRANSPORTATION COMMITTEES

**PUBLIC HEARING ON ENHANCING THE SAFETY OF HIGHWAY WORKERS, DRIVERS
AND PEDESTRIANS**

JULY 14, 2015

PennDOT: PROTECTION OF HIGHWAY WORKERS (SB 887 – Costa)

Introduction

The Department would like to begin by thanking the House and Senate Transportation Committee members for the opportunity to express our strong support for Senate Bill No. 887 which we believe will enhance the safety of Pennsylvania's highway workers and emergency responders.

It seems fitting that the National Worker Memorial is in Pennsylvania this week as we discuss work zone safety. In 2013, the Bureau of Labor Statistics reported that construction laborers had the tenth most dangerous job in the nation based on overall fatality rate (mining machine operators were number 6).

Work zone safety has always been a Department priority, but with the recent rise in work zone deaths in 2014 from 16 to 24, and the passing of Act 89; work zone safety has taken center stage with Department leadership. Sadly, 21 PennDOT employees were struck and killed by vehicles in or near work zones since 1970, so this is a personal issue for everyone at the Department.

Many ideas and potential legislation have been discussed to address work zone safety. One general comment has been that if anyone is serious about work zone safety, the first step should be to address the penalty to incentivize proper behavior. This has resulted in numerous laws across the country which provide for enhanced penalties for violations within work zones. In fact, 33 states and the District of Columbia double the fine for speeding or other traffic violations in a work zones. Most of these laws require workers to be present in the construction zone for the increased penalties to take effect, and signs must be posted to alert drivers of the enhanced penalties.

The focus of this proposed legislation is to strengthen current penalties in the event that a driver injures or kills a highway worker acting in the worker's official capacity or while the driver is travelling within a designated highway safety corridor. In simple terms, if the bill is enacted, Title 75 will be amended to establish the duty of drivers in construction and maintenance areas, highway safety corridors, or emergency response areas. Failure to comply with these duties will result in new stiff fines that will surely heighten motorists' awareness of the issue and ultimately improve driver behavior. The penalties for drivers will escalate if their actions result in bodily injury, serious bodily injury, or death of a worker. Depending on the violation, the intent of the legislation is to create penalties that include fines ranging from \$1000 to \$10,000 and license suspension for periods ranging from 90 days to one-year. With that said it is important to note the legislation needs to be amended to add a suspension term; the current language only addresses the surrender of the driver's license and not an actual suspension. In addition, legislation calls for a suspension for an adjudication of delinquency and admission into a pre-adjudication program (ARD), but suspensions are only imposed based upon convictions under Section 3327(b.1)(2)(i) and (ii). *An ARD is not a conviction.* I would also note PennDOT will need approximately *6 months* to make the necessary system enhancements and changes – as opposed to the 60 day effective date in SB 887.

The bill also proposes the doubling of fines associated with a wide range of moving vehicle violations if they are committed in an emergency response area manned by emergency service responders. Our main concern associated with this proposed legislation is whether District Justices will impose the new fines consistently and to the fullest extent statewide.

Conclusion

Our employees and contractors work day in and day out to keep our roads and bridges safe for Pennsylvania residents and those who travel Pennsylvania roadways every day. We also recognize the commitment and sacrifice of emergency service responders who, as part of their daily duty, put themselves at risk to save lives. We strongly support any effort to raise and maintain motorists' awareness of their responsibility to drive safely within work zones and in the vicinity of emergency service responders.

On behalf of the Department, I appreciate your time and allowing me to speak with you today. I would be happy to take any questions at this time.