

Prepared Testimony of Stephen Grimme, PA Department of Transportation

Good Morning. My name is Stephen Grimme, P.E., Chief of the Highway Safety and Traffic Operations Division at PennDOT. I am here to provide a few details regarding crash history involving pedestrians and some of the law and regulations pertaining to motorists and pedestrians in crosswalks or school zones.

From crash report data for the 10-year period of 2002 to 2011, there have been 1,498 fatalities and 43,718 injuries of pedestrians in Pennsylvania. These equate to an average of approximately 150 fatalities and 4,372 injuries per year. For pedestrians in the age group of school students, that is from 5 to 18 years of age, the numbers are 157 fatalities and 14,266 injuries for the same 10-year period. These equate to an average of approximately 16 fatalities and 1,427 injuries per year.

Also, from the data available for this same timeframe, there have been 176 fatalities within crosswalks, 14 of which were in the 5-18 age-group. And there have been 7,146 injuries, 1,646 of which were in the 5-18 age-group.

During this same period, there have been 11 fatalities within school zones, 9 of which were in the 5-18 age-group. And there have been 1,089 injuries, 787 of which were in the 5-18 age-group.

There are several laws in the Pennsylvania Vehicle Code (Title 75) and a regulation in the Pa. Code (Title 67) regarding pedestrians and motorists as related to pedestrian crossings and school zones. In the law, Sections 3541, 3542, 3543, 3547, 3552 and 3367 refer to these topics. And Section 212.501 of the regulations addresses school zones.

I will present to the Committee by attachment to this prepared testimony, but will not read, the full text of the applicable laws and regulation. Here is a summary of the laws and regulation.

Section 3541 addresses the obedience of pedestrians to traffic control devices and regulations. It provides that pedestrians shall obey police officers or other appropriately attired persons authorized to regulate traffic and that local governments may require by ordinance that pedestrians obey traffic and pedestrian control signals.

Section 3542 addresses the right-of-way of pedestrians in crosswalks. In general, when traffic control signals are not in place, motorists shall yield the right-of-way to a pedestrian crossing a roadway within a marked crosswalk or within any unmarked crosswalk at an intersection. However, no pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard. This section further defines that any motorist who violates this subsection commits a summary offense and shall be sentenced a fine of \$50 if convicted.

Section 3543 addresses pedestrians crossing roadways at other than crosswalks. In general, a pedestrian crossing a roadway at any point other than a crosswalk at an intersection or marked crosswalk shall yield the right-of-way to all vehicles.

Section 3547 addresses the right-of-way of pedestrians on sidewalks. It stipulates that motorists entering or emerging from an alley, building, private road or driveway shall yield the right-of-way to any pedestrian on any sidewalk extending across these locations.

Prepared Testimony of Stephen Grimme, PA Department of Transportation

Section 3552 addresses penalties for violations of Subchapter C of Chapter 35 of the Vehicle Code relating to rights and duties of pedestrians. It stipulates that unless otherwise noted in the subchapter, any pedestrian violating any provision is guilty of a summary offense and be sentenced to a \$5 fine if convicted.

Section 3365(b) addresses special speed limitations as they relate to school zones. This subsection provides a 15 mph speed limit for school zones utilizing an official traffic-control device. The penalties stipulated in 3365(d) indicate a fine of \$35, however if the person exceeds the maximum speed limit by more than 11 mph, a fine of not more than \$500 will be imposed. And if the person exceeding the maximum speed limit by more than 5 mph, that person shall pay an additional fine of \$2 per mile per hour in excess of the 5 mph excess of the maximum speed limit.

Chapter 212 of 67 Pa. Code addresses official traffic-control devices. Section 212.501 specifically addresses traffic controls for school zones. This section includes the 15 mph speed limit for school zones and indicates how school zones are to be established and posted.

Title 75, Pa. Consolidated Statutes, Vehicles

Chapter 35: Special Vehicles and Pedestrians

Subchapter C: Rights and Duties of Pedestrians

§ 3541. Obedience of pedestrians to traffic-control devices and regulations.

(a) **Traffic-control devices.**--A pedestrian shall obey the instructions of a police officer or other appropriately attired person authorized to direct, control or regulate traffic.

(b) **Traffic and pedestrian-control signals.**--Local authorities by ordinance may require pedestrians to obey traffic and pedestrian-control signals as provided in sections 3112 (relating to traffic-control signals) and 3113 (relating to pedestrian-control signals).

§ 3542. Right-of-way of pedestrians in crosswalks.

(a) **General rule.**--When traffic-control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way to a pedestrian crossing the roadway within any marked crosswalk or within any unmarked crosswalk at an intersection.

(b) **Exercise of care by pedestrian.**--No pedestrian shall suddenly leave a curb or other place of safety and walk or run into the path of a vehicle which is so close as to constitute a hazard.

(c) **Limitation on vehicles passing.**--Whenever any vehicle is stopped at any crosswalk at an intersection or at any marked crosswalk to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle.

(d) **Application of section.**--Subsection (a) does not apply under the conditions stated in section 3543(b) (relating to pedestrians crossing at other than crosswalks).

(e) **Penalties.**--The driver of a vehicle who violates subsection (a) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$50.

§ 3543. Pedestrians crossing at other than crosswalks.

(a) **General rule.**--Every pedestrian crossing a roadway at any point other than within a crosswalk at an intersection or any marked crosswalk shall yield the right-of-way to all vehicles upon the roadway.

(b) **At pedestrian tunnel or overhead crossing.**--Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

(c) **Between controlled intersections in urban district.**--Between adjacent intersections in urban districts at which traffic-control signals are in operation pedestrians shall not cross at any place except in a marked crosswalk.

(d) **Crossing intersection diagonally.**--No pedestrian shall cross a roadway intersection diagonally unless authorized by official traffic-control devices or at the direction of a police officer or other appropriately attired person authorized to direct, control or regulate traffic. When authorized to cross diagonally, pedestrians shall cross only in accordance with the signal pertaining to the crossing movements.

§ 3544. Pedestrians walking along or on highway.

(a) **Mandatory use of available sidewalk.**--Where a sidewalk is provided and its use is practicable, it is unlawful for any pedestrian to walk along and upon an adjacent roadway.

(b) **Absence of sidewalk.**--Where a sidewalk is not available, any pedestrian walking along and upon a highway shall walk only on a shoulder as far as practicable from the edge of the roadway.

(c) **Absence of sidewalk and shoulder.**--Where neither a sidewalk nor a shoulder is available, any pedestrian walking along and upon a highway shall walk as near as practicable to an outside edge of the roadway and, if on a two-way roadway, shall walk only on the left side of the roadway.

(d) **Right-of-way to vehicles.**--Except as otherwise provided in this subchapter, any pedestrian upon a roadway shall yield the right-of-way to all vehicles upon the roadway.

§ 3545. Pedestrians soliciting rides or business.

No person shall:

- (1) Stand on a roadway for the purpose of soliciting a ride.
- (2) Stand on a roadway for the purpose of soliciting employment, business or contributions from the occupant of any vehicle.
- (3) Stand on or in proximity to a highway for the purpose of soliciting the watching or guarding of any vehicle while parked or about to be parked on a street or highway.

§ 3546. Driving through or around safety zone.

(a) **Through zones.**--No vehicle shall at any time be driven through or within a safety zone.

(b) **Around zones.**--Traffic may move on either side of a safety zone unless prohibited from driving to the left of the zone by the installation of an official traffic-control device as provided in this title.

§ 3547. Right-of-way of pedestrians on sidewalks.

The driver of a vehicle emerging from or entering an alley, building, private road or driveway shall yield the right-of-way to any pedestrian approaching on any sidewalk extending across the alley, building entrance, road or driveway.

§ 3548. Pedestrians to yield to emergency vehicles.

(a) **General rule.**--Upon the immediate approach of an emergency vehicle making use of audible and visual signals meeting the requirements of this title, every pedestrian shall yield the right-of-way to the emergency vehicle.

(b) **Exercise of care by driver.**--This section does not relieve the driver of an emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway nor from the duty to exercise due care to avoid colliding with any pedestrian.

§ 3549. Blind pedestrians.

(a) **General rule.**--The driver of a vehicle shall yield the right-of-way to any totally or partially blind pedestrian carrying a clearly visible white cane or accompanied by a guide dog and shall take such precautions as may be necessary to avoid injuring or endangering the pedestrian and, if necessary, shall stop the vehicle in order to prevent injury or danger to the pedestrian.

(b) **Effect of absence of cane or dog.**--This section shall not be construed to deprive a totally or partially blind pedestrian not carrying a cane or not

being guided by a dog of the rights and privileges conferred by law upon pedestrians crossing streets or highways, nor shall the failure of a totally or partially blind pedestrian to carry a cane or to be guided by a guide dog upon the streets, highways or sidewalks of this Commonwealth be held to constitute contributory negligence in and of itself.

(c) **Penalty.**--A violation of subsection (a) constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

§ 3550. Pedestrians under influence of alcohol or controlled substance.

A pedestrian who is under the influence of alcohol or any controlled substance to a degree which renders the pedestrian a hazard shall not walk or be upon a highway except on a sidewalk.

§ 3551. Compliance with bridge and railroad warning signals.

(a) **Bridges.**--No pedestrian shall enter or remain upon any bridge or approach to any bridge beyond the bridge signal, gate or barrier after a bridge operation signal indication has been given.

(b) **Railroad crossings.**--No pedestrian shall pass through, around, over or under any crossing gate or barrier at a railroad grade crossing or bridge while the gate or barrier is closed or is being opened or closed.

(c) **Penalty.**--A violation of this section constitutes a summary offense punishable by a fine of not less than \$50 nor more than \$150.

§ 3552. Penalty for violation of subchapter.

Except as otherwise provided for in this subchapter, any pedestrian violating any provision of this subchapter is guilty of a summary offense and shall, upon conviction, be sentenced to pay a fine of \$5.

Chapter 33: Rules of the Road in General

Subchapter F: Speed Restrictions

§ 3365 Special Speed Limitations.--

. . .

(b). **School zones.**--When passing through a school zone as defined and established under regulations of the department, no person shall drive a vehicle at a speed greater than 15 miles per hour. An official traffic-control device shall indicate the beginning and end of each school zone to traffic approaching in each direction. Establishment of a school zone, including its location and hours of operation, shall be approved by the department.

. . .

(d) Penalty.--

(1) Any person violating any provision of this section commits a summary offense and shall, upon conviction, be sentenced to pay:

(i) Except as set forth under subparagraph (ii), a fine of \$35.

(ii) For a violation of subsection (b), a fine of not more than \$500 if the person exceeds the maximum speed limit by more than 11 miles per hour.

(2) Any person exceeding a maximum speed limit established under this section by more than five miles per hour shall pay an additional fine of \$2

per mile for each mile in excess of five miles per hour in excess of the maximum speed limit.

67 Pa. Code § 212.501. School zone speed limits.

(a) *Establishment.* A 15 miles per hour school zone speed limit may be established in a school zone during the normal hours that walking students are arriving at or leaving school, under 75 Pa.C.S. § 3365(b) (relating to special speed limitations).

(1) To establish a school zone, local authorities shall be responsible to prepare and submit a drawing showing the locations where students walk along or across roadways that are adjacent to school property, the hours that students are going to or from school and the proposed limits for the school zone to the Department for approval.

(2) The Department is responsible for approving the establishment of all school zones, including the locations and hours of operation, except local authorities shall be responsible for approving school zones at the following locations:

(i) On local highways when the municipality has received municipal traffic engineering certification under Chapter 205 (relating to municipal traffic engineering certification).

(ii) On State-designated highways when the municipality has entered into an agreement with the Department thereby transferring to the local authorities the authority to install traffic-control devices without specific Department approval.

(iii) On highways in cities of the first and second class, except not on expressways.

(3) The duration of a 15 miles per hour school zone speed limit should be only long enough to include the time that walking students routinely arrive at or leave school.

(b) *Posting.* A school zone speed limit shall be posted on official traffic-control devices as follows:

(1) At the beginning of the school zone speed limit, one of the following signs or groups of signs shall be posted either on the right side of the roadway or over the roadway:

(i) A Speed Limit Sign (R2-1) with the appropriate school zone speed limit, with a School Panel (S4-3) mounted above the Speed Limit Sign (R2-1) and a When Flashing Sign (S4-4) mounted below the Speed Limit Sign (R2-1), with two flashing speed limit sign beacons.

(ii) A Speed Limit Sign (R2-1) with the appropriate school zone speed limit, with a School Panel (S4-3) mounted above the Speed Limit Sign (R2-1)

and a Restricted Hours Panel (R10-20A) mounted below the Speed Limit Sign (R2-1).

(iii) A School Speed Limit When Flashing Sign with a blank-out "15" and flashers as illustrated in the *Traffic Signal Design Handbook* (Department Publication 149M).

(2) An End School Zone Sign (S5-2) shall be posted on the right side of the roadway to define the end of the school zone speed limit.

(3) The limits of a school zone may extend beyond the school property lines to improve the sight distance or to encompass a school crosswalk, except that the length of the zone may not be greater than 1,600 feet.

