

COMMONWEALTH OF PENNSYLVANIA
HOUSE OF REPRESENTATIVES

HOUSE TRANSPORTATION COMMITTEE
joint with the
SENATE TRANSPORTATION COMMITTEE
PUBLIC HEARING

STATE CAPITOL
HARRISBURG, PA

NORTH OFFICE BUILDING
HEARING ROOM 1

TUESDAY, JULY 14, 2015
9:31 A.M.

PRESENTATION ON
ENHANCING THE SAFETY OF HIGHWAY
WORKERS, DRIVERS, AND PEDESTRIANS

HOUSE COMMITTEE MEMBERS PRESENT:

HONORABLE JULIE HARHART
HONORABLE DOYLE HEFFLEY
HONORABLE TIM HENNESSEY
HONORABLE MARK KELLER
HONORABLE JIM MARSHALL
HONORABLE RON MARSICO
HONORABLE JEFF PYLE
HONORABLE MARGUERITE QUINN
HONORABLE WILLIAM KELLER, DEMOCRATIC CHAIRMAN
HONORABLE BRYAN BARBIN
HONORABLE MIKE CARROLL
HONORABLE MARIA DONATUCCI

SENATE COMMITTEE MEMBERS PRESENT:

HONORABLE JOHN C. RAFFERTY, MAJORITY CHAIRMAN
HONORABLE CAMERA BARTOLOTTA
HONORABLE RANDY VULAKOVICH
HONORABLE JOHN N. WOZNIAK, DEMOCRATIC CHAIRMAN

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*Pennsylvania House of Representatives
Commonwealth of Pennsylvania*

HOUSE COMMITTEE STAFF PRESENT:

ERIC BUGAILE

MAJORITY EXECUTIVE DIRECTOR

BETH SICKLER

MAJORITY RESEARCH ANALYST

DAVID KOZAK

MAJORITY RESEARCH ANALYST

BONNIE GLATFELTER

MAJORITY ADMINISTRATIVE ASSISTANT

MEREDITH BIGGICA

DEMOCRATIC EXECUTIVE DIRECTOR

ERIC NELSON

DEMOCRATIC RESEARCH ANALYST

KELLY MINITO

DEMOCRATIC LEGISLATIVE ASSISTANT

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SUBMITTED WRITTEN TESTIMONY

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(See submitted written testimony and handouts online.)

P R O C E E D I N G S

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3 SENATE MAJORITY CHAIRMAN RAFFERTY: Good morning,
4 ladies and gentlemen. It is 9:30. Good morning, ladies
5 and gentlemen. Welcome to the Joint Hearing of the Senate
6 and House Transportation Committees. Today is for
7 information purposes only. There will be no action items
8 taken; no bills will be passed by either of the Committees
9 at today's hearing.

10 Senator Wozniak, the Democrat Chair of the Senate
11 Transportation Committee; Representative Jim Marshall, who
12 is the Chair of the Transportation Safety Subcommittee for
13 the Transportation Committee of the House; and
14 Representative Bill Keller, the Democrat Chair of the
15 Transportation Committee in the House; and I'm John
16 Rafferty, Chair of the Senate Transportation Committee, we
17 welcome you this morning.

18 We have quite a busy agenda. We're going to try
19 to adhere to the time limits. Please, presenters, be
20 mindful of that. The Representatives and Senators will
21 have a chance to ask some questions. If we don't get to
22 the questions that they need to ask because of time
23 constraints or if you don't have the information, we'll ask
24 that all the information that you provide the two
25 Committees be sent through the Chairs' offices and we'll

1 make sure that information is available to the presenters
2 so we can have the information then disseminated to all the
3 Members of the two respective Committees.

4 This is a momentous occasion to have the two
5 Committees here together. We wanted to meet on these
6 topics because there are bills either currently in the
7 Senate or in the House or in both chambers, identical
8 bills, companion bills, or bills that are being
9 contemplated to be introduced in the Senate and the House
10 regarding our transportation system, the safety thereof.

11 As you well know, we undertook a major task here
12 in the Commonwealth of Pennsylvania, Act 89, the
13 Transportation Bill. We're starting to see a lot of
14 progress now, a lot more construction going on on the
15 highways, on the turnpike, on our bridges, on our rail
16 system. We want to make sure that our safety regulations
17 and the protection of the workforce and those using the
18 highways and the transportation system were protected as
19 efficiently and effectively as possible.

20 Some of these items have been around for a number
21 of years, and I believe that the House and the Senate
22 Transportation Committees are in probably better
23 communication than they've been for years and in a position
24 where we're anxious to work together to try to get some of
25 this legislation passed.

1 So we'll begin now. And as I said, I'm just very
2 mindful of the fact that we have a full agenda, so if need
3 be, I'll have to weigh in. However, there is a prerogative
4 of the Chairs that we can allow an extension of time if it
5 is warranted. So thank you very much for that.

6 Any quick comments from any of the other Chairs?

7 Okay. Thank you very much.

8 Our first panel then will be the work zone
9 improvements. This is Senate Bill 840, created a five-year
10 pilot program to provide for Automated Speed Enforcement
11 systems of the Commonwealth interstate highway. They're
12 active work zones under jurisdiction of PennDOT.

13 Could the panel members come forward, please?

14 They are Senator Dave Argall; Lieutenant Robert Krol of the
15 Pennsylvania State Police; Mr. Robert Latham, Associated
16 Pennsylvania Constructors; Mr. Joseph Kovel -- Sergeant
17 Joseph Kovel, right -- President of Pennsylvania State
18 Troopers Association. Joseph, it's good to see you, and
19 all of you. Thank you very much for being here.

20 I want to mention, too, that Bob Latham, who just
21 took a seat on the end here, was very instrumental in the
22 passage of Act 89. His Keystone Alliance was very much at
23 the forefront so we thank them for that.

24 And, Lieutenant, good to see you; and, Mr.
25 President, good to see you as well.

1 Senator Argall, we'll begin with you if we could,
2 the prerogative of the Chair recognizing his friend and
3 colleague from Schuylkill County.

4 SENATOR ARGALL: Thank you, Mr. Chairman. And I
5 got the hint; I'll be quick.

6 To my friends in the Senate and my former
7 colleagues in the House, I thank all of you for your
8 leadership in reviewing this important issue. Senate Bill
9 840, which I've introduced with Senator Schwank and eight
10 other Senators, would set up Automated Speed Enforcement
11 systems or speed cameras on interstate highways in active
12 work zones.

13 Over the last few months, I'm sure you've all
14 noticed, several accidents have occurred in Pennsylvania's
15 work zones. According to the preliminary data from
16 PennDOT, in 2014, 24 people died in work zone crashes, an
17 increase of eight from 2013. The data also indicate 1,841
18 work zone area crashes in 2014.

19 After the most recent tragedy, Holly Doppel from
20 Berks County emailed me and Senator Schwank about
21 strengthening the safety in these work zones. She
22 referenced the fatal accident on May 2nd near Bensalem on
23 the turnpike that claimed the life of a motorist and sent
24 four construction workers to the hospital. Holly's
25 youngest son was working with the crew that was involved in

1 the accident but, fortunately for him, had left several
2 hours before the accident.

3 She offered her support for this legislation,
4 which aims to protect workers like her son from any life-
5 altering situations due to reckless driving and speeding.
6 In her email she stated to me, "The worker that was so
7 badly injured had his life totally changed and will never
8 really recover to the person he was before the accident."

9 As you know all too well, these men and women
10 dedicate their time and efforts toward improving
11 Pennsylvania's infrastructure each and every workday so
12 that motorists can arrive to and from their destinations
13 safely and efficiently, and it's our responsibility to
14 protect them.

15 Our legislation would establish a five-year pilot
16 program under the jurisdiction of PennDOT and the Turnpike
17 Commission to place speed cameras on interstate highways in
18 active work zones. The systems would only be active when
19 the work zone is active. Motorists would receive advance
20 warning of the use of these systems. Failure to comply
21 would result in a \$100 fine without any points on the
22 record. The revenue raised would be sent to the Motor
23 License Fund to be used exclusively for work zone safety.

24 Other States have utilized similar programs. We
25 have found in fact they do slow down traffic. Maryland

1 realized an 85 percent reduction in the number of motorists
2 speeding through work zones as a result of Automated Speed
3 Enforcement systems.

4 Again, as I'd indicated earlier this proposal has
5 been met with considerable bipartisanship support in the
6 Senate with one main goal in mind: saving lives. I'd like
7 to thank Senators Teplitz, Wozniak, Fontana, Scavello,
8 Costa, Yudichak, Blake, and Leach for joining Senator
9 Schwank as cosponsors of this important proposal.

10 Again, thank you for inviting me here today.

11 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
12 Senator Argall.

13 We moved that out of Transportation, didn't we?

14 SENATOR ARGALL: You did.

15 SENATE MAJORITY CHAIRMAN RAFFERTY: Thanks. Just
16 to make sure.

17 So I thank you, Senator Argall, for the
18 testimony.

19 And why don't we move along. And then if we have
20 questions, we'll save them for the end if we could.

21 Mr. Latham, do you want to go next?

22 MR. LATHAM: Certainly. Thank you, Mr. Chairman,
23 and Members of the Committees.

24 I also would like to thank the sponsors of this
25 legislation because I think it's a very important safety

1 measure.

2 This morning, as I was coming in to work today on
3 the Camp Hill bypass, I was driving about 52 miles an hour
4 in the left-hand lane, which is a 50-mile-an-hour speed
5 limit, and I believe a woman because the car was traveling
6 at a very high rate of speed, passed me on the right,
7 estimated that she was doing about 75 miles an hour, wove
8 over to the left, and continued to accelerate on her way to
9 the Harvey Taylor Bridge. My guess is that when that
10 individual reaches a highway work zone on an interstate
11 when she's already traveling at a rate of speed of about 80
12 to 85 miles an hour, that the 55-mile-an-hour speed limit
13 signs that we have up there really don't have much of an
14 impact on her behavior.

15 What our hope today is that by enacting Senate
16 Bill 840 we will have an impact on her behavior and the
17 behavior of others who feel compelled to drive at that rate
18 of speed through interstates. They are a menace to
19 themselves, they're a menace to fellow drivers, and of
20 course they're a menace to people who are trying to make a
21 living improving the infrastructure of the Commonwealth.

22 So we sincerely urge that you approve this
23 legislation. Senator Argall very aptly put the reasons
24 out, the experience in Maryland. I would like to also
25 point out that due to the passage of Act 89, we are now

1 finally able to get back to rehabilitating our
2 infrastructure, our transportation system throughout the
3 Commonwealth. And I emphasize the word "rehabilitate." We
4 are not, with that legislation, building a lot of new
5 highways. Everything we are doing, almost everything we
6 are doing, is under traffic. We have to build things under
7 traffic.

8 The way that we have to do this, in order to keep
9 roads open, means that you have to narrow lanes down in the
10 construction areas. It makes a dangerous situation at 55
11 miles an hour, let alone 80 miles an hour.

12 I think the key point here is that this is a
13 safety bill. We have seen in Maryland and other States
14 that actually the fine revenue goes down over a period of
15 time. And that's really the goal I believe that Senator
16 Argall and the other sponsors of the bill have. This is
17 not a revenue-enhancement bill; this is a bill to get
18 people to slow down, encourage them to slow down and save
19 lives of motorists, as well as highway workers.

20 The technology available to us today is advancing
21 at a very high rate. Interestingly enough, a survey of
22 Fortune 500 CEOs recently indicated that technology
23 advancement is the biggest disruptor that they see, and
24 "disruptor" is now sort of a business term as a change
25 agent. We see cars now that have sensors in them. In

1 other words, you've seen the ads on TV the car senses
2 something in front of it, it automatically slows down. I
3 can foresee a day where we might have sensors in cars where
4 we would have a signal emitted in a work zone that would
5 automatically dampen speeds. We don't have that today but
6 we do have the technology available here that can affect
7 behavior.

8 One final point: Our Pennsylvania State Troopers
9 do a wonderful job for us when they are able to be on
10 interstate and other construction projects, but we don't
11 have the complement available to put a trooper on every job
12 on interstates. This bill will allow us to efficiently use
13 our State complement efficiently and cost-effectively slow
14 down motorists and make things safer again for drivers,
15 highway workers, and the like.

16 Thank you very much.

17 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
18 Mr. Latham.

19 I want to correct myself earlier, Senator Argall.
20 I apologize. It was Senator Costa and Senator Bartolotta's
21 bill we moved out. Yours was just referred in June but was
22 on the schedule next, so thank you for that.

23 And Representative Taylor, the Chair of the
24 Transportation Committee, could not be with us today
25 because of a family matter he had to attend to in another

1 part of the State, so I wanted to mention that as well.

2 Lieutenant Krol, sir, please.

3 LIEUTENANT KROL: Good morning, Chairmen and
4 Members of the Committee.

5 I'm Lieutenant Robert Krol of the Pennsylvania
6 State Police Legislative Affairs Office. Thank you for the
7 opportunity to appear before you today to discuss improving
8 work zone safety through the use of speed enforcement
9 cameras.

10 Improving the quality of life for the residents
11 and guests of Pennsylvania by prioritizing highway safety
12 is one of the highest goals of the Pennsylvania State
13 Police. In working towards this goal, the PSP employs
14 multiple crash-reduction strategies which are developed
15 through a variety of methods, including the monitoring and
16 evaluation of crash-related data and by working in
17 partnership with the Pennsylvania Department of
18 Transportation, Pennsylvania Turnpike Commission, along
19 with other State, Federal, and private entities involved in
20 the transportation sector.

21 One very important aspect of highway safety and
22 improving that is ensuring the operation of vehicles by
23 drivers traveling through designated work zones. These
24 areas, including the segments immediately before and after
25 the designated work zone, can present a host of hazards to

1 the highway workers and the motoring public. Depending on
2 the particular work zone, hazards may include stopped
3 traffic queues upon approach to the area, rough and uneven
4 road surfaces, significantly reduced lane widths, and, most
5 notably, the presence of highway workers.

6 Throughout these zones, the men and women who
7 build and maintain our roads and bridges are extremely
8 vulnerable to the actions of unsafe drivers. Ensuring
9 compliance with the posted speed limits on our highways is
10 a very important component in the effort to reduce traffic
11 crashes. Based on information provided by PennDOT, during
12 2014, there were 121,317 reportable crashes, of which
13 excessive speed was a factor in 32,069.

14 The fact that 26 percent, just over 1/4 of all
15 reported crashes in 2014, involved excessive speed clearly
16 indicates a need for the Commonwealth's police agencies to
17 continue making speed enforcement a central component of
18 their overall crash-reduction strategy. This is especially
19 important within the highway work zones, as the extra
20 hazards in these areas can be greatly amplified by the
21 motorist exceeding the established work zone speed limit.

22 The concept of using Automated Speed Enforcement
23 cameras in work zones, as outlined in Senate Bill 840, may
24 potentially assist in reducing the number of drivers
25 exceeding the speed limit. This bill is structured as a

1 five-year pilot program for work zones established on
2 interstate highways under the jurisdiction of PennDOT and
3 the Pennsylvania Turnpike Commission. The PSP believes the
4 decision of whether or not to implement the use of
5 technology is a policy matter that should take into account
6 topics such as costs to operate it, requirements on
7 personnel resources, expected success rates, and public
8 perception. We look forward to being involved in those
9 discussions during any future workgroups regarding this
10 subject.

11 Once again, I would like to thank the Committee
12 for inviting the PSP here to speak on the matter and I will
13 be happy to take any questions you may have.

14 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
15 Lieutenant.

16 Joseph Kovel, President of Pennsylvania State
17 Troopers Association. Mr. Kovel.

18 MR. KOVEL: Senator, thank you.

19 Chairmen Rafferty, Wozniak, Marshall, and Keller
20 and the rest of the Committee, thank you for the
21 opportunity to testify before you here today. My name is
22 Joe Kovel and I'm the President of the State Troopers
23 Association. And we as the State Troopers Association
24 represent the men and women who protect and keep
25 Pennsylvania safe every day.

1 We strive to keep neighborhood streets and
2 highways within every county of this Commonwealth safe, and
3 unfortunately, we see firsthand the consequences when
4 motorists fail to pay attention or drive too fast within a
5 construction zone, whether it's within a "cattle chute" of
6 Jersey barriers or in work zones where workers are more
7 greatly exposed and at a greater risk of injury.

8 Work zone safety is a critical element of our
9 mission. We want the driving public and highway workers to
10 safely coexist in these areas, and there is no questioning
11 what the impact of a State Police vehicle and a State
12 Trooper is within these construction zones. In fact, as
13 noted within the Pennsylvania State Transportation Advisory
14 Committee Final Report on Cameras in Work Zones, one study
15 has shown that ASE, which is Automated Speed Enforcement,
16 was generally as effective at reducing speeds as the
17 presence of police. Our presence is especially critical in
18 work zones where workers are unprotected by Jersey barriers
19 frequently placed in longer-term construction zones.

20 Furthermore, our presence within these work zones
21 allows us to respond quickly when an incident or an
22 accident happens. It also allows us to observe impaired
23 driving, drunken driving, reckless driving, road rage
24 incidents. The camera is just going to take a picture.
25 The camera is just going to take a picture. There's not

1 going to be a trooper there to respond. There's not going
2 to be a first responder there if an accident does happen to
3 try to clear that accident scene and keep traffic moving
4 because as we all know, backlogs occur very quickly within
5 these construction zones and it backs up and creates
6 hazards for the rest of the motoring public. Without
7 having those troopers in those zones and being replaced by
8 a camera, we feel that that takes away a certain safety
9 element for the motoring public.

10 Everybody's heard the promise of Automated Speed
11 Enforcement. There's no doubt that it is extremely
12 efficient at issuing tickets, at issuing citations to the
13 motoring public. In Maryland it's been reported that over
14 26,000 speeding citations have been issued within one
15 month. If that number would be sustained for a year,
16 you're talking 312,000 tickets annually at \$100 a pop, as
17 the legislation allows in Senate Bill 840.

18 In Pennsylvania, we typically as State Troopers
19 issue about 14,000 a year. So if the goal is to raise
20 revenue, there's little doubt that an Automated Speed
21 Enforcement program will do it. It will be more efficient
22 at raising revenue within construction zones than what
23 State Troopers are. But does that actually result in
24 worker safety by issuing more speeding citations?

25 Most States limit the application of ASE

1 enforcement to longer-term construction zones where workers
2 are protected by physical barriers, the concrete barriers
3 you see alongside the road, and that limitation is likely
4 necessitated by the requirements of providing sufficient
5 notice to the driving public that the ASE will be
6 operational within a specific work zone, such as the
7 initial 24-hour warning period that is provided for in
8 Senate Bill 840, as well for the cost of setting up and
9 operating the system.

10 If you're going to compare statistics for an ASE
11 system, I think it's important that you compare worker and
12 driver injury statistics only within similarly situated
13 work zones, those with and without physical barriers, those
14 with an ASE system that was operational, and those that had
15 State Police presence leading into or within the work zone.

16 Again, as I said before it's important that you
17 also document response times. What is the response time
18 for first responders with an ASE system in place and
19 without one? What is going to be the effect of that if
20 that system is implemented and troopers are basically
21 removed from the system and replaced by a camera?

22 If you choose to move forward with Automated
23 Speed Enforcement for the purpose of improving worker
24 safety within the zones and not just to raise revenue, as
25 stated in this previously mentioned report, "Any revenue

1 generated from this initiative should be considered for
2 inclusion in future work zone safety enforcement programs."
3 And I was pleased to see that Senate Bill requires similar
4 language.

5 And I think that one of the things you need to
6 consider is that the revenues that are generated from this
7 ASE program be directed towards putting State Troopers in
8 construction zones or work zones that are not protected by
9 barriers, meaning that when you go down the turnpike, when
10 you go across the interstates, every day you see
11 construction zones where it's just a line of cones across
12 the road. A lot of times you'll see a PennDOT worker, a
13 turnpike worker filling in cracks with Crafcoc, hot tar
14 along the skip line. Well, their butt is on the skip line.
15 It's hanging out there. There's no barrier there. There's
16 no cameras that are going to be set up in those zones.
17 Those cameras are not going to protect those workers. So
18 if we're going to talk about work zone safety and
19 protecting our workers, what about the ones that aren't
20 protected by the barriers, the ones that are hanging out
21 there every day?

22 We can do that. Those work zones are fluid.
23 They move around within a day and within the weeks, and
24 sometimes are those are last-minute decisions; PennDOT and
25 the turnpike have to make those decisions and those things

1 change.

2 I just talked to people that work in the State
3 Police barracks in Somerset on the turnpike. Sergeant
4 Ianuzzi and the troopers that work there have implemented a
5 program where they attempt to go out and sit in those
6 temporary construction zones and have made a difference.
7 And the workers on the turnpike are very grateful of the
8 fact that those troopers are able to get out there. The
9 problem is, yes, we're not able to get there every day. We
10 can't be in those zones all the time.

11 Let's use that money that we're going to generate
12 from all those citations and put troopers in those
13 unprotected work zones to keep our workers safe. When
14 you're behind the barrier, you're much safer than when your
15 butt's hanging on that skip line. So let's do something
16 with that money and put troopers there.

17 Now, as the gentleman had testified earlier and I
18 think there's some other gentlemen that are going to
19 testify later that the State Police complement is at a
20 level where sometimes we're not able to be there all the
21 time. Another avenue to explore is why can't we use some
22 of this money to train and recruit more State Troopers and
23 put those troopers out on the road, get us up to the
24 complement that we're to be at so that we can then protect
25 those workers and slow the public down. We keep the

1 motoring public safe and we keep those workers safe. It's
2 a win-win situation by hiring more troopers, recruiting
3 them, and putting them in those work zones using that
4 revenue that's generated by the ASE program.

5 Page 4 of the report that I just spoke to earlier
6 says, "The use of State Police in work zones has proven to
7 be an effective strategy to improve safety." On page 15 it
8 states that fatal crashes that were reported within the
9 study for 2011, over 90 percent occurred in zones where
10 there was no police service.

11 So once again, if the goal was to truly promote
12 work zone safety and worker safety, I think it is
13 imperative that we use that money to put more troopers in
14 those temporary work zones where they're not protected by
15 those concrete barriers.

16 I'd be remiss if I didn't express one word of
17 caution. It was in the State of Arizona. It was the first
18 State to implement an ASE program on an aggressive basis.
19 And they terminated their program. It was reported in *Car*
20 *and Driver* that "the State's Republican Governor was
21 quietly pulling the plug on a two-year photo-camera reign
22 of terror that nailed over 1.1 million motorists, mostly
23 along one Phoenix freeway." If you think about that, over
24 a million tickets issued in just two years. And it's no
25 wonder that the public was so outraged about what the

1 program was doing.

2 So if we're going to truly use that program for
3 worker safety, I go back to what I said before. Let's use
4 that money and show that it's not just a revenue generator
5 for a State; it's a revenue generator to protect our
6 workers in Pennsylvania and keep the motoring public and
7 those workers safe as well.

8 I would like to digress to one other issue -- I'm
9 going to have to leave and I appreciate the opportunity --
10 dealing with the elimination of registration stickers.
11 You're going to be hearing more testimony about that later.
12 Expired registration stickers are often telltale signs of
13 other issues related to that vehicle's operation. When we
14 stop vehicles for expired registration stickers, they often
15 have an expired inspection sticker, expired insurance, and
16 that often leads to other things that are going wrong with
17 the operator of that vehicle: driver's license isn't
18 current, under suspension, criminal contraband in the
19 vehicle; there's drugs, there's weapons. All those things
20 are things that are discovered by the fact that
21 registration sticker is not on that vehicle.

22 It is an important tool for law enforcement. We
23 are all required, all of you, all of your family members,
24 every voter that votes for you is required to keep their
25 vehicle registration current. It is the law. Why can we

1 not have a sticker there that tells everybody when that
2 registration is expired that could possibly lead to greater
3 things and also to make sure that everybody's vehicle is
4 kept current and keep Pennsylvania safe?

5 Once again, thank you for the opportunity to
6 testify. If you have any other questions, I'd be more than
7 happy to answer them for you.

8 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
9 Mr. President.

10 Senator Wozniak.

11 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Thank you,
12 Mr. Chairman. It's always good to sit to the right of the
13 Chairman.

14 I don't disagree with you, Mr. President. Maybe
15 some of these places we need some more troopers out there
16 and I'll tell you what, people do pay attention where
17 there's a vehicle out there that has the State symbol on
18 the side of the State Police and I think that's important.

19 Senator Argall, let me tell you what, I was
20 coming back from the Baltimore Airport and I thought it was
21 heat lightning. It wasn't. And I'll tell you what, you
22 only do that one time and your behavior is changed. And it
23 was just a basic fine. I forget what it was, maybe \$50,
24 but they didn't add all the other things onto it because
25 they didn't have a State Trooper there. But you only make

1 that mistake once. Now, it was 11 o'clock at night and it
2 wasn't an active zone, so they were still pinching you even
3 at 11 o'clock at night. But be that as it may, I found it
4 to be a very effective deterrent and I think we put them in
5 the appropriate places.

6 I think the Sergeant is correct; maybe we can use
7 some of those revenues in some of those places where
8 they're actively putting in the tar and filling in the
9 cracks where you just have the cones and they don't have
10 those Jersey barriers there. That gets real dangerous on
11 that turnpike. And I travel that a lot, and I'll tell you
12 what, that's a scary, scary place to be when those cars are
13 whizzing by.

14 And as I've said many times before, we've become
15 so comfortable in our cockpits of the extension of our
16 living rooms and we ignore the fact that these things are
17 traveling at 75 miles an hour and 3,000 pounds. So this is
18 a good idea. It is a deterrent that works.

19 And as for a revenue enhancer, I'm sure you're
20 correct. It starts out high and then, fool me once, and
21 then you don't do that again and those numbers decline.
22 But the issue is to prevent things from happening, and I
23 think sometimes we put issues on the law, we raise
24 crime/punishments, et cetera, but the truth is you want to
25 change behavior and that's what we want to attempt to get

1 to.

2 So I thank you for this effort and that's the
3 direction we should take.

4 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
5 Senator.

6 Representative Keller.

7 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you,
8 Mr. Chairman.

9 Senator Argall, I'm sure your goal is safety, the
10 public safety, instead of revenue generator. I'm
11 absolutely positive that's the purpose of this bill.

12 My only experience with this has been with the
13 Roosevelt Boulevard in Philadelphia, which a couple of
14 years ago when George Kenney introduced a bill to put
15 cameras on the boulevard, that occurred on that boulevard
16 all the time. Put cameras on the boulevard. It has
17 drastically reduced the number of fatalities on the
18 boulevard. It worked. I see Vince Fenerty is scheduled to
19 testify. I'm sure he could testify to that. So I agree
20 that this is necessary. It will reduce the number of
21 fatalities. I mean 24 is way too many. We should look at
22 this and look at it in the right way, that this is safety,
23 not a revenue generator.

24 Mr. Kovel, can I ask you a question? You brought
25 up the stickers.

1 MR. KOVEL: Yes, sir.

2 HOUSE DEMOCRATIC CHAIRMAN KELLER: This is my pet
3 peeve now. The Members of the House know this. Do you
4 agree what PennDOT says it'll cost the Motor License Fund,
5 4.4 million a year?

6 MR. KOVEL: I won't dispute the figure.

7 HOUSE DEMOCRATIC CHAIRMAN KELLER: Would you be
8 willing to sit down -- we had a solution in the House where
9 we could recover half of that because in two weeks in the
10 House we took out \$6 million in the Motor License Fund. I
11 know a lot of people in this room spent a lot of time and
12 effort and did the right thing; the Feds can't even do it.
13 We did the right thing with passing Act 89. Would you be
14 willing to sit down so if we could recoup some of that
15 money and put it back into the Motor License Fund?

16 MR. KOVEL: Oh, absolutely, sir. I think it's a
17 vital tool that's important for law enforcement.

18 HOUSE DEMOCRATIC CHAIRMAN KELLER: And it's vital
19 that we keep the fund healthy --

20 MR. KOVEL: Absolutely.

21 HOUSE DEMOCRATIC CHAIRMAN KELLER: -- as we have
22 now?

23 MR. KOVEL: I would agree.

24 HOUSE DEMOCRATIC CHAIRMAN KELLER: Okay. Thank
25 you, Mr. Chairman.

1 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
2 Representative Barbin.

3 REPRESENTATIVE BARBIN: Thank you, Mr. Chairman.

4 Following up the testimony of both Lieutenant
5 Krol and Sergeant Kovel, and this is for you, Senator
6 Argall, the issue from the testimony seems to be that not
7 only do we have to get a sea change of people to slow down
8 but also that in the last year we've had a lot more
9 fatalities. We had eight additional fatalities. Is there
10 anything in your bill that would address what the State
11 Troopers or what Lieutenant Krol had to say about using the
12 money to make sure that people knew that as you were coming
13 into these zones, you were absolutely aware that you needed
14 to slow down because if you go through Maryland, you'll see
15 sometimes a Maryland State Trooper in the area where
16 they're using the cameras. Is there anything like that in
17 your legislation?

18 SENATOR ARGALL: Yes, I believe the legislation
19 does address both of those points. I'll certainly look to
20 see if we can tighten up the language to make sure that it
21 does exactly what we had hoped to say. But certainly in
22 agreeing with Senator Wozniak as well, I'd had a similar
23 experience. My son was studying in Germany for a year and
24 I was driving a little too fast when I got off the Autobahn
25 and you only make that mistake once. But I guess if we can

1 properly educate the public, maybe we can get them before
2 they make that mistake once and someone is hurt.

3 There's no doubt in my mind, based on the
4 experience of other States, that it can help us. Also, we
5 hope to have learned from the negative experiences of other
6 States in the crafting of this legislation to make sure
7 that we don't repeat some of the same mistakes that other
8 States have made. But I'll be happy to look at the
9 language to see if indeed do need to tighten it up.

10 REPRESENTATIVE BARBIN: Why I think it's
11 important is if you really want to be the safest, the fine
12 isn't going to get you there, but if you had a car there or
13 you have, even better, a car with a trooper there, you're
14 going to slow down a lot of people. There'll be some that
15 can't slow down and they're going to get a ticket, but
16 people are going to get used to that real quickly and
17 they're going to change the way they do things. And I
18 think given all of the construction we have that is now
19 being left because of Act 89, we can just expect more
20 fatalities if we don't direct that notice in a way that
21 people are going to react. And I think having a trooper's
22 car and a trooper there are really the best way of giving
23 somebody notice.

24 SENATOR ARGALL: I also saw I think a brand new
25 spot on Harrisburg television this morning while I was

1 watching the news, I think put out by the turnpike, a very
2 effective message and so I think there's a lot of ways to
3 go at this problem. We're trying to incorporate all of
4 those suggestions, but thank you.

5 SENATE MAJORITY CHAIRMAN RAFFERTY:
6 Representative Hennessey.

7 REPRESENTATIVE HENNESSEY: Thank you,
8 Mr. Chairman.

9 Lieutenant Krol, Trooper Kovel, often when I'm
10 driving I see a sign that says "reduced speed ahead" and
11 then I come upon a series of speed limit signs. Some are
12 undraped, some are covered in black cloth. When you hit
13 those signs and you see two of them are uncovered and three
14 are draped, is it an active speed zone or is it not? I
15 think what happens is you travel along, you see a couple of
16 them that are still draped in black, you figure nobody's
17 working here today so you can just ignore it. But is it an
18 active speed zone when some of those speed limit signs are
19 covered?

20 LIEUTENANT KROL: Our active speed zones in
21 Pennsylvania have a sign placed at the beginning of them
22 with a warning light that flashes. That light should be
23 activated when the work zone is an active zone, any time
24 there are workers present or there's work going on within
25 that speed zone.

1 As far as signs being covered and uncovered, some
2 signs, depending on the particular type of work zone, may
3 require that, while certain signs are not applicable when
4 workers aren't present, other things, due to maybe road
5 conditions, a milled road surface or some other hazard
6 where they decide to keep these speed limits still reduced
7 within that work zone even when the workers aren't present
8 based upon conditions.

9 REPRESENTATIVE HENNESSEY: Okay. Understand that
10 it just seems to me confusing when some of the signs are
11 undraped, some of them are covered, and what's the motoring
12 public to think, especially if you don't have a flashing
13 light at the beginning of that zone.

14 LIEUTENANT KROL: Right. And I understand. I
15 certainly can appreciate your comment with regard to that.
16 I think there definitely needs to be a consistency in those
17 signs, and by all means, there should be a consistency
18 where we're not showing motorists any confusion with
19 conflicting sign requirements in those zones, and that's
20 where the people that establish those zones have to ensure
21 that consistency.

22 REPRESENTATIVE HENNESSEY: And who undrapes the
23 signs? Is it the PennDOT workers themselves?

24 LIEUTENANT KROL: That I cannot say. Probably
25 some zones I would suspect it's whoever's in charge of that

1 zone. It may be the operating entity. It could be a
2 contractor. It could be any number of people. It is not
3 the Pennsylvania State Police.

4 REPRESENTATIVE HENNESSEY: Okay. Thank you.

5 Thanks, Mr. Chairman.

6 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
7 Representative.

8 Representative Heffley.

9 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.

10 And thank you, Senator Argall, for putting this
11 legislation forward. I do have a couple of quick
12 questions, Mr. Latham.

13 In the legislation it's my understanding that
14 this would be in like the permanent work zones where these
15 cameras would be allowed. In the figures that you had of
16 the accidents and the fatalities in work zones, are those
17 permanent work zones or do you take into account how many
18 of those accidents happened in those temporary work zones
19 where they're patching or tarring those cracks? Is there a
20 distinction between --

21 MR. LATHAM: I don't believe that there's a
22 distinction between them. I think PennDOT tracks basically
23 accidents in all types of work zones as opposed to
24 permanent versus nonpermanent.

25 REPRESENTATIVE HEFFLEY: I mean if we're looking

1 at that overall, it'd be nice to have -- I don't know,
2 maybe we can get those numbers just to see whether --

3 MR. LATHAM: We can certainly see if we can break
4 that down. I think another important point to note is that
5 in looking at the effectiveness of this legislation, again,
6 it's a pilot program. We're looking at the most high-speed
7 areas. One of the problems that I continuously hear from
8 our members is that they ask for troopers in a work zone
9 and are told no.

10 The other thing we understand is that the
11 Memorandum of Understanding between the State Police and
12 PennDOT is that there is no enforcement going on. In other
13 words, their role there is to set the queue, watch the
14 queue. There is no enforcement by the trooper there in the
15 Memorandum of Understanding because of the danger in the
16 work zone.

17 So you have to understand that some of the
18 activity of the troopers when they are there in the work
19 zone is limited. We think that this bill would be very
20 effective in getting people's behavior to be changed.

21 REPRESENTATIVE HEFFLEY: Thank you. Just one
22 follow-up question. I know there's been a lot of reference
23 back to Maryland and their program. When Maryland first
24 implemented the red light camera, I believe several of the
25 counties had received fines for shortening the yellow

1 lights. I think that some consideration was given when
2 Pennsylvania enacted those red light cameras. In Philly
3 there were provisions put in that that couldn't be done. I
4 think there were some lawsuits that they lost. Actually, I
5 was a victim of that in Maryland.

6 But anyway, I think it's great to have these in
7 work zones. My hesitation is not wanting this to expand.
8 I don't want cameras on every corner, a Big Brother society
9 on the street. So I think that's something that we have to
10 be very careful in my mind when moving forward with this
11 type of thing to put these cameras in. I think I would
12 like to see it expanded on these temporary work zones.
13 I've rolled upon many of them and I've heard of accidents
14 and have friends that work out there. So I would like to
15 see that, just hesitant and I don't want cameras
16 everywhere.

17 But thank you for your time.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
19 Representative.

20 Representative Quinn.

21 REPRESENTATIVE QUINN: Thank you, Senator.

22 And, gentlemen, thank you for being here.

23 Could you please speak to the technical part of
24 the camera? I was under the impression that it was an
25 ongoing video loop, but when Senator Wozniak mentioned what

1 looked like heat lightning coming out and with Mr. Kovel's
2 statements about the camera is just going to take a
3 picture, that sounds like a snapshot in time, and I'm
4 curious as to the triggering effect or is it a continual
5 video loop? I'm not sure to whom to address it, maybe
6 Mr. Latham.

7 MR. LATHAM: I can't speak to the true technical
8 aspects of the camera. My understanding is that every
9 license, every car that passes through the work zone will
10 be recorded. That tape is then destroyed immediately, then
11 only -- I mean at the end of a certain period of time. The
12 only images that are kept are those that are taken of
13 motorists who are speeding through the work zone in order
14 to process the ticket and that sort of thing.

15 REPRESENTATIVE QUINN: So that videotape is
16 destroyed after a certain period of time. And I understand
17 if you're not with the company to answer this specifically
18 but I'm just --

19 MR. LATHAM: Right.

20 REPRESENTATIVE QUINN: -- thinking 30, 45 days
21 later when someone gets issued a ticket, at what point do
22 they have recourse? I mean is that video still alive and
23 well for review?

24 MR. LATHAM: The video is obviously kept for the
25 -- I don't want to use an improper legal term -- but the

1 prosecution I guess if you will of the ticket. And so that
2 if, for example, I receive a citation in the mail that
3 says, Mr. Latham, you were going 75 miles an hour in a 55-
4 mile-an-hour zone, I say no, I wasn't, I wasn't there,
5 well, here's a picture of your license plate. That image
6 is kept. Now, for the thousands of people that went
7 through there at the proper rate of speed, that -- their
8 images are not kept.

9 REPRESENTATIVE QUINN: So if you have a line of
10 traffic just pushing and sometimes -- we've all been there
11 -- when someone behind you -- you're just moving
12 inadvertently or intentionally above the speed limit. Is
13 every car in that line caught by that camera?

14 MR. LATHAM: I would say any car that is
15 exceeding the speed limit in a work zone, yes.

16 REPRESENTATIVE QUINN: That's a lot of flashes.
17 And do you know how much time is between that offense and
18 the issuance of the ticket or the citation?

19 MR. LATHAM: I don't know the answer to that
20 question. I don't know whether it's laid out in the bill
21 or not. I would imagine there would be some sort of
22 implementing regulations that would be required in order to
23 do that.

24 REPRESENTATIVE QUINN: And one other question:
25 With regard to the \$100 fine, how much of that goes to the

1 management company of this program versus how much of it
2 goes towards whatever will be decided in the bill back to
3 the State?

4 MR. LATHAM: I would imagine that the State would
5 purchase the equipment from the company, so there would be
6 a purchase price of the equipment as opposed to an ongoing
7 management fee.

8 REPRESENTATIVE QUINN: Thank you very much.

9 MR. LATHAM: Thank you.

10 SENATE MAJORITY CHAIRMAN RAFFERTY:
11 Representative Marshall.

12 REPRESENTATIVE MARSHALL: Thank you,
13 Mr. Chairman.

14 Senator Argall, I'm concerned that we would be
15 replacing troopers with cameras. I would hope that your
16 intent would be that this would enhance safety by
17 complementing the troopers we have available. Could you
18 address that?

19 SENATOR ARGALL: You put it as good as I could
20 have, Representative Marshall. It is designed to
21 complement. As you understand, we're very limited in the
22 number of troopers we have today. This is not designed to
23 replace; it is designed to complement.

24 REPRESENTATIVE MARSHALL: Thank you. And one
25 question for Lieutenant Krol.

1 Sir, in your testimony you mentioned 25 percent
2 of the accidents were excessive speed. Do you have any
3 information on what the other 75 percent was caused by?

4 LIEUTENANT KROL: There are various causation
5 factors. I cannot give you a specific breakdown on them at
6 this time. It is tracked and it is available to give you
7 some additional information to the Committee if you wish at
8 a future time.

9 REPRESENTATIVE MARSHALL: I would appreciate
10 that, sir.

11 LIEUTENANT KROL: Yes, sir.

12 REPRESENTATIVE MARSHALL: Thank you.

13 Thank you, Mr. Chairman.

14 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.

15 Thank you, gentlemen, for your presentation.

16 We're going to move to part 2 now of work zone
17 improvements. This is regarding Senate Bill 887, which did
18 move out of the Senate Transportation Committee, did move
19 out of the Senate of Pennsylvania. This is a bill
20 sponsored by Senator Costa and Senator Bartolotta. This
21 provides for a tiered system of penalties for a driver who
22 obstructs construction and maintenance areas, highway
23 safety corridors, emergency response areas by causing
24 bodily injury or death of a highway worker or an emergency
25 service responder.

1 To testify will be Mr. Mark Compton, Pennsylvania
2 Turnpike Commission CEO; Mr. Scott Christie, Deputy
3 Secretary, Department of Transportation; and Mr. Michael
4 Hawbaker of Glenn O. Hawbaker, Incorporated. They do a
5 number of construction projects here within the
6 Commonwealth of Pennsylvania.

7 Thank you, gentlemen. We'll begin with you,
8 Mr. Compton.

9 MR. COMPTON: Thank you, Mr. Chairman. Thank you
10 to all and thank you for addressing this important topic.
11 It's most important to all of us and to sit here beside
12 industry and our owner/partner in PennDOT. And I must tell
13 you we're as focused on this initiative as we were on the
14 funding back in 2013 with your able-bodied leadership. So
15 we thank you.

16 In the last few years work zone disasters have
17 increased and the life of the turnpike, 75 years, over 30
18 of our colleagues have lost their lives. In fact, there
19 have been three fatal work zone crashes in just two months
20 on the Pennsylvania Turnpike. One was on May 2nd in Bucks
21 County, another on May 4th in Lehigh County, and one just
22 July 8th in Carbon County. Last year alone, the Turnpike
23 Commission had over 150 work zone crashes.

24 This unfortunate increase is a result of four key
25 factors: We do have an upsurge in traffic. We've boosted

1 our highway spending based on the fact that we are a 75-
2 year-old roadway. Motorists are confronted with more
3 distractions now more than ever. We think about the GPS,
4 the GIS, the movies, the iPads, the iPhones, all of the
5 above. But the biggest factor by far is speed. Excessive
6 speed is the number one cause of crashes statewide. Speed
7 is the top cause of crashes also within work zones.

8 I think we can all admit to advancements in
9 vehicle design have really changed the way in which our
10 vehicles roll. When I was 16, I took my driver's test in a
11 Reliant K station wagon. When that vehicle went 80 miles
12 an hour, you knew it. And I really hope my dad's not
13 listening because I just admitted to driving his car 80
14 miles an hour. But our 2011 Buick Enclave, when that
15 vehicle goes 80 miles an hour, it's a much different feel.
16 It feels a lot like it does when you're going 50.

17 Now, we've been aggressive on all fronts of this
18 issue. We're not just waiting for your action, as you
19 know. Working with our partners, the best partners we have
20 is Troop T, our State Police. In working with them, we've
21 done a lot of work with what we call Orange Squeeze, which
22 is having troopers inside our orange vehicles, and we've
23 had success with that program.

24 In May we launched an aggressive advertising
25 campaign to highlight the needs for folks to change the way

1 in which they drive in our work zones. And we also
2 continue to look towards our own innovations, Counsel, for
3 new ways in which we can ensure the safety of our workers
4 and our contractor partners in this initiative as well.
5 And we continue to do QA, quality assurance reviews, of our
6 contractors, as well as our own work zones to make sure
7 that we are consistent within our patterns so that our
8 customers, whenever they're on our roadway, see consistency
9 when they enter our zones.

10 However, agencies like the Turnpike Commission
11 and PennDOT and again with our partners are limited with
12 the amount of tools that we have. Our State Police
13 complement within Troop T, which is the dedicated force to
14 the Turnpike Commission, is right around 80 percent. So
15 with or without this bill and to Representative Marshall's
16 point, with or without this bill, we'll take every trooper
17 we can get because we need them because again, they are our
18 most valuable asset.

19 And to the last testimony, whether it's with the
20 Senator Bartolotta and Costa bill, which we're talking
21 about, or the previous bill -- by the way, the turnpike and
22 our Commissioners are in full support of both so I want to
23 make sure that that's noted. But wherever you deem the
24 revenue to go, we are in full support. Wherever you deem
25 the revenue to go, we don't care. We just would like to

1 have the opportunity to part of the pilot of this program.

2 We talked about the May 2nd crash. On May 4th I
3 called for an after-incident review where it was myself,
4 members of our team from the turnpike, members of the State
5 Police, and the contractor that was involved. On that day
6 his words rang true to me that day as they still do today.
7 And he said, you know, Mark, State Police just told me we
8 did everything right in that work zone. You just told me
9 we did everything right on that work zone. And tell me why
10 two days ago I just watched as we life-flighted two of my
11 guys off your roadway? We need more help out there. We
12 need more tools and we need more protection than their hard
13 hats and their vests.

14 So we ask you for your consideration on both
15 those points and bills today. Thank you for your time,
16 gentlemen.

17 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.

18 Deputy Secretary Christie.

19 MR. CHRISTIE: Thank you, Mr. Chairman, and
20 thanks to all the Members of the Committees for allowing
21 PennDOT the opportunity to offer support for Senate Bill
22 887. I will be brief and get right to the point that we
23 had in the written testimony on the bill.

24 But I would start off by saying on many occasion
25 groups of people do get together to discuss how to make

1 work zones safer, and one of the common ideas that
2 routinely comes up when we talk about it is to strengthen
3 or increase the penalties for violations in the work zones
4 to draw more attention to the responsibilities of the
5 drivers going through these work zones. This bill, 887,
6 does this and PennDOT does support it.

7 Having said that, the written testimony that I
8 did provide does indicate where we would say we believe
9 some modification or amendment might be necessary, and
10 that's more in the technical area. It would be like this
11 is related to adding a suspension term as the current
12 language in there only addresses a surrender of a driver's
13 license and also related to the fact that, with system
14 changes that we would have to make, it would take us about
15 six months for implementation rather than the 60 days
16 that's in the bill, things like that. So there's a couple
17 things that we would be happy to discuss with you that are
18 what I call more technical in nature rather than global.

19 And by then also saying that safety is a topic
20 that PennDOT does discuss daily, as do most contractors, if
21 not all contractors. It's a topic that we bring up
22 literally every single day across the State. We support
23 the efforts to maintain and raise awareness any way we can
24 of the responsibility to drive safely through the work
25 zones and also in the vicinity of emergency responders.

1 And I'll keep my remarks short and to the point and I'd be
2 happy to answer any questions.

3 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
4 Secretary. And we're nearing the end of the time.
5 However, the Chairs have conferred and agreed to extend
6 some time here because it's a very important subject.

7 Mr. Hawbaker, it's good to see you, sir.

8 MR. HAWBAKER: It's good to see you, Senator.
9 Thank you for your time. Senate Members, House Members,
10 thank you for today.

11 The presentation is up. One of the things,
12 speaking from an employer's point of view, as we look at
13 our workforce safety, and you may as well take this exactly
14 back to our traveling public, it's morally correct. It's
15 something that we have the responsibility to do for each
16 other. As we know, society demands this, okay? We demand
17 a safe workplace. We demand safe highways. So this is all
18 in line with everything we're looking to gain as a society.

19 Also, again, of course we have the oversight of
20 the government. We have OSHA. We also have the Department
21 of Labor and Industry working with us to improve those,
22 also guide us in uniform safety principles because there is
23 no reason we need to learn things twice. So as we move
24 forward, in fact we can learn from unfortunate and prior
25 mistakes and to make a better and safer workplace.

1 With that, I wanted to pull out the OSHA general
2 duty clause because a concern is we teach and educate our
3 professional workforce. They need to know that we're out
4 there to provide them a safe working environment. And this
5 is not only part of our ethics; it's part of our safety
6 philosophy, our environmental philosophy also in turn.
7 These are the kind of things we have to uphold as
8 employers. And I think so, too, when I say employer,
9 there's no reason not to of course include PennDOT the
10 turnpike, they being viable employers. They are part of
11 our Commonwealth and they're the same people that we all
12 share.

13 Pennsylvania Department of Labor and Industry,
14 same thing, it's here at home. They also are out here to
15 protect our workforce, help guide us in the best
16 professional practices in order to keep a safe working
17 environment for our employees on the highway or any other
18 industry that we're addressing.

19 The concern is the fact that the injury and the
20 illness, it always starts as small things and it always
21 ends up with one big, bad thing. So as OSHA continues to
22 look into what continually happens until unfortunately we
23 build up to a very serious event, we've got to curb things
24 when they're small because it's only a matter of numbers
25 and probability that we will end up with that fatality at

1 the end of the day. It's been proven.

2 On to the point of the fact of not managing
3 behavior, we're talking about speeding in work zones. This
4 is what we talk to our people about. Maybe it's not the
5 fact that somebody chose to use the right tool today. I
6 chose to pull out my pocketknife when I should have used a
7 side cutter. The probability of getting cut may not be
8 high but it could. These are where unsafe acts start and
9 unsafe behaviors start. Well, they continue to perpetuate
10 themselves and maybe it's going to be a first aid case next
11 time, some kind of near miss.

12 This application that we speak with our workforce
13 about is no different than what it is we face with the
14 driving public. Those couple times I just decide to blow
15 by the 18-wheeler, the couple times I decide just to rip
16 past through the work zone and didn't pay attention to
17 signs, it adds up. And as you can see at the top of this,
18 this is referred to as Heinrich's triangle. We all lead up
19 to that eventuality and it is a probability of fatality.

20 This goes in with just a little bit more
21 description. It is in your packet on that about the near
22 misses and the accidents, but these are the kind of things
23 that we have to speak with our workforce about every day.
24 When we do a job safety analysis every morning about what
25 tasks we're going to take on, our professional flaggers,

1 our professional pavers, everybody on the roadway is a
2 professional and they deserve that courtesy. Teaching them
3 and educating them at the best practice as we can to watch
4 out for the job hazards every day is something we do and
5 we've got to be prepared for that. But at the same time
6 we're not always completely in control of the conditions
7 that we have to work with.

8 This slide really speaks to the fact that we may
9 a lot of times want to shuffle this all off to unsafe
10 roadway conditions or maybe it was a mechanical condition
11 or however we want to dash off effectively personal
12 responsibility, but what has been shown by the numbers and
13 the statistics, it comes down to unsafe acts and it is
14 behavior, and that's primarily what we've been speaking
15 today to is truly behavior.

16 This is one of our jobs out on the Clarion I-80
17 River Bridge. I would ask that the other photos I had that
18 didn't get around to -- did they get around to the Members?

19 Okay. This is a poor photo that's up on screen,
20 but what I have for you, the first photo shows a picture
21 where there's a front end of a red pickup truck in it on
22 that Clarion I-80 River Bridge. We're going to be working
23 on that only guided by lane delineators, not median
24 barrier, to do replacement of the epoxy deck on this job.
25 One of the things that we need to speak with our flaggers,

1 and we always do, is about if you're coming in to an
2 incident and there's a driver not paying attention and
3 they're basically going to head into you, where do you go?
4 Where do you go in case of incident? Or if you're working
5 on this bridge deck on the Clarion River Bridge, where do
6 you go?

7 I'm going to ask you to flip to the next one.
8 I'm going to show you where you go, and that is down into
9 the Clarion River about 200 feet below. And that's not
10 really plausible. These are the kind of things that we
11 need to work with.

12 There's another 47 pages of crash photos, PSP
13 reports specifically not only for this work zone but also
14 work zones throughout the Commonwealth, other contractors
15 that Mr. Latham's organization, that Gary Hoffman also
16 represents with PAPA have compiled just giving you a
17 pictorial representation of what's out there and also
18 documentation of work zone incursions, queue backups.

19 And equally as much as I am concerned about the
20 work force that we employ as an employer of the
21 Commonwealth, I'm also very much concerned about the
22 traveling public. What we see going on, and if I can ask
23 you to pick up -- there's the National Highway Traffic
24 Safety Administration that was also sent up in your packet,
25 and on the second page there's a graph at the very top of

1 the page. And what's interesting to see is when you go
2 below the line, the only time we have any kind of
3 consistency in reducing fatalities, it's funny enough when
4 you look at the dates, you come out of the Carter
5 Administration and into the Reagan Administration in the
6 '80s, one of the worst recessions we've had, not the worst.
7 You come into the '90s, you come into Gulf I, get down with
8 traffic fatalities.

9 Then '06, '07, we know what we've just gone
10 through and what we're coming out of. About the only time
11 we seem to get any consistency in reducing roadway
12 fatalities is when the amount of driving goes down. And
13 the only time this seems to correlate -- and I'm just
14 looking at the dates here; I don't have other empirical
15 data to back this up. I'm just looking at dates. But it
16 seems to correlate pretty well that when you take out the
17 ability to move and travel, as we do in more prosperous
18 times, the fatalities will increase.

19 I think as we take a look at this, we're on a
20 convergence. We have cheap fuel. We do have a growing
21 economy. And one of the things I'm very interested to hear
22 in the next part of testimony is we've probably got the
23 cheapest, most abundant technology distracting us today.
24 And the numbers continue to pile up.

25 My concern, for one, PSP, I say they're

1 outnumbered at least 1,000 to 1 in these work zones and I
2 think that's being very light and very generous. I think
3 Senator Argall's bill 840 is a great piece of assistance
4 when the troopers are tied up and unavailable. We have
5 made numerous requests in the specific work zone I cited
6 and others and there have not been troopers available.
7 We've gone to asking our State Representatives and Senators
8 within those work zones for help and they have not been
9 able to help us get more PSP protection because it was not
10 available. We were not able to get them.

11 The infrastructure, as we know, thank you for Act
12 89. We've got to get this back into shape. But our issue
13 is the fact that we are fighting for the exact same
14 infrastructure. Contractors are fighting to repair it, the
15 public wants to do commerce, the Commonwealth needs to do
16 commerce. We're fighting for that same thing. Capacity
17 enhancements, we'll maybe see them coming along. Thank you
18 again for Act 89. But the Federal Government continues to
19 show no action in moving this forward.

20 I think one of the other things I think we need
21 to look at with the Department is to take in the fact of
22 getting behind barrier because with keeping the public up
23 at speed, 55 miles an hour, promotes commerce. We can keep
24 them in their own lanes. We'll keep them out of the way of
25 the construction crews, the maintenance crews. And when I

1 speak about anybody on the highway, the turnpike gentlemen
2 and ladies and the PennDOT gentlemen and ladies are no
3 different than our people. And we've just go to take some
4 steps in that matter.

5 I think, as Representative Marshall mentioned, we
6 tried to get more State Police help but they were not
7 available. They were tied up, equitably so. So this is a
8 piece of assistance I see helping us along.

9 I would ask you, as I don't think there's anybody
10 that would deny the right for anybody to head home at night
11 to their family and/or if you're the motoring public and
12 they don't get home.

13 So I offer to you visit our contractors. There's
14 many of them throughout the State. I will tell you, we'd
15 happy to have any one of you come to our job sites. We
16 would want to escort you because again you need to know
17 where we are, what we're doing. But again, if you want to
18 see us, pretty much we're all an open book, not only our
19 company Glenn O. Hawbaker but the rest of the ones that
20 folks like Bob Latham and Gary Hoffman represent.

21 Senator, Committee, thank you for your time.

22 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
23 Michael.

24 Senator Bartolotta.

25 SENATOR BARTOLOTTA: Thank you, Mr. Chairman.

1 And thank you all so very much for being here to
2 testify about this important issue. I thank Senator Costa
3 -- I don't believe he's here today -- for helping me and
4 cosponsoring this bill with me as well. It's a vital bill,
5 as is Senator Argall's bill. The speed cameras, as we were
6 discussing before, we can't have an officer at every single
7 work site. Thank God we are out there.

8 And the turnpike and PennDOT, they are just
9 working -- I call them honeybees this time of year. You
10 see them everywhere. All over the southwest where I'm from
11 you can't get any place without running into at least four
12 or five different construction zones. We need to protect
13 these people. They're moms, they're dads, they're
14 daughters and sons and as you said, they deserve to go home
15 at night to their families.

16 So I think the speed camera bill is vital because
17 the reason people slow down when they see a cruiser is
18 because they're afraid they're going to get a ticket. If
19 there's a speed camera there, they know they're going to
20 get a ticket if they fly through there. It's captured.
21 It's coming in the mail. So I think informing the public
22 that there are stiffer penalties, much stiffer penalties,
23 and we're going to come after you if you don't care enough
24 to slow down and be patient and be aware and alert through
25 work zones.

1 And I appreciate everything that you guys are
2 doing for the highway workers, for PennDOT, as well as for
3 the turnpike and motorists as well. So I commend you and I
4 thank you very much, Chairman, for this hearing. Thanks.

5 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
6 Senator. Thank you for the legislation that you and
7 Senator Costa sponsored and we passed through the Senate.
8 Representative Keller.

9 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you,
10 Mr. Chairman.

11 Mr. Compton, I think we've learned here today
12 that no matter what happens, there's going to be work zones
13 without troopers in them. I know we have tons of
14 statistics. Do you have a statistics on accidents that
15 occur in a work zone where a trooper is there as compared
16 to one where there's no troopers?

17 MR. COMPTON: You know, I don't. I don't,
18 Chairman. I apologize. I'll work to get something like
19 that to you.

20 HOUSE DEMOCRATIC CHAIRMAN KELLER: The point I'm
21 trying to make is if there's not going to be troopers
22 there, we have to have some enforcement there, and this
23 seems to be the best of way of doing it that we have at our
24 disposal right now.

25 MR. COMPTON: And one of the things we have

1 talked about with our partners with Troop T is that if this
2 legislation is enacted, the camera legislation is enacted,
3 is that then we'd be able to take the resources that we
4 would have, if it's behind barrier, move those to the
5 mobile patterns so that way we could reallocate those
6 resources to make sure that those are protecting other
7 workers as well.

8 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you very
9 much.

10 MR. COMPTON: But we'll work on those statistics
11 for you and get back to you.

12 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you.

13 SENATE MAJORITY CHAIRMAN RAFFERTY: Senator
14 Vulakovich.

15 SENATOR VULAKOVICH: I don't know if we can ever
16 totally solve this problem, but people, when they get into
17 a car, become different people. And taking one of -- not
18 the longest drive to Harrisburg -- I use the turnpike all
19 the time, but we have the people from the area who use I-80
20 and come down, and I'll tell you, I go through these work
21 zones and hardly anybody slows down in those work zones,
22 hardly anyone. And when I come down to it, because I was a
23 former police officer and I come and I slow down, I've got
24 cars and trucks, for lack of a better phrase, on my rear
25 end. I'm looking in my rearview mirror and I'm wondering

1 where are they going to go when I've slowed down?

2 When you go into the tunnels on the turnpike,
3 it's the same thing. They warn you ahead of time 55 miles
4 an hour. There's hardly anybody that goes through those
5 tunnels at 55 miles an hour. They're still at 65 unless
6 they see a car.

7 Now, the police cars are effective but not as
8 much as they used to be. They become part of the scenery
9 just like everything else becomes part of the scenery. You
10 see the red lights, you slow down a little bit, but one
11 thing you know is I've never seen one of those police cars,
12 whether it's State or a regular police car, pull out and
13 chase you in a work zone because they can't; it's not safe.
14 I did not know today it was part of the so-called
15 Memorandum of Understanding that there's no chase. I
16 didn't know that until I heard that today, but I do know
17 that there's no chase because they can't do it safely.

18 I also know it's better when you have a police
19 officer outside the car as you're passing it and the
20 officer is standing there. There's just something about
21 that, I don't know, call it a death stare from an officer,
22 kind of picture them standing there with their hands on
23 their hips just staring you down to slow down. And there's
24 also something about someone who got a flag and all of a
25 sudden starts shaking it like that to slow you down. It

1 catches their eye and they kind of get just in the way of
2 things, in a pattern, and those little things, it sounds
3 funny, but they work, the same way it works when an officer
4 is standing outside the car and goes like this, slow down.
5 It gets you somebody and you slow them down.

6 You can't have that blinking police car with red
7 and blue lights right at the work zone. You've got to have
8 it prior to, to prep people in place of that and then
9 someone in between starting with a flag. So there's little
10 things we can do to change that environment that's there
11 because people are just getting used to those cars sitting
12 there. But when you see an officer or you also see a flag
13 man with those flags, it makes a difference. So there are
14 minor little things that can certainly help.

15 The other thing is when you can't get State
16 Troopers, there's local police departments you could enter
17 a Memorandum of Understanding on to try to bring them in to
18 see if they can carry some of that work. And when the
19 State Troopers aren't available, they get on the radio and
20 call your local police departments to even go -- we've gone
21 on the turnpike already for things, not often but sometimes
22 we have because they're spread so far and few in between.

23 So, look, you're going to get people who are
24 libertarians that are going to say we don't want the
25 cameras, we don't want the invasion of privacy. You

1 shouldn't be speeding on the roads and there's people whose
2 lives -- they want to go home to their moms and dads or
3 they want to go home to their children, they want to go
4 home to their spouse and they shouldn't have to worry about
5 people speeding like this because this is something that
6 should not be. But it's the way we are when we get behind
7 a car.

8 And the other thing is the truck drivers today
9 are not the truck drivers of old. I remember when I was on
10 the road anybody said when you go in bad weather, you
11 follow the trucks. They're the ones that'll set the safe
12 speed, the safe pace. I remember when trailer trucks used
13 to come over and block roads off to slow traffic down upon
14 coming in. They're not driving the way they're supposed to
15 either, so there's a long thing and I think you need to get
16 in a serious discussion with these organizations that do
17 with the heavy truckers because they are not slowing down.

18 And I know we'll hear from them. They'll come in
19 here and they'll justify you can't make a generalization
20 like that. I've been driving this turnpike very often for
21 years now. They're not slowing down. They're going faster
22 even in the bad weather. So I think we also need to have a
23 dialogue with them.

24 So I think there's a combination of maybe these
25 cameras if people will get up and vote for it. I'm going

1 to vote for it. Maybe getting the State Police to change
2 some of their behavior, what they do as far as the man
3 outside the car, maybe you guys getting more involved with
4 having some flag people there. I think there's little
5 things you can do in combinations, including getting a hold
6 of these trucker organizations and tell them you guys
7 better start taking this stuff seriously as you come
8 through Pennsylvania.

9 So I think there's a combination of things that
10 will solve this thing but it's something we're never going
11 to solve completely. But these people have a right to go
12 home and they can't be watching the traffic while they're
13 doing their job because when I used to do it, I used to put
14 myself a couple feet out past the people who were working.
15 If you're going to hit somebody, you're going to hit me
16 because you're giving me the responsibility to slow it down
17 and they're going to hurt me before they hurt somebody else
18 I'm supposed to protect. And it works but it's dangerous
19 even when you're watching the cars. So we have an
20 obligation to protect these people and whatever we've got
21 to do, we've got to do.

22 Thank you, Mr. Chairman.

23 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
24 Senator.

25 Senator Wozniak.

1 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Thank you
2 very much.

3 We've been hearing a lot about State Troopers, we
4 need more State Troopers. Can the turnpike, through its
5 own autonomy, hire more State Troopers?

6 MR. COMPTON: No, sir, we cannot. We cannot. We
7 work with Troop T but the process through the State Police,
8 they set the complement for our troop, as well as the other
9 troops within the State.

10 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay. Does
11 the turnpike use any of its turnpike revenues to pay for
12 the State Troopers?

13 MR. COMPTON: We do.

14 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay.

15 MR. COMPTON: Troop T is funded out of the
16 turnpike revenue.

17 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay.

18 MR. COMPTON: Turnpike tolls.

19 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: And,
20 Mr. Hawbaker, I know I've read a letter to the editor by
21 your dad I guess it was. He was criticizing the State
22 because we're taking money out of Act 89 and paying for
23 State Troopers enough for the road. So I mean it's a
24 financial issue out there.

25 I want to make two points. Michael, I always

1 thought about this: early morning fog, the guy's out there
2 with a stop sign, strobe lights on top of those things to
3 try to get people's attention. Particularly with a lot of
4 construction going on now, you're stopped by a person
5 standing there in all kinds of weather and all they have is
6 the stop sign and a radio for the other end. Any thoughts
7 about a blinking light there to catch people's attention?
8 I've often wondered about that.

9 MR. HAWBAKER: Yes, we work with the department
10 and basically need to have approved materials by the
11 department of what to use. All those things are by
12 specification because they've gone through rigorous testing
13 not only the fact that they could be handled by the
14 employee but also the fact that if you're in a crash,
15 things don't end up flying the wrong way and impaling
16 people. Otherwise, they'd be --

17 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Right, I
18 understand that but --

19 MR. HAWBAKER: -- a danger to themselves --

20 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: -- we don't
21 have those strobe lights now and I was wondering --

22 MR. HAWBAKER: We --

23 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: -- is that
24 effective to grab somebody's attention.

25 MR. HAWBAKER: We've gone with the strobe lights

1 in trying to alert the fact that this is an active work
2 zone, so that's one effort that has begun. I defer more --

3 MR. CHRISTIE: Right. What we're trying to do,
4 and I have a little bit of this in my other testimony, but
5 that is that we are taking a look. There is a manual on
6 uniform traffic control devices out there, a national code
7 that we basically follow and we adopt those in Pennsylvania
8 and we follow it. But within that code there is a lot of
9 different options you can try and take a look at, and
10 there's also new things that are on the books that are out
11 there, new technologies and new types of things that you
12 can adopt and try as well, and that's part of it.

13 So we are taking a look a lot of the new
14 technology. The issue, though, is that whenever you
15 implement any kind of new technology, problems come along
16 with it so it's not that you just go out and run out and do
17 it a thousand times all over the State. You try and pilot
18 some of these things so you learn quickly or you learn of
19 the things that could potentially happen that are bad that
20 go along with it.

21 So we're looking at the new technologies. We
22 just have to try them and pilot them. A lot of people say
23 why don't you just run fast and put it in place and do a
24 lot of this stuff? Well, because a lot of times, like I
25 just said, problems come along with it and you don't want

1 to create another problem when you're trying new
2 technologies.

3 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay. I'm
4 going to ask this because making that motorist aware of
5 what's going on.

6 And one last quick question, one of the problems
7 I see both turnpike and the Department of Transportation is
8 you set up your work zone and you put the cones up, then
9 you travel a mile, a mile-and-a-half and you don't see
10 anything. People get inoculated now because you're making
11 it too far ahead and people aren't paying attention because
12 by the time -- they're like, well, geez, there's no work
13 going on and they start ratcheting back up. So I've
14 noticed that and I don't know if there's a reason for that
15 but it's not working the way you think it is because when
16 you sit there and put that lead time out so far, people
17 say, well, geez, where's the construction and they just
18 jack it back up.

19 Just a point. I don't know if you guys have
20 addressed that or if anybody has brought it to your
21 attention before. And I know we're on a time constraint
22 but I just want to bring that up because I've noticed that
23 myself.

24 SENATE MAJORITY CHAIRMAN RAFFERTY: Actually,
25 it'll probably be in this next panel that's coming up with

1 Deputy Secretary Christie and Richard Freeburn, an
2 attorney, who are going to testify briefly on traffic
3 control signings and work zone setup. Coincidentally, we
4 rolled right into that.

5 Mark, I thank you for your testimony. Michael,
6 thank you for your testimony. I appreciate Michael. Thank
7 you and your company for your help with Act 89.

8 Thank you very much. Regarding traffic control
9 signing and work zone setup, are you okay, Scott, or are we
10 expecting somebody else? Oh, Glenn Rowe, as well, P.E.
11 I'm sorry, Glenn. I didn't have you on my list. I
12 apologize. And you're not getting out of this, Glenn.

13 MR. ROWE: I'm not so easy. By the way, the
14 question that Senator Wozniak had about the stop/slow
15 paddle with the lights around it, we do have those
16 approved.

17 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay.
18 Excellent.

19 SENATE MAJORITY CHAIRMAN RAFFERTY: Scott, do you
20 want to begin?

21 MR. CHRISTIE: Sure.

22 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Secretary
23 Christie.

24 MR. CHRISTIE: Again, Chairmen, thank you for
25 having me here and thank all the other Committee Members

1 for having us here. At this point in time we'd like to
2 take this opportunity to discuss really the Department's
3 work zone program with your Committee and some of the
4 details and the things that we've got going. And I do have
5 Glenn Rowe that's in charge of our highway safety and
6 traffic operations division within PennDOT in case he gets
7 some technical questions I can't handle because this is his
8 area of expertise.

9 I did submit some written testimony, which I'm
10 going to try and summarize pretty briefly here. First, and
11 again it's hopefully pretty obvious again with the passage
12 of Act 90 and I know it's been said 100 times already today
13 that the number of work zones is going up in the State of
14 Pennsylvania. That's just obvious. With more work zones,
15 it is critical that we do everything we can to make them
16 safer for the workers and also for the motorists. We fully
17 understand that responsibility that it's both the workers
18 and the motorists that we have a responsibility to make
19 sure the work zones are safe for.

20 And just a real quick comparison, and this is
21 just for PennDOT work zones, not for all the contractors
22 across the State but just for PennDOT work zones shows that
23 in 2014 we had 131 intrusions in our work zones where 18
24 injuries occurred, and already as of July 7th we've had 96
25 intrusions already with six employee injuries. And this

1 again does not account for injuries to the motorists that
2 might have gone along with it and this does not account for
3 data regarding the contractors' work zones.

4 But let's go in and take a few highlights of the
5 existing program that we have going right now. I did
6 mention before that we adhere to the MUTCD. That's the
7 national specifications that gives direction on how PennDOT
8 is supposed to design and implement work zones within the
9 State of Pennsylvania. That's the national document. We
10 review it and then we adopt it within the State of
11 Pennsylvania.

12 The other thing that was mentioned a couple of
13 times is we do have an MOU with the PSP to provide queue
14 protection and also enforcement on the interstate and the
15 freeway work zones. Again, it's important to note that,
16 it's been mentioned again a lot of times already, that PSP
17 does have a resource issue. They can't possibly be at
18 every work zone across the State every day, so what the MOU
19 is in place for is to lay out the guidelines that we can
20 agree upon with the State Police so that we know when we
21 can expect them to be in the work zones and when we have an
22 agreement and when they can't be. But you also heard from
23 Mike Hawbaker indicating that there's a frustration because
24 there's a belief that there's a lot more need for PSP in
25 the work zones to provide that protection.

1 But that aside, as was just mentioned, we are
2 investing in and using more ITS devices, intelligent
3 transportation system devices in the State of Pennsylvania.
4 More recently, we did just implement automated queue
5 detection and warning devices on the work zones on I-80.
6 That was just an initial implementation, but again, we're
7 starting to use these new devices and put them in the work
8 zones to try and make the work zones safer.

9 We've also upgraded our policies for warning sign
10 locations and flagger apparel. You just mentioned the
11 strobe light but there's also things with just the apparel
12 itself to try and make the apparel brighter or more
13 reflective so that the workers are safer and the flaggers
14 are safer when they have to stand out there in those
15 dangerous situations.

16 We're also streamlining the approval process for
17 use of the pedestal mounted temporary traffic signals so in
18 some cases we could remove a flagger. This is pretty
19 difficult because, again, this is what I meant by new
20 technology. If you take the flagger away and implement a
21 new technology to basically do the flagging for you, well,
22 the human element is now gone and you've got a new
23 technology that's in place. We have an approval process to
24 do that but we're trying to take a look at it to make sure
25 it's effective and it doesn't cause the work zone to be

1 less safe for the actual motorist just because we remove
2 the flagger from that dangerous situation. So that's
3 another example of new technology that we're looking at and
4 trying to implement but it takes a little bit of time to do
5 that.

6 And another thing is we're also allowing
7 sequential lights for merging tapers, and these are
8 synchronized flashing lights and warning lights to
9 encourage drivers to merge sooner so they get into the
10 merge quicker into the work zones. Everybody's looking at
11 that as well and that's another technology that came along
12 and we're trying to do that.

13 Going forward, we're going to try and also do
14 some more things, and that is again we're taking another
15 look at the MOU with the PSP. It's important that we do
16 that because, as you heard again, I know the contractors in
17 this State desire more help from the PSP. We're trying to
18 look at that and trying to work out with the PSP what that
19 means, especially with their labor shortage or with the
20 number of workers that they have.

21 We're also continuing to look at more of the ITS
22 devices across the State. I just mentioned the two that
23 we're looking at. We're looking at more of them. You
24 heard this mentioned a little bit; we're also looking to
25 establish what I call a work zone manager policy that

1 requires a specifically trained, certified individual to be
2 present daily to certify the work zone and the work zone is
3 in compliance every single day.

4 I heard some of the questions on, hey, there's a
5 cover on a speed limit sign and how come it's uncovered or
6 not uncovered? Well, it's a good question and a lot of
7 things change. Weather hits and a lot of things change,
8 winds blow, things go down, work zone gets somehow modified
9 a little bit. It's very important that we get out there
10 and have somebody take a look at every single work zone
11 every single day and that person doing that is very well
12 trained and certified to do that. So we're looking at
13 enhancing that policy in that area as well.

14 We also, as I mentioned, do continue to support
15 the Automated Speed Enforcement legislation. We'd be happy
16 to work with anybody on that as well. And we're looking to
17 have a summit with the Turnpike Commission and with the
18 industry, our partners and the contractors, to basically
19 take a look at the MUTCD and all the different ideas out
20 there to refine our policy going forward.

21 And we do also participate -- Glenn and a lot of
22 the staff within PennDOT does participate in national
23 research like the connected vehicle technology that's out
24 there. We're going to a lot of the national research
25 meetings to take a look at what those new technologies are

1 and how we can implement them in PennDOT.

2 Last, I'll close with the challenges. We always
3 face a lot of challenges. First is we know that innovation
4 and technology rarely comes without the consumption of
5 significant resources, that being either money or manpower.
6 So when we look at whatever the technology is, it costs
7 money and it costs people to put those things in place.
8 And we've got a take a look at that on any of the different
9 things that we try and implement.

10 We do believe the Automated Speed Enforcement
11 pilot, a pilot would start to address the PSP resource
12 issue. As I said, PSP can't be at every work zone every
13 single day; we know that. But we look at that as
14 enforcement to help supplement it, not to take any PSP
15 away, just to supplement it so we can get more enforcement
16 at more of our work zones in any way, shape, or form that
17 we can.

18 And we do know that there are concerns with the
19 MUTCD requirements. I know that and I'll give you one
20 example that probably might hit home to some of you is that
21 recently we put out, as part of the MUTCD, a requirement
22 when mowing you have to have shadow vehicles and additional
23 manpower with that. Well, we got a lot of comments from
24 the municipalities saying why are you doing this? That's a
25 resource issue. We don't have the extra equipment; we

1 don't have the extra people. But it's indicated that it's
2 safer for when you have a mowing activity in the national
3 document, so if you don't do that, you're making something
4 less safe.

5 So should we or shouldn't we implement that? We
6 are taking a look at that going forward. We're going to
7 try and work with the municipalities as well because we
8 know that's an issue. That's just one example of going
9 back and taking a look at the policies we do have in place.

10 So I'm just going to conclude by mentioning that
11 on a national basis 48 percent of all crashes result in an
12 injury or fatality and so we know we have to work on this
13 issue every single day.

14 Thanks very much.

15 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
16 Scott.

17 Mr. Glenn Rowe, Glenn is the Chief of Highway and
18 Traffic Operations for PennDOT.

19 MR. ROWE: Right.

20 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
21 Do you have anything you want to add, Glenn?

22 MR. ROWE: No. No further comments.

23 SENATE MAJORITY CHAIRMAN RAFFERTY: Okay. Thank
24 you.

25 Mr. Freeburn, nice to see you, sir.

1 MR. FREEBURN: Nice to see you also. And thank
2 you, Members of the House and Senate Transportation
3 Committees for allowing me this opportunity to speak with
4 you. 144135

5 I'm here today on behalf of Drs. Wilson and Leona
6 Morris, who are seated in the front row, and on behalf of
7 their late daughter Emily Morris, who was tragically killed
8 in April of 2012 when a temporary construction sign that
9 was straddling a highway median Jersey barrier was struck
10 by a passing motorist and thrown through the windshield of
11 her car.

12 And while any loss of life is cause for grief and
13 great sadness, Emily's death is particularly tragic because
14 it was preventable. Currently, the Pennsylvania Turnpike
15 permits and allows temporary construction signs to straddle
16 the concrete Jersey barriers, sometimes three feet or even
17 less from the travel edge of the roadway, as shown in this
18 picture that we've taken from an actual sign that's
19 straddling a Jersey barrier in a situation that involved an
20 actual accident and serious injuries.

21 And as I tell you the story about Emily's
22 accident and her untimely and tragic death, we don't do
23 that to elicit your sympathy but rather it's the hope of
24 Emily's parents that her life might inspire you and your
25 colleagues to take action to prohibit these deadly signs

1 from being placed so close to the travel edge of the
2 roadways.

3 And it was noon on Saturday, April 14, 2012. The
4 weather was clear and sunny. Emily was alone driving her
5 2012 Volkswagen Passat westbound on the Pennsylvania
6 Turnpike. She was traveling from her home in Norristown to
7 her parents' home in Lebanon, Pennsylvania, because she and
8 her parents were going to get together and they were going
9 to fly to California the next day. It was a medical
10 conference for Emily's parents, a vacation for Emily, but
11 most importantly, it was an opportunity for the family to
12 spend time together.

13 Emily's father had just spoken to Emily before
14 she left on her trip and he was expecting her arrival.
15 Emily was excited to get home and she was excited for her
16 trip to California. At the same time, a commercial box
17 truck was heading eastbound on the Pennsylvania Turnpike.
18 Its driver was returning to his company's warehouse in
19 Montgomery County after a long trip. We may never know why
20 but the truck started to wander from the center line to the
21 travel edge of the roadway. And witnesses also tell us,
22 and I've heard a lot of testimony today, about speeding and
23 the witnesses tell us that the truck was speeding as well.

24 And meanwhile, PennDOT had started a project on a
25 bridge overpass of the turnpike and that project required

1 temporary construction signs to be placed on the turnpike.
2 And the traffic control plan called for temporary
3 construction signs to be erected straddling the Jersey
4 barrier both before the construction project on both ends
5 warning motorists of construction ahead.

6 Now, these temporary construction signs are
7 called Type III barricades. They consist of two vertical
8 posts about seven feet high, one erected on either side of
9 the Jersey barrier. The vertical posts are connected above
10 the barrier by a sign placard, and the Pennsylvania
11 Turnpike standard drawing of the sign and a photograph are
12 shown here. This is the standard drawing from the turnpike
13 regulations and then there's also a picture of the sign
14 that would be assigned in place.

15 Now, as Emily's car and the truck approached each
16 other traveling in opposite directions, the box truck's
17 mirror struck the metal post upright of the sign, causing
18 the sign to hurtle upward and come down on top of Emily's
19 windshield, penetrating the windshield and striking Emily
20 about the body, the face, and the head and shearing off a
21 part of her skull.

22 The next call that Emily's father received was to
23 tell him that his daughter had been critically injured and
24 was in the hospital. So Drs. Wilson and Leona Morris,
25 Emily's parents, rushed to their daughter's side at the

1 Reading Hospital and stayed with her until she died on
2 April the 16th.

3 Now, this accident might be dismissed as a freak
4 occurrence but you have to remember that the Jersey barrier
5 is there to prevent motor vehicles from crossing over from
6 one lane to the other lane and it serves sort of like the
7 backstop behind home plate on the baseball field except
8 it's there to stop cars, not baseballs.

9 Therefore, in order to do its job, the Jersey
10 barrier, it's foreseeable that it's going to be struck by
11 automobiles because its purpose is to keep them and
12 redirect them back into their lane. And if you put a metal
13 post in front of the jersey barrier, it doesn't take an
14 engineer to tell you that eventually, as these vehicles
15 strike the Jersey barrier, it's going to be strike, nothing
16 happens, strike, nothing happens, strike, nothing happens,
17 but then when it strikes and hits one of these posts, that
18 post is going to become a missile or it's going to become
19 deadly road debris.

20 Now, in addition to this particular action
21 involving Emily, the sign was thrown onto the roadway and
22 there was a second accident when a motor vehicle swerved to
23 avoid and it struck another truck, causing injuries. And I
24 also want to show you the picture of a metal post here in
25 the left side. These pictures on the right are from

1 Emily's accident and this is the type of metal debris
2 that's left on the roadway following these collisions.

3 On the left is a post from a recent accident in
4 which a metal post was laying on the highway, a motorist
5 who is coming down the roadway in the left lane all of a
6 sudden sees the car in front of him move over to the right
7 lane, he doesn't know why it moved over to the right lane,
8 but when it does, he sees that there's a metal post laying
9 in the middle of the road. He runs over this metal post.
10 The metal post penetrates his car through the wheel well,
11 impales his left leg, and he's sitting beside his 14-year-
12 old son, his wife and his daughter in the backseat.
13 Luckily, he was able to bring this car to a safe stop on
14 the side of the highway. He had to lift his body off of
15 the post and his son had to apply a tourniquet to his left
16 leg, and luckily, he lived.

17 But those posts are extremely dangerous and I've
18 represented two State Troopers, one of whom was killed, one
19 of whom was seriously injured, removing highway debris from
20 our State highways. Highway debris is very, very dangerous
21 not only for the motorists, not only for the workers, but
22 also for the State Police because if they don't run over
23 it, somebody has to go out and pull that stuff off of the
24 road. Now, we submit that these signs are dangerous,
25 they're improper, and they're not crash-worthy.

1 And other States have different policies and use
2 safer designs for temporary construction signs on the
3 median barriers. They limit their use drastically, and if
4 they're absolutely necessary, they require that they be
5 placed on top of the Jersey barrier in a saddle with a
6 bracket inside the saddle and there's a breakaway bolt. So
7 other signs do it differently. Here's a picture of a sign
8 that is straddling a Jersey barrier.

9 Now, I brought this matter to the attention of
10 the Pennsylvania Turnpike and, to be honest with you, I
11 have absolutely no idea what -- it seems that it went into
12 a black hole. I've never heard anything further about it.
13 And the Pennsylvania Turnpike of course claims immunity
14 from lawsuits in any of these injury-type accidents so the
15 only protection that we may have might come from you, the
16 legislators, in prohibiting these signs from straddling
17 Jersey barriers or to take some safer method to protect the
18 motoring public from these dangerous and deadly situations.

19 But thank you again on behalf of Emily's parents,
20 Drs. Wilson and Leona Morris, for your time and your
21 attention to this serious issue. And it is their hope that
22 you'll take what we say today and go back and do something
23 not only to help them and their grief but also what they
24 are striving to do is to help to prevent these types of
25 tragedies from happening to other people.

1 Thank you very much.

2 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
3 Mr. Freeburn. And we thank Senator Folmer for asking you
4 to join with us today. And, Doctors, you have our
5 sympathies and God bless you both.

6 Representative Hennessey.

7 REPRESENTATIVE HENNESSEY: Thank you,
8 Mr. Chairman.

9 Scott, before you get away from -- I'm not so
10 sure you're going to be on one of the later panels or not,
11 can you talk to us just about highway safety in terms of
12 PennDOT's policy with regard to restriping and repainting
13 the roads? Down our way in the southeast we have lots of
14 roads that are State roads that you simply can't -- the
15 lines are not there. You can't see it when you're
16 traveling on a foggy night. It's easy to go off the road
17 or find yourself on the shoulder of the road. And the
18 paints, when we do put them down, don't seem to last very
19 long anymore. So what's the situation with PennDOT in
20 terms of restriping the roads and what kind of paints are
21 you using?

22 MR. CHRISTIE: Well, we do have a standard
23 waterborne paint that we typically are using all the time,
24 but I would put it this way, that I think what a lot of
25 people are seeing is that within the typical nationwide

1 policy, there are specific requirements of when you do and
2 when you do not have to paint roads. And in the past we've
3 been having a lot of debates on how, because of the fact
4 that within Pennsylvania under Governor Pinchot we got the
5 farmers out of the mud and we have 44,000 miles that we're
6 responsible for.

7 The real question of the day is should we be
8 painting every single mile of all those roads? That's the
9 real question when the national policy says you don't have
10 to. We take a look at it and we say -- and trust me, I
11 would say that, boy, that's not a great answer and that we
12 should be safer and we should be doing it. All I'm telling
13 you is that there's a priority that we have on all those
14 44,000 miles. We get to the interstates first and then we
15 do have a policy to go out in the spring to do the
16 restriping on a certain time frame.

17 But I think one of the debates that you're
18 actually seeing is that in some cases how often do we get
19 to the lowest of the low-volume roads? And in some cases
20 some of those low-volume roads might have missed a cycle or
21 something along those lines because internally we've been
22 debating whether or not -- nationwide, you don't have to.
23 We believe you should. We believe within PennDOT we debate
24 it and we believe we have a responsibility to paint them.

25 But the problem is there's only so much money in

1 every county to do all the maintenance and how far does the
2 money go and in some parts of the State maybe they might
3 have skipped a cycle in doing that. That's what we're
4 looking at. But we are going back and taking a hard look
5 at the painting policy throughout the State. And we
6 actually are even on some of the highest volume roads like
7 the Schuylkill Expressway or 95. We're looking at
8 different types of paint that last longer so we don't have
9 to get out there as often.

10 REPRESENTATIVE HENNESSEY: Glenn?

11 MR. ROWE: Our biggest enemy of line painting is
12 winter and snowplows, and this was a pretty harsh winter so
13 the snowplow antiskid, it does take a toll. It does take
14 almost a whole summer into the fall to actually do the line
15 painting, so some of those roads that you see now, they may
16 be getting painted later in the year.

17 REPRESENTATIVE HENNESSEY: Thank you,
18 Mr. Chairman.

19 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
20 Representative Hennessey.

21 Thank you, gentlemen. We're running late but we
22 felt that it was a very important information session. We
23 are garnering a lot of good resource material here this
24 morning so we thank you all for your time.

25 We'll move on now to the automated enforcement

1 program or the Automated Red Light Enforcement program.
2 Coincidentally, Deputy Secretary Scott Christie and Mr.
3 Vince Fenerty and Ms. Corinne O'Connor, Philadelphia
4 Parking Authority. Thank you very much.

5 MR. FENERTY: Thank you.

6 SENATE MAJORITY CHAIRMAN RAFFERTY: Vince, you're
7 not a stranger before our Committees. Welcome.

8 MR. FENERTY: I'm sorry, Senator. I didn't --

9 SENATE MAJORITY CHAIRMAN RAFFERTY: I said you're
10 not a stranger before our Committees. You're welcome.

11 MR. FENERTY: Unfortunately, I'm not.

12 SENATE MAJORITY CHAIRMAN RAFFERTY: Dan, I didn't
13 have you down. I'm sorry, Dan Farley also with PennDOT
14 will be with us. Thank you very much.

15 Secretary, do you want to begin?

16 MR. CHRISTIE: Thanks again, Mr. Chairman.

17 And as I mentioned, Dan Farley is here. He works
18 under Glenn and he's been handling the Automated Red Light
19 Enforcement program at PennDOT basically since its
20 inception, so he knows quite a lot about it, probably more
21 than almost all of us in the room, which is why he's
22 sitting next to me.

23 I would like to thank again all the Committee
24 Members in both Committees for the opportunity to
25 participate and, what I would say, to provide data

1 regarding the Automated Red Light Enforcement program. I
2 did provide written testimony but I'd like to take a few
3 minutes to summarize what was provided.

4 First, I would note that the Transportation
5 Advisory Committee, the TAC, that operates within
6 Pennsylvania, did in the past perform a review of the
7 program and there is a 2011 report that was published, so
8 if anybody's interested in that, we could get copies of it.
9 But TAC did do an overall study of the program and did
10 provide report at that point in time.

11 The second thing I'd like to say is Automated Red
12 Light Enforcement is simply about the use of new technology
13 to supplement enforcement at intersections to allow the
14 police officers to perform other work. That's the way the
15 Department of Transportation looks at it because there's a
16 real critical issue of, again, where can police officers,
17 whether it's city police officers or State Troopers or
18 local police officers, they can't be at all the locations
19 all the time. New technology comes along. New technology,
20 you have cell phones, you have iPads, all different kinds
21 of things. When new technology comes along, it's incumbent
22 upon us to look at that new technology, pilot it, and
23 determine whether or not it can help us get better and
24 safer intersections across the State of Pennsylvania.

25 So when we do that, PennDOT also agrees that it's

1 critical to review what happens when you use this new
2 technology. You put it in place; what happens? So, first,
3 when you take a look at the data as to what happens, it's
4 very easy to see when you take a look at all the months and
5 years after the technology is put in place, it's very easy
6 to see that from the initial implementation, the number of
7 violations decreases dramatically. And that should not be
8 surprising to anybody.

9 People, as was mentioned before, once you get one
10 fine, you only have to learn once in life most of the time
11 and people don't get fines and finds and fines and keep
12 doing it. What happens is there are warning signs up there
13 letting people know that the red light enforcement is in
14 place, and the simple fact again is that the number of
15 violations over time goes down and goes down dramatically.

16 Second, when you know that the number of
17 violations does go down, the number of violations in all
18 these intersections does go down, over time, the
19 intersections either no longer produce any net revenue or
20 they produce very little revenue. And what I mean by net
21 revenue is that, as was mentioned before, it's how it gets
22 paid for, there is a cost for the equipment to be there and
23 there's also an administrative cost for the officers and
24 other people to take a look at the pictures that are taken.
25 So there's an administrative cost to keep the equipment up

1 and timed right and inspected and all of that. All those
2 costs are fixed costs.

3 Because they go down, the number of violations
4 over time either barely covers those costs or in some cases
5 never covers those costs. So it's not necessarily about
6 revenue that some people might think. As a matter of fact,
7 it is about the safety because, like I said, over time the
8 revenue either barely covers or does not cover the costs.

9 There are some intersections like in Abington
10 that the revenue generated in Abington has never covered
11 the cost. So there's three intersections in Abington where
12 the revenue never covered the fixed costs and still doesn't
13 cover the fixed costs.

14 So revenue has been generated but most of it has
15 been in the initial time frame of when an intersection got
16 the ROE technology put in place. In those initial couple
17 of years, revenue was generated and the written testimony
18 indicates how much and how it has been distributed
19 throughout the State at safety intersections.

20 The last thing I'd like to cover though is
21 accidents. The TAC report recommended that PennDOT
22 continue to study accidents and we are doing that. We are
23 taking a look at all the accidents and that's a difficult
24 thing to do because every single accident, we have to get
25 the report on every single one of them and determine what

1 the reason was for that accident. Our preliminary findings
2 as we keep doing this are that the total number of
3 accidents where you take a look at just the 20 -- PennDOT
4 says there's 30 depending on the account, 29 or 30 -- we
5 would say there are 30 locations across the State that have
6 Automated Red Light Enforcement. When you take a look at
7 that, 20 of them have a good amount of before and after
8 data, more than three years.

9 So when you take a look at that and you take a
10 look and just add up all the accidents, we would say that
11 the number of total accidents that have been occurring has
12 pretty much stayed the same. There's three less. You
13 could argue, oh, it went down, but when you're talking
14 about within the count of three, we would say the total
15 number of accidents has been about exactly the same.

16 Also, the data shows that when you take a look at
17 all the accidents put together, the overall severity of the
18 total amount of accidents is still about the same.
19 However, you also have to take a look at the accidents that
20 are caused by running a red light because what's happened
21 is by putting the technology in place, the violations have
22 gone down, the number of people running red lights have
23 gone down. The other thing that's happened because that's
24 going on is when you take a look at the specific accidents
25 that have been attributed to running a red light, the

1 severity of all those accidents has gone down dramatically.

2 So it depends upon how you take a look at the
3 information. You could say the total number of accident
4 hasn't gone down but the accidents related to running a red
5 light, the severity of those accidents has gone down
6 dramatically. What I mean by severity, I mean fatalities,
7 major injuries, even minor injuries, the number, when you
8 have those accidents, the resulting injuries from that, the
9 severity has gone down dramatically.

10 But we do need to closely analyze all the data
11 that's coming in on all these intersections because there's
12 a couple unique things that are going on. For example,
13 when I mentioned that there doesn't seem to be there's a
14 reduction, well, you have to take a look at the -- and
15 that's what we're doing right now; you have to take a look
16 at it. One of the things that we're also finding is we put
17 in place some major construction projects on I-95, and what
18 we found was, because of that construction project, the
19 amount of volume of traffic coming into the intersections
20 actually went up. So in reality you had a lot more traffic
21 coming into an intersection causing a lot more traffic to
22 go through that. So we have a lot more traffic going
23 through it. They're not violating the red light camera
24 violations because that went down, but we found that there
25 are some of the things that are happening like angled

1 crashes were going up.

2 Well, when you take a look at that, you have to
3 look at why is that happening? And what we're finding out
4 is that, as a matter of fact, in some of these
5 intersections the design of the intersection really needs
6 to be upgraded. It's not necessarily a cause of anything
7 related to a camera causing a different kind of accident.
8 It's caused by the fact that with that increased traffic
9 and the type of intersection, we actually need a different
10 type of design for that intersection going forward. So
11 we're finding out some new things when we're doing an
12 accident-by-accident analysis, and that's what we're doing
13 right now on the data that's coming in.

14 So our current conclusions are that the
15 violations do go down. Revenue also does go down
16 intersection by intersection. And just so you know, of the
17 30, and we're counting 30, 12 of the intersections across
18 the State where this technology is in place, 12 of them do
19 not generate -- or actually they actually lose money yet
20 they're still in place and they're still operating because
21 this is about safety and to try and keep the violations
22 down. Twelve of them do not generate any revenue from
23 them.

24 And while the total accidents didn't change, the
25 severity of the accidents related to red light violations

1 did go down. So what we need to take a look at is, and
2 that's what we're doing right now, we're looking at all the
3 accidents, accident by accident, every single one. We're
4 getting a report, we're doing an analysis and determining
5 what the true cause of that accident is and what we should
6 do about it at those intersections.

7 And with that I'd be happy to answer any
8 questions.

9 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
10 Secretary.

11 Mr. Farley, do you have anything to add to his
12 testimony briefly?

13 MR. FARLEY: No, I don't have anything to add.

14 SENATE MAJORITY CHAIRMAN RAFFERTY: Mr. Farley,
15 thank you.

16 Mr. Fenerty, Executive Director, Philadelphia
17 Parking Authority; Ms. O'Connor, Deputy Executive Director
18 of the Philadelphia Parking Authority, welcome. Do you
19 have anything you would like to add, Mr. Fenerty?

20 MR. FENERTY: Just a few things. I've submitted
21 some testimony to the Committee. I don't think at this
22 point it's necessary for me to read it in. Everyone has
23 been prepped with a copy.

24 Our analysis shows basically the same thing as
25 Mr. Christie's, although I differ with PennDOT on the

1 accidents have gone down. We have done independent studies
2 and we have found that many of the intersections the
3 accidents have gone down. We have a former Philadelphia
4 police inspector who we use as a consultant to do this, and
5 we find that you have to code the reports before you
6 actually determine if it was an intersection accident.

7 I'm not privileged to how PennDOT does it but,
8 for instance, the worst intersection in Philadelphia is
9 Grant and the Boulevard. An officer could respond and
10 write "Grant and the Boulevard" on it. It may not be an
11 accident that happened at Grant and the Boulevard. It
12 could be an accident that happened 400 feet in or 300 feet
13 to the north or south on Roosevelt Boulevard or vice versa
14 on Grant. We disqualify those accidents as not being an
15 intersection accident. It's a very time-consuming analysis
16 that we do and we have provided those studies to the
17 Committee before.

18 We have not done a study in two years because we
19 have switched from puck and piezo types of red light
20 cameras to all radar and many of the cameras were down for
21 months for refurbishing and new cameras being put up and
22 we're going to start doing that again. We have found that
23 the biggest claim is red light cameras cause rear-end
24 collisions. At first at some intersections it did happen,
25 but as we installed new intersections, we have found that

1 has not happened. The only place we found that it did go
2 up was at Conwell and the Boulevard, which is a very unique
3 intersection and we don't know why that did happen.

4 We believe that many lives have been saved and
5 property damages went down. We don't do a study by study
6 in-house if an intersection makes money or doesn't. We
7 supply information to PennDOT; they're doing that. This is
8 not about money to the Parking Authority; it's about saving
9 lives. We put one on Byberry Road. It doesn't get many
10 hits as far as citations, but prior to that -- I live right
11 near there, Byberry and Worthington, it's a turn.

12 We completely pay for the reconstruction of the
13 intersection in coordination with PennDOT and the City of
14 Philadelphia Streets Department. And since we put the red
15 light cameras in, there have been no fatal accidents there
16 and there were five fatalities there in five years. And
17 I'm sure those members of the Philadelphia delegation and
18 Montgomery County delegation know what I'm talking about,
19 where I'm talking about, right at Byberry Road as it leads
20 into Woodhaven Road. And the last fatal accident was
21 there, too young ladies were ripped apart when a vehicle
22 hit the wall and hit a telephone pole.

23 But we believe it is a good program. We have
24 asked Representative Taylor and Representative Keller to
25 make it a permanent program within the Commonwealth. It's

1 on its second or third extension as a pilot. It makes it
2 very much easier for anyone in the Commonwealth, any
3 township, when they're bidding a contract, to have it as
4 permanent because when companies come in to bid on a
5 contract, the equipment is so expensive, they like to
6 amortize things over a seven-year period, as most
7 businesses do based on the cost of the camera equipment.
8 When we went out to our last public bid, the biggest
9 complaint was, from proposers, we have to give you a higher
10 price because the amortization line here is under five
11 years and they prefer it in their business models to do it
12 with seven.

13 So that's the reason why we have come back to the
14 House and Senate and asked Representative Taylor from
15 Philadelphia County and Representative Keller to make this
16 permanent or at least stretch it out for a very long period
17 of time because we're due to go out to public bid again in
18 two years and we would like to go out with the best
19 possible scenario and reduce the cost down on the camera
20 equipment.

21 As Mr. Christie said, we've never taken a camera
22 down because it doesn't produce a lot of violations, but if
23 we can keep the costs down, we can keep the cameras up and
24 we can keep the cameras running. So a long life cycle of
25 this program would help that cost and that's why we're

1 seeking that cost.

2 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
3 Mr. Fenerty.

4 Representative Carroll.

5 REPRESENTATIVE CARROLL: Good. Thank you,
6 Chairman Rafferty.

7 Considering the success of the red light camera
8 program on Roosevelt Boulevard, Mr. Christie, I'm hopeful
9 that you can provide for me after the hearing a
10 determination as to whether or not the automated queue
11 detection system in place in Clarion County may be
12 something worth considering for I-81 in Schuylkill County.
13 The single-lane traffic on the southbound lanes for the
14 northbound construction may be a candidate for the
15 technology that's currently in place in Clarion County if
16 it's not already there.

17 So we don't need to spend time this morning on
18 that one project, but if you wouldn't mind after the
19 hearing considering having a discussion with me relative to
20 the potential use of that technology, that seems to be a
21 long-term project that on the horizon here for the next
22 year or two. Maybe a queue detection system and warning
23 technology would be helpful in Schuylkill County.

24 MR. CHRISTIE: I'll be glad to stay around.

25 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,

1 Representative.

2 MR. CHRISTIE: Yes. I have no problem and
3 actually I'm well aware of that project. We've been taking
4 a hard look at it as well.

5 REPRESENTATIVE CARROLL: Thank you, Secretary.
6 Maybe we can get together.

7 Yes?

8 MR. CHRISTIE: I do want to add one thing with
9 regard to what Vince was indicating about when there could
10 be a slight -- I didn't want anybody running out of the
11 room saying PennDOT and the city don't agree on the number
12 of accidents. That's actually the furthest thing from the
13 truth. What I was trying to get at is that we collectively
14 started at the beginning where we took a huge population,
15 and what I meant when we're taking a look at the angles and
16 everything is we're looking at it accident by accident.
17 And Dan will tell you that every single day he comes up and
18 the numbers might change and it's because he comes into my
19 office and says that's because this accident wasn't really
20 related to the intersection.

21 But what I wanted to do was be fair and say that
22 we're going to start with the entire population at one
23 point in time and then we'll make a decision as we go
24 through it. So that's what I meant by we're going through,
25 as per the TAC report's recommendation, we're looking at it

1 accident by accident. We're going to be going back through
2 it and filtering out all the ones, as Vince was indicating,
3 that might not have been related to the intersection
4 whatsoever and we'll have that and continue to update
5 people on that.

6 REPRESENTATIVE CARROLL: Thank you, Secretary.

7 MR. FENERTY: Senator, I would like to add this.
8 I wasn't taking a shot at anyone in any way.

9 SENATE MAJORITY CHAIRMAN RAFFERTY: It wasn't
10 interpreted by the panel, Vince.

11 MR. FENERTY: And we very work very well with
12 Mr. Farley. We can't do an intersection without him, our
13 representatives from the Street Department. This has been
14 a total team effort --

15 SENATE MAJORITY CHAIRMAN RAFFERTY: Got you.

16 MR. FENERTY: -- for 10 years.

17 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
18 Representative Donatucci.

19 REPRESENTATIVE DONATUCCI: Thank you,
20 Mr. Chairman. And thank you for your testimony today.

21 I'm very familiar with the red light camera. I
22 have several of them in my district. I commend it. I
23 thank you for it. There's a few more intersections I would
24 like you to take a look at. I see that it has actually
25 reduced accidents in my district. I see that drivers are

1 becoming more cautious when they reach the intersections.
2 There's counters that let you know that that light is going
3 to turn red; you need to slow down.

4 Unfortunately, in a lot of intersections you're
5 sitting at the green light and there's four cars going
6 through that red light so I think it's really important. I
7 think it's also very good to an extent that you get no
8 points so you're kind of warned with a fine to stop going
9 through red lights.

10 So my question to you, Vince, is are you going to
11 put more in the city? And also what are your thoughts on
12 the speed cameras?

13 MR. FENERTY: Yes, we have four pending -- four,
14 right, Corinne?

15 MS. O'CONNOR: Three.

16 MR. FENERTY: Three pending intersections. We've
17 done a study on them and there's a process that has to be
18 done that has to go through City Council. We have to wait
19 for the Mayor to sign. All three ordinances have passed
20 and signed by the Council and the Mayor. We then have a
21 process where we go through everything with the city
22 Streets Department and PennDOT and then we ask the
23 Secretary of Transportation for permission to install those
24 intersections. And they have just recently been sent to
25 PennDOT and I believe they're in the study process with

1 PennDOT for approval.

2 REPRESENTATIVE DONATUCCI: And your opinion on
3 the speed cameras?

4 MR. FENERTY: Speed cameras, several years ago
5 there was an ordinance for speed cameras that I testified
6 in. Although I'm not an expert in speed cameras, I have
7 visited the vendors that do do speed cameras in States
8 where they are. As it's always been said, a police officer
9 cannot be there 24 hours a day and you don't have to pay a
10 police officer 24 hours a day when it's a camera. I think
11 speed cameras are a good idea for interstates and maybe
12 some areas in some counties or all counties where the roads
13 are long where people have a habit of speeding. In my
14 opinion it should be just like the red light cameras, no
15 points but a higher fine, a fine that would mitigate
16 upwards based on how fast you were going. It would help I
17 think save lives like the red light cameras have.

18 REPRESENTATIVE DONATUCCI: Okay. And one last
19 question if you can bear with me, can you explain the term
20 "speed on green" when it comes to camera enforcement?

21 MR. FENERTY: Representative Donatucci, you
22 worked too long at the Parking Authority. Okay. Speed on
23 green, current red light cameras are equipped, at least
24 Philadelphia County's are, to be able to be turned over to
25 what is called "speed on green." It would need legislation

1 from Harrisburg where at the current intersections that
2 have red light cameras, the cameras could be turned over to
3 catch violators who are going through those same
4 intersections that have red light cameras when they have a
5 green signal. For instance, if it's 45 miles per hour on
6 Roosevelt Boulevard, the camera could be set to take a
7 photograph once the person hit the threshold of, let's say,
8 five miles over and a citation could be issued. That would
9 be called a "speed on green" ticket.

10 Again, if that were to be enacted, I would
11 recommend that it doesn't become a pointed violation.
12 There would be a picture of the car and the radar used, the
13 radar or the puck technology, which is used in other
14 municipalities, or piezos, would catch the speed and the
15 person could be issued a citation without a police officer
16 being there, a non-pointed citation. I think that would
17 slow some highways down because the saying is once you hit
18 the person in the pocket, it changes their behavior.

19 And I will confess in front of this Committee
20 I've gotten a few red light camera tickets over the years,
21 only one for being over the speed limit, being directly
22 through, but I have gotten three for making right-hand
23 turns where I don't pay attention that the signs were
24 there, "no turn on red." And I am proud to say I haven't
25 gotten any in several years. It was in the first couple

1 years of the project. I paid \$400 in fines, I learned the
2 lesson, and I haven't gotten any.

3 So if it corrected my bad driving, it's probably
4 corrected a lot of others. And I do know a lot of elected
5 officials have gotten them also because it seems that
6 instead of going to their priest, they come to me and
7 confess.

8 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
9 Vince. Any other questions --

10 REPRESENTATIVE DONATUCCI: Thank you.

11 SENATE MAJORITY CHAIRMAN RAFFERTY: --

12 Representative Donatucci?

13 REPRESENTATIVE DONATUCCI: No, that's it. Thank
14 you.

15 SENATE MAJORITY CHAIRMAN RAFFERTY:

16 Representative Quinn. Thank you.

17 REPRESENTATIVE QUINN: Thank you, Senator. And,
18 Mr. Fenerty, as long as we're making confessions --

19 MR. FENERTY: Thank you for your patronage.

20 REPRESENTATIVE QUINN: Yes. Well, and I happened
21 to get this in the mail the other day and it was a red
22 light camera violation so my interest was piqued with this
23 hearing here. And it happens to be the intersection that
24 you mentioned, Worthington and Byberry.

25 MR. FENERTY: Okay.

1 REPRESENTATIVE QUINN: And I swear I was turning
2 right on red. So I'm just curious. When the camera takes
3 this, there are then reviewed by officers later on?

4 MR. FENERTY: When the camera takes it -- first,
5 let me ask you a question. The answer is going to be the
6 same, but did you get it directly through or did you get
7 one for making the right on red?

8 REPRESENTATIVE QUINN: It's \$100. I just saw
9 red, okay?

10 MR. FENERTY: Okay. Well --

11 REPRESENTATIVE QUINN: No, I don't have an answer
12 to your question.

13 MR. FENERTY: Okay. I'll look at it afterward
14 then.

15 REPRESENTATIVE QUINN: Okay.

16 MR. FENERTY: What was your question again? I'm
17 sorry.

18 REPRESENTATIVE QUINN: My question was once the
19 camera snaps it, I see my car, they're then all reviewed by
20 officers? Is that it, the film?

21 MR. FENERTY: First, they're reviewed by Parking
22 Authority employees, okay, and then after it's validated by
23 a Parking Authority employee, it's transmitted over to
24 Philly PD where a Philadelphia police officer validates it
25 and then the citation is issued. It goes through two

1 checkpoints, one from a clerk from the Parking Authority
2 who's been trained. And our motto is if in doubt, throw it
3 out. It means if you look at that and you can't directly
4 tell that the person went through the red light camera, we
5 don't process it over to the police. Any that we don't
6 validate then go to a PPA supervisor to check.

7 REPRESENTATIVE QUINN: Okay.

8 MR. FENERTY: The same thing at the police
9 department, if a police officer doesn't validate it, his
10 supervisor checks it.

11 REPRESENTATIVE QUINN: Thank you. I'm curious to
12 the comments about 12 of these are actually losing money.
13 How much money are they losing?

14 MR. FENERTY: Representative, we don't do an
15 analysis camera by camera. We've never done it. I have
16 always looked at it as if there's enough money to pay for
17 the overall number of cameras, we can afford it. We have
18 turned over every year millions of dollars to the
19 Department of Transportation in profits from these cameras.
20 It's come down over the years but it's still several
21 million dollars per year. And I think Mr. Christie could
22 answer that a little better.

23 MR. CHRISTIE: We can certainly provide you the
24 information we can also provide you in some cases, for
25 example, it might be that there might be a difference in

1 the cost of the equipment itself but you might say, well,
2 how is that money paid for? In some cases it's the vendor.
3 If it doesn't generate the amount, the vendor has to cover
4 that themselves so it's not really an additional cost; it
5 just didn't cover it. But we'll get you that information.
6 That's not hard to get.

7 REPRESENTATIVE QUINN: Okay. And my final
8 question, Mr. Chairman, when I mail my 100 bucks down to
9 Baltimore, is that to the vendor?

10 MR. FENERTY: Yes.

11 REPRESENTATIVE QUINN: Okay.

12 MR. FENERTY: The vendor's headquarters only for
13 mail goes to Baltimore. Everything else is in
14 Philadelphia, including the evaluation of the cameras, et
15 cetera. But that is where their correspondence center is
16 and that is where it's at.

17 REPRESENTATIVE QUINN: Thank you.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
19 Chairman Keller.

20 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you,
21 Mr. Chairman.

22 Mr. Fenerty, I don't know if you had a chance to
23 hear some of the testimony on the cameras in work zones. I
24 said I think the only thing I can compare it to is the
25 conditions we had on Roosevelt Boulevard before the cameras

1 and now the conditions afterwards. Could you expand on
2 what was happening before we had the cameras there and then
3 afterwards, not only accidents but fatalities and the whole
4 improvement on Roosevelt Boulevard because of the cameras?
5 And relate that to what you think would happen in cameras
6 and work zone safety.

7 MR. FENERTY: Representative Keller, before the
8 camera legislation came in 2005 and we put the first three
9 intersections up, the American Highway Federation I believe
10 it was deemed Roosevelt Boulevard the most unsafe highway
11 in the United States. For those who don't know what
12 Roosevelt Boulevard is, I think almost everyone here does,
13 it's a 12-lane highway with six lanes in each direction
14 separated by grass medians every three lanes. The average
15 speed limit probably was 70 miles an hour. People were
16 running red lights. There were T-bone accidents, which is
17 the most fatal accident there are. People on the medians,
18 no control whatsoever. There were task forces of Highway
19 Patrol out there, and you can put as many police officers
20 out there but they still have to fight crime and take
21 calls.

22 Once the first three went up, we expanded and
23 there are now nine, I believe, on Roosevelt Boulevard, and
24 the speed went down and the accidents went down. The high-
25 level, high-speed accidents really went down. It took a

1 while. I've given some information on the number of
2 tickets. The tickets went down. So if you're still having
3 some accidents on Roosevelt Boulevard, you're having a
4 lesser of an impact-type accident than we're going on.

5 In the five years prior to -- and I'm doing this
6 cold -- to 2005, I believe there were 11 or 12 fatalities
7 on Roosevelt Boulevard at intersections that resulted from
8 T-bone accidents or whatever type of accidents were there.
9 To my knowledge, and I think I am right, there have been no
10 fatalities at any intersection where there is a red light
11 camera and only one in what we call a halo intersection,
12 which means it's the intersection before or the
13 intersection after a red light camera. We call it the halo
14 effect because it draws a circle around the two closest
15 intersections. You have to slow down not to go through it
16 and possibly get a red light camera ticket, and then when
17 you're picking up, you don't hit that maximum or over the
18 maximum speed again. So it has helped to a tremendous
19 amount.

20 I also have to say that along Roosevelt Boulevard
21 I believe the whole length of Roosevelt Boulevard has been
22 repaved, some of the curvatures have been taken out of it,
23 the signals have been upgraded, so it's been -- I won't say
24 a partnership; PennDOT has done a lot of work along there,
25 too.

1 HOUSE DEMOCRATIC CHAIRMAN KELLER: In your
2 opinion, and you've had more experience with this I guess
3 than anybody, do you think cameras in work zones would be a
4 much safer and better way to provide safety for the
5 workers?

6 MR. FENERTY: Undoubtedly, I do. It would save
7 it. I would recommend the fine be high because once it
8 hits you in the pocketbook, you'll learn not to do it again
9 in a work zone. And I rode up here today through a couple
10 work zones and, especially along the turnpike, and I travel
11 I-95 every day unfortunately. People just disregard these
12 workers and go 60, 70 miles an hour. And I watched the TV.
13 There have been over 30 turnpike workers killed. I think
14 it really needs it.

15 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you,
16 Mr. Chairman.

17 Thank you, Mr. Fenerty.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
19 Thank you, members of the panel. We appreciate your input.
20 Thank you very much.

21 Next, distracted driving. We have testifying
22 Lieutenant Krol, Pennsylvania State Police; Joel Feldman,
23 Distracted Driving Speaker and Advocate; Dr. Bernardo
24 Pires, Robotics Institute, Carnegie Mellon; Mr. Wayne
25 Weikel, Alliance of Automobile Manufacturers.

1 Before we begin, we're running late, I know. I
2 want to remind everyone, keep their answers succinct,
3 questions succinct. I am going to stop the hearing
4 regardless of where we are around 12:30 because the Senate
5 is in session today. We have to get to the Floor.

6 Thank you.

7 I apologize. I missed somebody in the automated
8 enforcement for illegally passing school buses. Hang on.
9 We'll do you after the distracted driving, please. Thank
10 you.

11 Lieutenant, you have the floor.

12 LIEUTENANT KROL: Good morning again, Chairmen
13 and Members of the Committee. Again, I'm Lieutenant Robert
14 Krol of the Pennsylvania State Police Legislative Affairs
15 Office. Thank you for the opportunity to appear before you
16 today to discuss the topic of reducing distracted driving
17 by prohibiting handheld devices.

18 The PSP remains committed to prioritizing highway
19 safety as one of our highest goals. To this end, we
20 recognize that driver distractions can have tragic
21 consequences resulting in traffic crashes and the injuries
22 and fatalities associated with them. As a Commonwealth, we
23 must all strive to reduce the 121,317 reportable crashes
24 that occurred on our highways during 2014.

25 To put the significance of driver distraction

1 into perspective, consider that a vehicle traveling at 60
2 miles per hour is moving at 88 feet per second. That's a
3 distance larger and longer than the average full-size
4 tractor trailer combination. Given the distance that can
5 be traveled in just a couple seconds, it's easy to see how
6 a significant crash could occur from the momentary glance
7 away from the road. For this reason, drivers should focus
8 their attention on the task of operating the vehicle and
9 avoid any unnecessary distractions.

10 Unfortunately, there are many potential
11 distractions for vehicle drivers that can come from
12 multiple sources. These distractions include such common
13 behaviors as adjusting the radio, manipulating the
14 navigation system, talking with a passenger, tending to
15 children in the rear seat, eating, drinking, and smoking.

16 Then, there are some distractions that are
17 inherently more dangerous such as texting while driving,
18 reading a book or newspaper, or putting on makeup. One
19 distraction that has received a lot of attention in the
20 media and through public service messages involves the use
21 of mobile telephones while driving. There appears to be
22 debate among safety advocates as to whether the concern is
23 only with the use of handheld mobile phones or if it also
24 includes the use of hands-free mobile devices. Currently,
25 Senate Bill 153 seeks to prohibit the use of handheld

1 mobile telephones.

2 The PSP believes that all driver distraction is
3 problematic and can result in a traffic crash. However,
4 the decision to single out one particular activity -- in
5 this case using a handheld mobile telephone -- is a public
6 policy matter for debate. With the exception of texting
7 while driving, we are unaware of any proof that using a
8 handheld telephone while driving is inherently more
9 dangerous than any of the other distractions that I
10 mentioned earlier in my testimony.

11 However, should the Legislature decide to move
12 forward with the proposal to prohibit the use of handheld
13 mobile telephones, we believe that there are some things
14 that should be considered in order to make the law
15 effective from an enforcement standpoint. First,
16 enforcement of this type could be complicated if there are
17 exceptions which allow drivers to use them at specified
18 times. With the burden of proof being on the Commonwealth,
19 a driver could claim that they were using it legitimately
20 and it would be difficult for the police to refute that
21 claim without the ability to search and seize the device
22 absent a warrant, something that would not be obtained for
23 general traffic enforcement of a summary offense.

24 Secondly, the law should include a presumption
25 clause so that if a motorist is holding the phone in close

1 proximity to his or her ear, there is presumption in the
2 law that the person is engaged in a call. The presumption
3 could be rebuttable by the person upon showing evidence
4 that they were not engaged in a call. Senate Bill 153 is
5 currently constructed in this manner by including a
6 presumption clause under Section 3317(b).

7 Lastly, we note that Senate Bill 153 is designed
8 as secondary enforcement law. We believe consideration
9 should be given to the difficulties of enforcing the
10 prohibition under this bill as a secondary offense such as
11 the need to establish another violation that occurs at the
12 same time before law enforcement may take steps to ensure
13 greater public safety.

14 We look forward to any future discussions on this
15 topic as the Legislature considers it. Once again, I would
16 like to thank the Committee for inviting the Pennsylvania
17 State Police here to speak on this matter. I'd be happy to
18 take any questions you may have.

19 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
20 Lieutenant Krol. You've represented the Pennsylvania State
21 Police very well today.

22 Mr. Feldman.

23 MR. FELDMAN: Trying to get a picture of my
24 daughter Casey. My daughter Casey was killed by a
25 distracted driver in 2009. She was 21 years old. This

1 Friday will be the sixth anniversary of my daughter's
2 death, and it's something as a parent to know that you're
3 alive and your child is dead and that I have a future and
4 she does not. And it's getting better over time. We think
5 about the good memories and we smile more often than we cry
6 but it's still very, very difficult.

7 I'm here today to talk to you because
8 Pennsylvania can take the lead in reducing and preventing
9 distracted driving crashes, and the way we can do that is
10 through legislation and education. First off, our children
11 are the most vulnerable. They're the most inexperienced of
12 drivers and they die in crashes at three times the rate of
13 any other age group, three times the rate. I go around the
14 country, I've worked on a program with Children's Hospital
15 of Philadelphia and I educate teens around the country.
16 It's a no-cost program.

17 Of course in the Commonwealth as well we've
18 spoken with over 300,000 teens across the country. More
19 than 70 percent tell me their moms and dads drive
20 distracted with them in the car. I know that I drove
21 distracted with my kids in the car and I bet if I asked any
22 people on the panel or anyone in the audience, as parents,
23 we'd probably have to admit that we drove distracted with
24 our kids in the car.

25 If you drive distracted with your kids in the

1 car, they're two to three times more likely to also drive
2 distracted, University of Michigan study. Speeding, lack
3 of scanning, and distracted driving, according to
4 Children's Hospital of Philadelphia, are the leading causes
5 of crashes for children, the leading causes of crashes for
6 children.

7 There was a recent study by AAA Foundation for
8 Traffic Safety that looked just at distracted driving and
9 teens. They actually had videos and cameras. It was
10 pretty well-publicized but it's eye-opening. Fifty-eight
11 percent of the crashes for these teens studied came from
12 distracted driving. That quadrupled the NHTSA estimate of
13 14 percent for distracted driving-involved crashes.

14 We as adults, as experienced drivers, we
15 shouldn't drive distracted but we get away with it more
16 than our children and we're not doing enough. Before I go
17 to bed each night, I look in the mirror and I say have I
18 done enough today to keep some other young child alive and
19 to prevent their family going through what I've done. And
20 I know that you have lots and lots of issues, but I suspect
21 some of you also think about that. Have we done enough to
22 protect our children?

23 And what I submit what we can do is the
24 following: The U.S. NHTSA, they have close to \$100 million
25 of funding. Connecticut is the only State, the only State

1 that's qualified for distracted driving funding. They got
2 over \$2 million. The funding would go for enforcement --
3 I'm sure that would make you very happy -- and for
4 education, which would make me very happy so we can
5 continue to talk to our kids.

6 My organization has spoken with 35,000 kids
7 across the Commonwealth of Pennsylvania, and they get it.
8 People dismiss the kids and they say they're wed to their
9 technology. The kids, if you give them the right
10 presentation and you talk to them, they get it.

11 So in order to qualify, what we need to do is
12 three things, and NHTSA has it laid out, the legislation
13 that's necessary for qualifying. We need to have a primary
14 enforced texting ban. Pennsylvania does. Ours has some
15 problems with it because if you're stopped at a stoplight,
16 you can't get a ticket for it. That would have to be
17 closed, that loophole. We also have just one violation
18 penalty. It's \$50. The requirement requires, in
19 successive violations, you have to go to a higher penalty
20 and you can start as low as \$25.

21 The big thing, 18 States have already adopted
22 this. Those drivers under the age of 18 can't use a cell
23 phone. When I say cell phone, I mean handheld portable
24 electronic device. You can't use it whether it's handheld
25 or hands-free. You can't use it. Massachusetts, Rhode

1 Island, Virginia, West Virginia, Louisiana, Georgia,
2 California, North Dakota, and some other States I'm
3 forgetting have already done that. And the studies are
4 showing that if you keep kids off cell phones and
5 electronic devices, you can keep them safe.

6 The last part of it is we need to have a question
7 in our licensure exam about distracted driving. And I
8 apologize. As of 2012, I know we did not in Pennsylvania.
9 I didn't get a chance to look at that. We may have that.
10 So it's really not all that difficult. It's really not all
11 that difficult, that legislation.

12 We need education as well, and this bill, getting
13 the money from the Federal Government, would allow us to go
14 out and educate. I'm very fortunate. My law firm
15 continues to pay me a salary and they say, Joel, go out and
16 do what you want to do, and what I want to do is I want to
17 talk to kids and I do it across the country. I've spoken
18 with 50,000 teens and plenty of adults as well, but 50,000
19 teens in the last three years in 30 States and Canada. And
20 as I said, if you have the right presentation, you can keep
21 kids safe.

22 And I know that the reason why I stopped driving
23 distracted was because my daughter was killed by a
24 distracted driver and it really shouldn't take that. It
25 shouldn't take that. Pennsylvania teens have seen more of

1 our presentation designed with Children's Hospital than any
2 other State, so we're already in the lead. The next
3 closest State I think is New York with about 20,000.

4 I'm a member of the Pennsylvania Association for
5 Justice. They've volunteered hundreds and hundreds of
6 hours of their time going into schools around the
7 Commonwealth and will continue to do that. We have a free
8 volunteer workforce that's very good at communicating a
9 message.

10 In terms of education, I'm working with
11 legislators in Louisiana, Georgia, and Massachusetts, and
12 what they've been doing is they've been holding safety
13 programs about distracted driving in their communities,
14 sponsoring some for the high schools. And I say
15 "sponsoring," setting it up. There's no cost. It's free.
16 We're not charging for this. Sponsoring talks with the
17 kids at high schools and colleges but also community
18 programs.

19 And you know how they have to get the moms and
20 dads into these? We kind of misrepresent it. We say bring
21 your child so that you can teach them to be safe from
22 distracted driving. When we get them in there, we talk to
23 them about their behaviors. Kids will tell you that their
24 moms and dads are hypocrites. Kids will tell you that the
25 reason why they drive distracted, one of the reasons is

1 because they see mom and dad doing it.

2 And all the scientists, all the studies say kids
3 are learning to drive as early as six and seven years old
4 by watching moms and dads. The advice from moms and dads
5 is we need to be the drivers we want our teens to be. And
6 as I said, I drove distracted all the time. I still wonder
7 whether or not my son, my daughter's little brother,
8 whether he might take chances driving because he saw me do
9 it.

10 But we can make a difference, so sponsoring
11 those. I'll go into any of your legislative district, I'll
12 go in and I'll do any programs. I'll get people there
13 that'll do programs for free.

14 Virginia has an incredible distracted driving
15 summit they put on each year. It gets law enforcement
16 together, it gets educators, it gets safety advocates, it
17 gets teens there. It's well-publicized. The Secretary of
18 Transportation comes, the head of NHTSA comes, and they
19 make a difference in Virginia and that's what we should be
20 doing in Pennsylvania, a distracted driving summit.

21 It's also important, as we've done with bullying,
22 we need to put distracted driving, safe driving, seatbelt
23 messages into school curriculums. It would not be all that
24 difficult because we need to have constant reminders. And
25 what we'd like to develop is we'd like to develop programs

1 for adults, for parents when the kids see the presentation,
2 we want them to go home and say to mom and dad, mom and
3 dad, I saw this presentation; now it's time for you to see
4 it.

5 And lastly, I'll just end by saying that pink was
6 my daughter's favorite color so I wear a pink wristband to
7 remember my daughter. And lots of parents who've lost
8 children to distracted driving give me wrist bands in their
9 kids' favorite colors. And these are for the girls, some
10 from Pennsylvania, and these are for the boys. And some of
11 these moms and dads say to me do you think my son or
12 daughter was texting at the time they died because they saw
13 me doing it? And that's something to think about.

14 So I think with Pennsylvania we can take the
15 lead. We can set the example for the rest of the country
16 in a dedicated mission to keeping our kids safe.

17 Thank you all so very much.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.
19 Appreciate it, Mr. Feldman.

20 Dr. Pires.

21 DR. PIRES: Thank you, Mr. Chairman.

22 So I have brief remarks, but given that we're
23 running a little bit late, I'll just cut to the most
24 important things.

25 So my intent here is to give you a brief overview

1 of the current research and emerging research in efforts
2 against distracted driving. So from the research
3 standpoint what we're hoping to do is place technology in
4 the cars that will prevent or at least help with distracted
5 driving.

6 So I will place particular emphasis on three
7 projects. They're funded by the Center of Technologies for
8 Safe and Efficient Transportation at CMU and also for the
9 Traffic21 Institute. So these two organizations lead a
10 multidisciplinary research effort from CMU and U Penn. And
11 actually I know the House Committee actually recently
12 visited CMU. I wasn't there but you've spoken with a
13 number of my colleagues so probably you might know some of
14 these things going on.

15 The main intent of these organizations is to
16 test, deploy, and evaluate technology. And T-SET is
17 actually a USDOT national University Transportation Center,
18 and they have research partnerships with PennDOT, PA
19 Turnpike, and the City of Pittsburgh, so thanks for that.

20 So there's two things actually you can do by
21 trying to detect distracted driving. One is you would want
22 to adapt the systems, the lane-keeping systems, the cruise
23 control systems to the fact that you might have a
24 distracted driver. Even the pretensioner on the seatbelts
25 can be adapted so that if the car is aware that you're

1 driving distracted, they can take some measures to try and
2 protect you in a way.

3 The second is also we see the emergence of the
4 self-driving cars. Self-driving cars very likely -- it's
5 not clear technology-wise; we don't know exactly how the
6 path is going to be, how long they're going to take, but
7 it's pretty obvious for some people that are closer to the
8 technology that we might start with self-driving cars that
9 cannot drive in all conditions. These cars will need to be
10 able to know what's happening with the driver because they
11 will face situations where they think they cannot handle
12 the road, and so they need to know if they can pass the
13 command back to the driver or if they need to pull over,
14 stop, and make the driver aware that now you need to drive
15 by yourself. This can be fog, heavy rain, snow.

16 You see a lot of self-driving car testing back in
17 California and there's a reason for that, because one of
18 the main enemies of self-driving is the weather.

19 In terms coming back to distraction detection
20 system, we see emerging technologies in mainly three
21 fields. One is vision-based. We essentially have cameras
22 placed inside the vehicle. Two types of cameras, initial
23 efforts were guided towards looking at the face, especially
24 the eyes of the driver. The whole point is your eyes give
25 a sense to the car of what's going on. Volvo has recently

1 announced a program that can actually try and figure out
2 where the driver is looking at.

3 I want to mention research by my colleague
4 Fernando De la Torre, which actually happened in
5 collaboration with General Motors, and they have a reliable
6 system that can tell you when you have your eyes off the
7 road and essentially gives a warning, okay, look, careful
8 because you're driving without paying attention.

9 My current research is actually trying to do
10 more. We're trying to place cameras that see more of the
11 inside of the vehicle. And I want to share also a
12 statistic that's in the AAA study that you mentioned
13 regarding naturalistic driving. So this is actually
14 recorded from inside the cars that had crashes, and not
15 only do you see a lot of distracted driving but you also
16 notice that you have more accidents caused by attending to
17 passengers than you have accidents caused by handheld
18 devices. That means that you need to know more of what's
19 going on. You need to know if the driver is actually
20 paying attention to someone else because that can cause
21 more accidents.

22 And so the point here on my particular study
23 that's ongoing right now is to try and detect if the driver
24 is holding a device in his hand while he's trying to drive.
25 So we have essentially camera overview and we see when the

1 driver pulls out the camera, we try and flag that as a
2 warning.

3 The second field is acoustics-based and this is
4 another statistic I wanted to share. It's pretty much
5 well-known from the research community that hands-free use
6 of the phone is not necessarily safer, and this actually
7 poses one more difficulty in enforcement which is the fact
8 that a lot of cars now you can actually hook up to have the
9 conversation through the Bluetooth and through the speaker
10 system of the car itself. So all you see is a person
11 driving a car, it seems like they're talking to themselves;
12 they're actually talking on the phone. But from the
13 enforcement standpoint, you're going to have a lot of
14 trouble catching those.

15 And so this research actually is from my
16 colleague Maxine Eskenazi, and it's actually in partnership
17 with Yahoo. And what they're trying to do is if you're
18 trying to use the Yahoo app to send an email and you're
19 dictating an email, your speech pattern will change as you
20 get distracted. So if you try and dictate a very complex
21 message, they pick up on that and actually stop the app so
22 they prevent you from sending that text or that email
23 because they see from your speech pattern essentially from
24 your pauses, hesitations that you're not in a suitable
25 situation to actually be driving.

1 The third that I want to mention, the third area
2 is actually physiological-based distraction detection. We
3 already know, for example, from Toyota that you can put
4 sensors on the steering wheel, detect your heart rate, even
5 detect your breathing pattern. And you can use those as
6 cues to, you know, figure out if you're falling asleep.

7 So my colleague Hae Young Noh has actually
8 researched with Renault and Lucas Physical Therapy and
9 Fitness, and what they're doing is they're adding
10 vibration-based sensors to the driver's seat, and based on
11 that try and figure the posture and figure the alertness of
12 the driver.

13 So that concludes essentially my remarks. I just
14 wanted to point out these three areas of research. I think
15 they're promising. And of course I'm available for any
16 questions.

17 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
18 Doctor.

19 Mr. Weikel, we have your written testimony.
20 Please, if you would.

21 MR. WEIKEL: Yes, I will make these brief. I
22 will --

23 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
24 Mr. Weikel.

25 MR. WEIKEL: I will stand on my written testimony

1 and see if I can give you a bulleted version.

2 My name is Wayne Weikel. I'm with the Alliance
3 of Automobile Manufacturers. We represent about 75 of the
4 car and light truck market in the U.S.

5 I should start by saying we are supportive of
6 Senate Bill 153. We do support handheld bans, as well as
7 we support texting bans so congratulations to Pennsylvania
8 for doing that.

9 I'll just jump ahead to just some of the
10 technology side of this. This started as an evolution for
11 us of understanding that our customers are going to come
12 into our cars with these devices that we don't have control
13 over and they're going to use them, so how can we allow
14 them to use them in a way that is much safer.

15 You're all familiar with just the basic thing of
16 having Bluetooth in your car so your phone is linked. If
17 the phone rings, you don't have to go hunting for your
18 phone. It pops up in front of you. Your eyes stay on the
19 road; your hands stay on the wheel. That's really our
20 major drive.

21 From that we shifted to speech to text, as the
22 doctor was referencing. That allows you to just verbally
23 dictate instead of surreptitiously trying to text under
24 your steering wheel, which is an unfortunate side effect of
25 texting bans that we've seen.

1 But as we move beyond that, it's become how can
2 we integrate the phone system, the operating system into
3 the vehicle so that when a person gets into their vehicle,
4 they're confronted with an interface that they're familiar
5 with. People are used to looking at their phone, they know
6 where to find their iTunes, and how can we link the phone
7 to the car so that it's familiar, the idea being the easier
8 that we can make this task, the less focus it takes away
9 from the real task at hand, which is getting the car down
10 the road.

11 That even applies to navigation. By having the
12 phone linked to the car, the driver can actually use it in
13 a smoother manner because they're familiar with the
14 application from their phone but also it gives
15 manufacturers control over the ability to limit features
16 and limit the different ways that people use the phone
17 while it's linked. We think that's a decided step in the
18 right direction.

19 But the future is really where I think the real
20 excitement comes. The doctor referenced a number of these
21 so I'll be brief. One car manufacturer is coming out with
22 technology next year that will allow the entertainment
23 system, that main database of the vehicle, to be controlled
24 by gestures. The phone rings, you don't want to talk to
25 the person, just wave your hand; phone call goes away. You

1 want to turn the phone up, just moving your finger like
2 this will turn the volume of a radio up.

3 Alertness monitor, as the doctor said, about
4 monitoring your eyes, it's really designed for drowsy
5 driving and sleepy driving but it applies to this as well
6 because it'll know where you're looking. If you're not
7 looking at the road, the vehicle can alert you either with
8 a sensor or other physical way to say, hey, pay attention
9 here.

10 There's also, and this is actually really
11 exciting, people working on information management plans so
12 instead of just you're driving down the road and a warning
13 light pops on, the vehicle will be constantly monitoring
14 your behavior, your physiological data. It'll also monitor
15 the world around you so that if you're merging onto a
16 highway, maybe it's not the best time to give you a low-gas
17 signal. That can wait 10 or 15 seconds. And just being
18 able to constantly manage how the data is presented is an
19 area that we think has promise.

20 But it really is not just about distracted
21 driving. The overarching question is how can we help our
22 drivers drive safer, and that does get into the automated
23 vehicle area. Given that 90 percent of accidents are
24 supposedly caused by human error, automation is the answer
25 on a lot of these things.

1 We've got forward crash avoidance that you've all
2 seen that even if the driver isn't paying attention to the
3 road ahead of them, the car will be so that it will stop
4 even if the driver hasn't known to put their foot on the
5 brake. Advanced cruise control that on a highway can
6 monitor not just speed and steering but also distance so
7 that you're going down the road and it's keeping good
8 distance with the car in front of you, which is one of the
9 causes of accidents that people don't leave enough room.
10 Ultimately, distracted driving is really just a matter of
11 driver safety and OEs have invested millions to sort of
12 provide a safer environment through technology.

13 I would be remiss if I didn't thank the host
14 Chair and the Committee and Committee staff for favorable
15 action on House 1278 and also the staff from the State
16 Police for working with us to comb out some of the language
17 and really put together a good bill. It's legislation that
18 would prohibit the use of iPads and other things in the
19 vehicle within view of the driver so that someone isn't
20 surreptitiously watching iPad while they're driving down
21 the road, but it also allows for what's called split-view
22 technology, which allows the passenger to be able to see a
23 video on the main center screen while the driver still sees
24 the normal screen. So I appreciate that. Pennsylvania is
25 only one of two States that doesn't allow this technology.

1 So I thank you and we'll stand the rest on my
2 written comments.

3 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
4 Mr. Weikel.

5 Representative Heffley.

6 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.
7 I thank our testifiers here today.

8 Real quick, as we look at all the different
9 distracted driving, there's so many obviously. The Garmin
10 that's out there now or whether you're using your cell
11 phone, texting, we passed that ban. I know there's a bill
12 in the house -- I'm not sure the number -- the Chris Ross
13 bill that would a secondary offense for distracted driving
14 for careless driving and enhanced penalties.

15 I guess my concern as we go forward, I've some
16 experience in transportation logistics and driving,
17 handheld radios like CBs when I drove a truck were just
18 phenomenal for helping out with safety, notifying other
19 drivers there's a car broke down on the shoulder, there's
20 construction ahead, there's debris on the road, all these
21 things with that communication between trucks so anything
22 that we pass, I definitely would want to always ensure that
23 those commercial drivers are going to have that
24 communication between them.

25 You can drive a million safe miles and it's the

1 next 100 feet. Everything happens in a split second. You
2 could be the best driver but that one glance down, reaching
3 down for a coffee cup. I know people that were in serious
4 accidents just from reaching for a coffee cup. So I think
5 we need to take all that distraction into consideration to
6 make sure that we don't go overboard.

7 I think the use of handheld phones, I'm on the
8 phone a lot when I'm driving. I think it keeps people
9 alert, it keeps people awake. When I went through a lot of
10 the driver safety programs, they used to talk about in the
11 zone, drivers get in the zone. You're driving down a
12 straight road, you're driving for an hour, two hours just
13 in the zone. You're not thinking; you're not looking
14 ahead. And I think when you're on the phone and you're
15 having that conversation or if there's somebody sitting
16 next to you, you seem to be more alert and more awake. It
17 keeps your mind active. So I think that's also something
18 we need to consider.

19 I'm glad you brought up the subject of following
20 distance. In the last thing that we were really focusing
21 on, I worked in Transportation and Safety, was following
22 distance. The number one indicator that there was going to
23 be an accident was if a driver was cited for following too
24 close. That was the leading indicator that that driver was
25 going to have an accident. So following distance is

1 crucial and the technology is there now. I mean we could
2 monitor all of our drivers, how far they were following,
3 and also sudden stops. If you've seen drivers that are
4 having a lot of sudden stops, it meant that they weren't
5 paying attention to the road. So I think those are things
6 that we can look at.

7 And with all these new technologies and
8 advancements, self-driving cars, I mean who would have ever
9 thought about that? It's something you think about in the
10 Jetsons. Like I reiterated before on the cameras, it is a
11 slippery slope and I think one of the things that Americans
12 love and that people love is our freedom and our mobility,
13 being able to go where we want to go when we want to go
14 there. So as we go through these and put these things into
15 effect, I think that's always something to consider is
16 those personal freedoms. Thank you.

17 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
18 Representative.

19 Thank you, gentlemen. We appreciate your input.
20 Thank you very much for being with us today.

21 I'm going to go back, automated enforcement for
22 illegally passing school buses, Representative Grove's
23 bill, Mr. Fred Bennett is here, Fishing Creek
24 Transportation, Pennsylvania School Bus Association. Sorry
25 I missed you, Fred. The next panel up will be speed

1 enforcement, local radar. Sorry, Mr. Bennett. You have
2 the floor.

3 MR. BENNETT: Good afternoon. I know that time
4 is of the essence, and I wanted to say thank you, Chairman
5 Rafferty, Chairman Wozniak, and Chairman Keller, Members of
6 the Transportation Committees.

7 My name is Fred Bennett, Fishing Creek
8 Transportation. I'm the Chairman of the Legislative
9 Committee for the Pennsylvania School Bus Association. And
10 the Pennsylvania School Bus Association represents 330
11 contractors in the State of Pennsylvania. State of
12 Pennsylvania school bus transportation is 85 percent
13 operated by private school bus contractors, and most of
14 those private school bus contractors are in fact a member
15 of our association.

16 So I'd like to say again thank you for allowing
17 me to testify about student safety and the installation of
18 stop-arm cameras on school buses. I would like to begin
19 our testimony by first highlighting some of the safety
20 aspects of riding in school buses as we feel it's important
21 for us to share our statistics with you as you consider any
22 legislation concerning our school transportation.

23 In short, Pennsylvania school districts
24 transports 1.5 million school students 404 million miles
25 annually on 31,000 school buses operated by 45,000

1 registered school bus drivers. More importantly is the
2 fact that Pennsylvania has not experienced a student
3 fatality on a school bus since 1993, according to PennDOT.
4 I think that's an important statistic.

5 As I stated before, 85 percent of school
6 districts use independent school bus contractors to
7 transport their students, meaning an overwhelming majority
8 of school buses on the road operated by independent school
9 bus contractors. These statistics are a true testament to
10 the commitment of school bus operators and the highly
11 skilled drivers that we all employ.

12 For the past 35 years, the PSBA has been actively
13 involved with PennDOT renewing and reviewing school bus,
14 school vehicle, school bus driver qualification
15 regulations. Our partnership with the Department is very
16 important to us, as well as the citizens of this
17 Commonwealth.

18 Today, we are here to provide our comments on
19 House Bill 1249, sponsored by Representative Seth Grove,
20 who I understand is not here, which would allow school
21 districts to contract with a vendor for the installation of
22 cameras on school bus stop-arms. School bus stop-arms are
23 the stop sign that extend themselves from the side of the
24 school bus to stop traffic in the oncoming lane, as well as
25 behind.

1 First, let me take this opportunity to thank
2 Representative Grove and his staff for meeting with some of
3 my colleagues earlier this month. During our discussions,
4 PSBA raised three concerns regarding the operational
5 aspects of stop-arm cameras. It is our understanding that
6 Representative Grove intends to address these issues through
7 the amendatory process. The first, that since the cameras
8 are being placed on the buses as the result of an agreement
9 between the school district and the camera vendor, we
10 believe that contractors should not be responsible for the
11 costs related to the installation, maintenance, or the
12 removal of the stop-arm cameras. We believe the
13 responsibility lies between the parties who are contracting
14 to place the cameras on the buses, and that's the
15 relationship of the school district and the specific
16 vendor.

17 Point #2: School bus contractors have a
18 contractual responsibility to ensure that their buses are
19 on the road each and every day. With this inclusion of
20 stop-arm cameras on school buses, the PSBA has asked that
21 school bus operators not be required to take a school bus
22 "out of service" due to a malfunctioning camera. Requiring
23 a contractor to park a school bus while the camera is being
24 repaired would put an undue burden on most of the school
25 bus contractors to fulfill their obligations of their

1 contract with their local school district.

2 My final point is #3: PSBA believes that a
3 liability of this relationship between the school district
4 and the stop-arm camera vendor should remain in that
5 relationship so that the school bus contractors remain out
6 of that particular part of the liability part of the
7 relationship.

8 Once again, I would like to just wrap up. I
9 appreciate you giving me the time today. Thank you again
10 for this opportunity to present these particular points and
11 I wish you well. Thank you.

12 SENATE MAJORITY CHAIRMAN RAFFERTY: Fred, thank
13 you very much. Again, I apologize for moving you out of
14 order.

15 And we've all seen some of the horrific scenes on
16 news of late of people passing school buses, including that
17 one where the kids were just getting ready to come off the
18 sidewalk by the bus and a guy came in between the bus and
19 the sidewalk and just zoomed right passed. Fortunately, no
20 kids were killed --

21 MR. BENNETT: Yes.

22 SENATE MAJORITY CHAIRMAN RAFFERTY: -- or even
23 hit. So thank you very much.

24 MR. BENNETT: Yes.

25 SENATE MAJORITY CHAIRMAN RAFFERTY: So very

1 important. Thank you very much, Fred.

2 MR. BENNETT: Thank you.

3 SENATE MAJORITY CHAIRMAN RAFFERTY: We appreciate
4 it.

5 Speed enforcement or what is known as local
6 radar, our panelists are Mr. Elam Herr, Pennsylvania State
7 Association of Township Supervisors; Mr. Joseph Regan,
8 Fraternal Order of Police, Pennsylvania State Lodge; and
9 John Mancke, Esquire, Attorney. We've done the
10 introductions. We don't need the thank yous, and we'll get
11 right to the gist of it, gentlemen. Thank you.

12 We'll start with you, Elam.

13 MR. HERR: Thank you, Mr. Chairman. I'm Elam
14 Herr, Pennsylvania State Association of Township
15 Supervisors, and since I'm around all the time, I will give
16 you the short, short, short version of my testimony. You
17 already have the written copy. Please read it at some
18 time.

19 As you've been hearing the entire morning and now
20 into the afternoon, the issue today is about safety and
21 speed, and the one thing that we can really do is talk
22 about the safety aspect, the speed aspect that's an
23 individual circumstance that no matter what we do, there
24 will always be those out there that want to exceed the
25 speed limit.

1 The bills that are before us today, Senate Bill
2 535, we support as it is written. Senate Bill 559 we have
3 problems as it's written, and most of the comments on that
4 bill are also addressed in the written testimony so I won't
5 go into them.

6 What I would like to say, though, is that we do
7 support radar for municipal police officers. There is also
8 a coalition of numerous municipalities and entities that
9 support the concept of municipal police and radar. I'm not
10 here speaking on behalf of them today but I think they
11 would agree with most of what is in my testimony and what I
12 am talking about.

13 First of all, you have to realize that the police
14 officers are trained by the Municipal Police Officers
15 Education and Training Commission so the officers are
16 professional that are out there. We also give them
17 authority and training to carry guns. We don't see why
18 radar is any different than any other timing device that is
19 presently being used.

20 We would say that the officers using this
21 equipment should be trained. A previous testifier was
22 talking about training in other aspects. I think one of
23 the gentlemen in this panel will also talk about training.
24 Training is necessary so that everybody, when they're out
25 there, knows what the equipment can do and should do.

1 You'll hear about speed traps. We hear it all
2 the time and that radar is a revenue raiser. Well, other
3 forms of electronic devices that we presently use we don't
4 hear those same arguments. Why is radar singled out for
5 it? I can tell you if you look at the way the law is
6 presently written and what municipalities get on a speeding
7 ticket is \$17.50 to \$21.50 for an average ticket. We're
8 not making a lot of money on this. We are helping to cover
9 our costs and not putting it back onto the residents.
10 Also, that is what we get today with present electronic
11 devices or other types of stops, so why again is radar
12 being separated to say that this is going to be the money-
13 maker for municipalities?

14 And the last thing I'll just state, earlier today
15 you heard about the need and use of speed cameras in work
16 zones or red light cameras in Philadelphia. It all comes
17 down to the same thing; there's no difference. The whole
18 subject is a life is a life, so whether you're speeding
19 going through a work zone or you're speeding in some
20 neighborhood, the idea is we have to cut down on the speed.
21 And again, there are safeguards that could be added to the
22 legislation for this and putting the officer in the line of
23 sight so he isn't being hidden behind some billboard,
24 signage stating that electronic devices are going to be
25 used within the municipality so people are put on notice

1 because you can't put a sign up on every street corner.

2 And the last thing is maybe what needs to be done
3 is a transition from speed reductions. I can give you an
4 example. Years ago up in New Hampshire where my sister
5 lived going from one jurisdiction to the other you were
6 going from 55 to 35 and then back into 55 the way it was
7 written, and the police sat on the other side of the line.
8 And as soon as you came and hit the one, you were going 55,
9 it was legal, and as soon as you crossed the line, you were
10 in 35. They would stop you. The only reason I know that
11 is my brother-in-law, who had been stopped several times,
12 warned me before I came to visit them. And it happened.
13 So, yes, there are means that we can do to rectify the
14 problem.

15 Mr. Chairman, I took longer than I wanted to.
16 That wasn't the short, short, short version. It was just
17 the short, short and I apologize.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
19 Mr. Herr. Don't worry.

20 Joseph, Joe Regan, Fraternal Order of Police,
21 State Lodge. Thank you, Joseph.

22 MR. REGAN: Thank you, Senator.

23 SENATE MAJORITY CHAIRMAN RAFFERTY: And long-time
24 local police officer.

25 MR. REGAN: Yes, sir.

1 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you.

2 MR. REGAN: Thank you, Senator Rafferty, Wozniak,
3 Representative Marshall, Representative Keller, ladies and
4 gentlemen of the Committee, Mrs. Donatucci. I'll be very
5 brief. I provided testimony last year on behalf of 40,000
6 law enforcement officers in Pennsylvania, including all
7 municipal police and State Police. We had support last
8 time from the Chiefs of Police, Chief King out of State
9 College Borough, the Colonel of State Police, all our
10 departments across the Commonwealth.

11 And just basically it's time that we need that
12 tool in the toolbox. It's a safety issue. It's a great
13 day today to hear my friend Mr. Herr that we can agree on
14 something, totally agree with a lot of his testimony and
15 it's something that is needed on the local front. Members
16 of our committee have been in and out of all your offices.
17 I've been in your offices. We want to talk about it,
18 discuss it, and let's get it passed. So we would
19 appreciate all support on radar from a law enforcement
20 perspective. Thank you.

21 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you
22 very much. And for the public's knowledge, I think this is
23 our third or fourth hearing before the Senate
24 Transportation Committee on radar. And there are two bills
25 in so we're considering those as we move forward during the

1 summer.

2 John, how are you, sir? You have a very good
3 reputation. It's nice to see you, Mr. Mancke. Thank you
4 very much. If you will, sir.

5 MR. MANCKE: Thank you for the opportunity to
6 present my testimony here today to support the conclusion
7 that Senate Bills 535 and 559 should not be enacted as
8 drafted. My name is John Mancke and I'm a retired
9 attorney. I had focused my practice on defense of motor
10 vehicle violations throughout the Commonwealth of
11 Pennsylvania for 43 years. In addition, I've defended
12 thousands of speeding cases and been a licensed radar
13 operator for over 30 years conducting hundreds of
14 experiments with radar.

15 While it's tempting to suggest that it's easy to
16 simply take a radar gun and point it at a motor vehicle and
17 establish the identity of the violator, a look at the
18 review of the units themselves that are in use and how they
19 actually work suggest otherwise. Radar remains a far-from-
20 perfect tool for traffic enforcement. There's no sight on
21 a radar gun and the beam width on this unit is professed by
22 the manufacturer to be 12 degrees. That means 6 degrees
23 off center. But that's only 85 percent of the beam. The
24 rest is spread out, as you see in the diagram that I've
25 provided, in an elliptical pattern. And there are side

1 lobes that come out of that original pattern that we've
2 described as being 12 degrees.

3 Identification of a vehicle in order to establish
4 a proper reading, identification can be influenced by size,
5 shape, composition, and target position and target speed.
6 And the reason why I emphasize the importance of training
7 throughout my written testimony is because all of these
8 things must be taken into consideration.

9 Now, you say, well, maybe we'll follow what the
10 State Police do. However, if you look at how the State
11 Police are currently using it, you'll find misuses. And
12 I've identified some for you. They're transmitting through
13 closed motor vehicle patrol vehicle windows, probably
14 refraction and reflection. They transmit in close
15 proximity to active heating and air conditioning fans.
16 Can't do it to ensure the motorist that it's an accurate
17 reading. They transmit in congested areas with less than a
18 three-second interval between vehicles. And they transmit
19 into side or even rearview mirrors reflecting and bouncing
20 back radio microwaves in order to establish what they think
21 is the speed of an approaching vehicle from the rear.

22 You can observe this so why do I point this out?
23 Because statutorily what you need to do in my opinion is
24 establish exactly for local and State Police a training
25 program, an educational program. And I've outlined in my

1 material what I think should be in that program. And by
2 making it publicly accessible, the public will be able to
3 monitor the proper use of these units.

4 The bills do not provide for a statutory
5 provision for training and for education. It does not
6 provide that written manuals and training instruction
7 manuals will be available to the public. I've attached
8 what I had suggested to former Representative Jerry Nailor,
9 a 17-hour suggested training course. I also note that
10 NHTSA and lidar has a 40-hour course before you can use
11 those.

12 So taking all of this into consideration and
13 acknowledging also that the current number of speed timing
14 devices available to local police make the need for radar
15 and lidar unnecessary for that. The limitations of radar
16 and lidar in a congested and urban area also weigh against
17 use by local police. The cost of proper training before
18 they're used also leads to the conclusion Senate Bills 535
19 and 559 should not be enacted as they simply are not
20 necessary. Thank you.

21 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
22 Mr. Mancke, and thank you for those suggestions you made as
23 to some of the training.

24 Senator Wozniak.

25 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Thank you,

1 Mr. Chairman.

2 Thank you, Counselor, for those remarks and
3 giving us some direction on how we can move forward on
4 this.

5 How many States have radar, Elam?

6 MR. HERR: Forty-nine.

7 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Forty-nine
8 out of fifty. Well, we're Pennsylvania. America starts
9 here. We want to wait to see how long it takes.

10 Has there been any issues out there that's been
11 brought up about revenue enhancement for those local
12 governments in other States or has it been a nonissue?

13 MR. HERR: From our research, it hasn't really
14 been an issue that we can find. Yes, it does bring in
15 revenue, but so do the other timing devices.

16 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Is the
17 Township Association comfortable with us placing "radar in
18 use here," a big sign so that the public knows that that's
19 a hot spot and that radar is going to be there instead of
20 hiding --

21 MR. HERR: We have no problem with putting any
22 signage up that says radar and other devices. I think if
23 you mention that it's going to be radar, you should let
24 them know that other devices could also be used.

25 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay.

1 Because my interest is in safety and in slowing cars down.
2 How about speed bumps in our local roads?

3 MR. HERR: Speed bumps can do two things. One,
4 it can notify you that something's there, but it also, if
5 you hit those if going too fast, you can lose control of
6 your car. And so you take care of one problem and create
7 another one. They are being used out there. PennDOT does
8 allow speed bumps, speed tables, a number of different
9 ones. But again, from our perspective, we're always
10 telling our members to be cautious of them because earlier
11 Secretary Christie mentioned you don't want to take care of
12 one problem by creating another.

13 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Okay. Thank
14 you, Mr. Elam. I deviated so I'm --

15 SENATE MAJORITY CHAIRMAN RAFFERTY: Yes, you did.

16 SENATE DEMOCRATIC CHAIRMAN WOZNIAK: Thank you,
17 Mr. Chairman.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Joe,
19 regarding the police, I just want to clarify, you have all
20 the weapons, all the resources that the State Police have,
21 save one?

22 MR. REGAN: Correct. And just if I may add,
23 you're limited with -- when I started, there was a cable
24 across the road and then it went to a beam and then you had
25 VASCAR and then you had Robic. They're all limited because

1 of the lines in the road about where you can do it. This
2 opens it up for enforcement in many places, and that's
3 important.

4 SENATE MAJORITY CHAIRMAN RAFFERTY: I don't know
5 if there are any bills even in the House but the two in the
6 Senate I know address some of those concerns about revenue
7 and have money going off to, well, for one, the
8 Pennsylvania State Police cadet classes and those type of
9 matters. So we have taken that into consideration. Quite
10 frankly, sometimes the local government people don't help
11 themselves when they come in to see you and say things, but
12 we've addressed that I think in those pieces of
13 legislation. So thank you.

14 Representative Barbin.

15 REPRESENTATIVE BARBIN: I just wanted to thank
16 you for the testimony.

17 The two things that came up, I think radar, if
18 it's in 49 other States, ought to be in Pennsylvania. But
19 the two things that were brought up in testimony were I
20 think, Elam, you brought up the idea of putting something
21 in the law that might avoid your brother-in-law's position.
22 I've been in Texas recently and they do have that sort of
23 problem where you go from one municipality at 55 and then
24 there's a sign and behind the sign there's somebody
25 enforcing a 35-mile-an-hour. Has there been any discussion

1 that would put some kind of safeguard in in dropping a
2 notice provision when you have a 20-mile-an-hour drop from
3 55 to 35?

4 MR. HERR: Right now, under the Vehicle Code when
5 you go from one speed to a lower speed there is a sign
6 saying about a drop in speed. What I was indicating is
7 possibly a law that says that when you do actually hit that
8 speed, there is a transition, same thing, that you can't
9 have it --

10 REPRESENTATIVE BARBIN: Right.

11 MR. HERR: -- immediately, so as soon as you hit
12 that from 55 to 35, you're there. So if there is some type
13 of transition, I don't see that as a problem.

14 REPRESENTATIVE BARBIN: And has there been any
15 other discussion about the other question which was raised
16 is it appears at the moment that there's no real training
17 requirement, that if you were using radar, you could use it
18 shooting it through a closed window or with air-
19 conditioning on and that may affect the results of it. Is
20 there any discussion about including in either of these two
21 bills some training requirement for both the State Police
22 and for local?

23 MR. HERR: It's in the bill. It's in Senator
24 Rafferty's bill.

25 REPRESENTATIVE BARBIN: So it's in 559 --

1 MR. HERR: Correct.

2 REPRESENTATIVE BARBIN: -- not in -- okay. Thank
3 you.

4 MR. MANCKE: If I could --

5 SENATE MAJORITY CHAIRMAN RAFFERTY: Yes, John,
6 please. Yes.

7 MR. MANCKE: It is not statutorily provided in
8 the sense of the curriculum. What it says, the bill
9 suggests that it'll be done with cooperation of the State
10 Police and with the local police commission. What I'm
11 suggesting is statutorily establish what has to be done in
12 that training so that it's not left up to others. It's
13 specifically provided.

14 SENATE MAJORITY CHAIRMAN RAFFERTY: Neither
15 Senator Vulakovich nor I have even talked about it in
16 caucus or polled our Committee Members or caucus members
17 and I don't think Senator Wozniak has talked about it with
18 his caucus either. This is an information hearing but some
19 of the suggestions you gave, John, I think if we have the
20 opportunity to move any of these bills forward in the
21 future -- and that's an "if" -- then we're certainly going
22 to take a look at some of the suggestions that you've made
23 to --

24 MR. MANCKE: Yes.

25 SENATE MAJORITY CHAIRMAN RAFFERTY: -- make these

1 bills better bills, and as you said, I think ones that will
2 have a lot more impact.

3 Yes, sir --

4 MR. HERR: Chairman.

5 SENATE MAJORITY CHAIRMAN RAFFERTY: --
6 Representative Herr --

7 MR. HERR: -- just, you know --

8 SENATE MAJORITY CHAIRMAN RAFFERTY: Senator --
9 Elam Herr, sorry. I said Representative Herr. Elam Herr.

10 MR. HERR: Well, thank you.

11 SENATE MAJORITY CHAIRMAN RAFFERTY: It's been a
12 long morning, long morning. With no budget, I'm not sure
13 you want that title right now.

14 Go ahead, Elam.

15 MR. HERR: Just that presently with the training
16 commission, their curriculum goes through a review process
17 and it's potentially easier, as you can tell with a lot of
18 legislation, than if it would go through the regulatory
19 process, although that can take up to two years. As with
20 radar, we've been fighting this almost as long as I've been
21 with the Association.

22 So there is a mechanism out there for review and
23 to get the training in. The bottom line is, and I'll speak
24 for Joe and I don't do this too often, I think we agree
25 that training is necessary because it would make the system

1 work better and it would also help the police department in
2 defending tickets that they write.

3 SENATE MAJORITY CHAIRMAN RAFFERTY: Understood,
4 but we want to make sure that the bill is written in such a
5 way that, should the bill pass, get the Governor to sign
6 it, that these cases don't get knocked out of court for
7 some of those reasons. Did I say it all right, John?

8 Any other questions regarding this?

9 Okay. Thank you very much, gentlemen. We
10 appreciate it very, very much.

11 We have one more panel, and even though I said
12 12:30, we're going to get this last panel in. This is the
13 vehicle registration stickers. We have Mr. Kurt Myers,
14 Pennsylvania Department of Transportation; and Craig
15 McGowan from the Fraternal Order of Police, Pennsylvania
16 State Lodge. Good to see you, Craig.

17 MR. MCGOWAN: Senator.

18 SENATE MAJORITY CHAIRMAN RAFFERTY: Good to see
19 you, Craig.

20 Kurt, thank you for being here.

21 MR. MYERS: Thank you, Senator.

22 SENATE MAJORITY CHAIRMAN RAFFERTY: We'll begin
23 -- well, we have you first on the agenda, Kurt, so we'll
24 begin with you if you will, please.

25 MR. MYERS: Very good. And I will be brief. I

1 will submit my testimony to the Committee and just
2 highlight a few items of importance.

3 It's been interesting sitting here today and
4 listening to the various testimonies in reference to
5 highway safety and the important role that technology plays
6 in ensuring that highway safety. And I give an extreme
7 amount of credit to this assembly for including in Act 89
8 the elimination of the registration sticker. It was an
9 important point to be made that this assembly was
10 interested in moving forward with innovative ideas on ways
11 that we could improve customer service and customer
12 convenience.

13 Now, I know that there has been some comments in
14 relationship to the potential impact of this legislation
15 and what it might do revenue. To that end, in 2011 we
16 had a study done by Penn State University. I brought
17 copies with me, which we'll distribute for you to your
18 executive staff and others that looked at the impact in
19 jurisdictions that have done away with registration
20 stickers: Connecticut, New Jersey, New York, Texas,
21 District of Columbia, and one Canadian province, Quebec,
22 who hasn't had a registration sticker for over 20 years.

23 The study found, bottom line, that there is zero
24 impact to registration, nonpayment. There is zero impact
25 to drug enforcement and a number of other items that are

1 clearly laid out in the study.

2 Now, from a technology standpoint, PennDOT has
3 worked very hard and very well frankly with law enforcement
4 to ensure through JNET that we're getting the information
5 that law enforcement needs in an immediate manner. And
6 just as we've changed from those days of the early days
7 when we would watch shows like 1-Adam-12 and Dragnet, which
8 I was a fan of in my younger years, things have changed
9 dramatically. And obviously today there are laptops in
10 every vehicle, law enforcement vehicle. They have the
11 availability of JNET, NLET as well for information from
12 other States. And in addition to that, as you may be
13 aware, JNET just came out with a new app called Traffic
14 Stop. So the technology is there and PennDOT is doing
15 everything that it possibly can to support that program.

16 So when we look at the data and the facts in the
17 Penn State study, it's clear; there is no impact. When we
18 look at the data and the facts if we look at the Penn State
19 study -- and instead of anecdotal evidence, this is
20 empirical data that's been put together by Penn State in
21 looking at this.

22 So I would ask you to look at the technology that
23 we just talked about in all the other testimonies and how
24 we look at technology to move us forward as a State in
25 meeting the expectations of our customers for innovation

1 and for a paperless environment and doing things that allow
2 our customers to be able to do their registration renewals
3 but still maintains the ability of law enforcement to be
4 able to do its job from an enforcement standpoint, our
5 future vision is clear. We want to be paperless. We want
6 the customer to be able to go online, renew their
7 registration, and print their registration card at home.
8 It eliminates mailings. It eliminates the issues
9 associated with putting the sticker on the plate. And as
10 you may know, in some areas of the State, law enforcement
11 even encourages not to put the sticker on the plate because
12 they get stolen.

13 So this is an opportunity and it's an opportunity
14 to embrace the future or to return to the past. And I
15 would encourage you that we embrace the future. Thank you.

16 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
17 Secretary.

18 Craig McGowan from the State FOP, himself a
19 police officer. Craig.

20 MR. MCGOWAN: Yes, Senator. Thank you for this
21 opportunity. I'm here representing the Fraternal Order of
22 Police and our 41,000 members strong. I was a police
23 officer for 28 years in Lower Marion Township Police and I
24 worked the street all 28 years, the last 12 as a
25 supervisor. As far as the stickers on the license plate,

1 we're all for new technologies and we're all for everything
2 that's going to help us out, but it was a very easy way to
3 identify a car that was maybe not registered or not
4 properly registered.

5 To this day, three years after I retired, I still
6 walk down the street and my eyes glance to the license
7 plate and see the sticker on the license plate and see
8 whether or not the car is registered or whether it has a
9 sticker, the same thing with the inspection sticker. I
10 still walk down the street if I'm on the sidewalk and, just
11 habit, I look at every single car and I notice which ones
12 might not be inspected or out of inspection.

13 So it's a very easy and cheap way to ascertain
14 whether or not the car might be not registered. And so
15 when you're driving down the street and you notice that
16 that's not on there, you're going to stop the car and
17 that's your PC to have further investigation into whether
18 or not it is not registered, now you get a chance to look
19 at the sticker, check out the driver.

20 As far as the JNET goes and all those things,
21 well, you're not driving -- it's not constantly running
22 every plate that comes by. You have to physically actually
23 run the plate and have a reason to run that. Well, not
24 having a sticker on the plate gives you a reason to run it.
25 So the technology helps in that fact but it doesn't get you

1 to the initial of actually stopping the car in the first
2 place.

3 And from my years of experience I will say that
4 it has led to a lot of other things, a lot of under
5 suspensions, a lot of driving vehicles that aren't
6 inspected, drug violations, weapons violations, warrants
7 for all kinds of things that the people are wanted for. So
8 it has led to a lot of things just because there was a
9 sticker missing.

10 Now, they have the new technology that you could
11 put on the cars that will read the tags automatically, spit
12 the information out, but that gets rather costly. Those
13 units are anywhere between \$10,000 and \$20,000 a piece. My
14 own department, we had approximately 30 cars in our
15 department, so to outfit our department with those readers
16 would be anywhere between 300 and 600 grand. That's a lot
17 for one department. It's a lot cheaper to have the cop in
18 the car, he sees the sticker, he makes the stop. And you
19 can go it from there.

20 That would be my testimony.

21 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
22 Craig. Thank you, Secretary. Hold on. We have some
23 questions.

24 Chairman Keller.

25 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you,

1 Mr. Chairman.

2 Mr. Myers, if the stickers are eliminated, would
3 that force us to do away with the biannual registration?

4 MR. MYERS: It would from our position. And when
5 we originally had the discussions as part of Act 89,
6 PennDOT felt very strongly that the two could go hand-in-
7 hand. If you eliminate the stickers, then doing the
8 biannual optional registration would be feasible. If the
9 legislation were to be passed as it's currently written, it
10 would do away with the stickers but it wouldn't do away
11 with the optional biannual. That would then double our
12 inventory requirements. It would add a degree of confusion
13 for customers, as well as our distributors, our online
14 messengers and other agents having to have two different
15 sticker inventories. So, yes, Representative Keller, it
16 would.

17 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you.

18 Mr. McGowan, maybe the Senator can help me with
19 this one. I wasn't involved in the Act 89 negotiations but
20 I've been involved in other negotiations and there are two
21 hard things: to get them started and get everybody serious
22 and then trying to find the last \$25 million. It is like
23 impossible.

24 And I think somebody must have thrown this on the
25 table to say we could save 4.2 million by doing this.

1 That's 4.2 million more into the Motor License Fund. I
2 asked Mr. Kovel from the Pennsylvania State Troopers
3 Association, PennDOT has said that this will cost the Motor
4 License Fund \$4.2 million. I'm the only one really
5 screaming in the House now about it but I think if you keep
6 just chipping away at the Motor License Fund, we'll be back
7 in the same boat a lot sooner than we really want to be.

8 I worked with Representative Costa. He was
9 willing to work with us to try to find a mechanism to
10 replace part of that funding that we're losing. Would the
11 FOP also be willing to work -- both bills are in the Senate
12 so you'd have to work with Senator Rafferty.

13 MR. MCGOWAN: We absolutely would.

14 HOUSE DEMOCRATIC CHAIRMAN KELLER: Thank you. I
15 appreciate that.

16 SENATE MAJORITY CHAIRMAN RAFFERTY: And to be
17 clear, too, the one that we're looking at really is
18 Representative Costa's bill. And you brought up a good
19 point, Chairman Keller. When we were first talking about
20 this under Act 89, it was at that point to save PennDOT
21 like \$1.3-1.5 million. Now all of a sudden it's \$4 million
22 so I have to try to figure out where it came from with one
23 Secretary at 1.3 million and now another one at 4 million.
24 So I'm looking at all those notes now that we have for the
25 installation and institution of Act 89. So thank you.

1 Representative Heffley.

2 REPRESENTATIVE HEFFLEY: Thank you, Mr. Chairman.

3 We had the opportunity to move that bill through
4 the House to put those stickers back on. I think it is
5 important talking to our local police departments. It is a
6 tool that they use. The cost of \$8-12,000 per vehicle to
7 put those other units in to scan the license plates is just
8 an impossibility for those police departments that I
9 represent. So it's a nonstarter. I mean half of them
10 right now are struggling just to keep the full-time
11 officers, not laying them off to be part-time. So that's a
12 huge expense on them. So really you're taking that money
13 from PennDOT and you're just taking it from your local
14 police.

15 The number grew from 1 million to 4 million what
16 it's going to cost. PennDOT is already collecting that
17 money. It's money that's not there. It's not yours now.
18 That money that goes back and those fines that are written
19 goes back to the local police so I think the money should
20 stay there with those local police departments. I think
21 it's only like \$10 a ticket but it does help to offset the
22 cost. And if not, then give it back to the person who's
23 buying the registration. It's just another money grab.

24 So I think it is important that we keep those
25 stickers. I for one have no problem putting them on my

1 car. I remember years ago when I first started driving got
2 pulled over for not having it on. I learned my lesson. So
3 I think it's an important tool for our local police. Thank
4 you.

5 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you,
6 Representative. I want to clarify, too, that somewhere
7 along the line there are two different figures, and I have
8 the utmost respect for Barry Schoch and Leslie Richards so
9 I have to figure out where this information came from
10 originally a year-and-a-half ago and where it's coming from
11 today that I have the two different figures.

12 MR. MYERS: Senator Rafferty, the \$1.1 million is
13 what it costs the Department yearly for the actual purchase
14 of the stickers themselves. The additional funds saved are
15 moving forward once the sticker is eliminated in mail
16 costs. We have over 40 percent of our customers that
17 currently renew on the internet. Those individuals, once
18 they were able to renew on the internet and we would not
19 have to mail them then a registration card and sticker
20 would save the additional funds that we're talking about.

21 SENATE MAJORITY CHAIRMAN RAFFERTY: Okay. Even
22 with the advertising mailings that the House tried to get
23 out but didn't get out or the PennDOT mailings? We
24 couldn't offset some of those costs there?

25 MR. MYERS: Well, that was a pilot that we were

1 looking at so I --

2 SENATE MAJORITY CHAIRMAN RAFFERTY: Okay. All
3 right. Thank you, Deputy Secretary.

4 Senator Vulakovich.

5 SENATOR VULAKOVICH: Yes, as far as this new
6 technology, the license plate, is it true that it would
7 have some type of chip in it? Is that what makes the -- or
8 the camera is reading the plate? What's in there to bring
9 it up, anything?

10 MR. MYERS: No, sir. There is no chip in any of
11 our license plates, nor do we have any --

12 SENATOR VULAKOVICH: I know you don't have it
13 now.

14 MR. MYERS: We have no --

15 SENATOR VULAKOVICH: I'm talking about technology
16 in the future.

17 MR. MYERS: We have no intention of utilizing
18 that. A license plate reader works with a camera system.
19 It gives you the ability to either drive on the highway, on
20 a roadway, or even in a parking lot for that matter, it
21 takes the information from a camera's standpoint of the
22 picture of the license plate number, puts it into the
23 computer. Every day today PennDOT uploads to JNET any
24 exception information. JNET also receives information on
25 stolen vehicles. That all goes into a database that local

1 law enforcement today can download into their systems for
2 the use of a license plate reader machine. And so from an
3 exception standpoint, if it hits against a license plate
4 that is in that exception list, it will come up and the
5 piece of equipment actually makes a sound to let the
6 officer know that there's a hit.

7 SENATOR VULAKOVICH: Well, you know, I think if
8 there's a revenue source to actually pay for those cameras
9 in the police cars, I mean I've got to be honest with you;
10 the police cars now, we run those cars longer than we
11 probably should because we can't afford to buy new cars.
12 And then we're going to get these cameras. Now, I don't
13 know where the cameras would go, somewhere probably on the
14 dash. I haven't seen one. We've got plenty of equipment
15 in the car already.

16 I'm not against technology, but I'm glad you
17 brought up about the difference between the 1 million and
18 the 4 million, but I have to tell you, we can't hold off on
19 important -- it is kind of a tool that the policemen use in
20 their work, and we can't hold that up because we're going
21 to wait for the day when they're all going to be able to
22 get cameras. And not every police department is going to
23 be putting a camera in every car. It's not going to
24 happen, not now. There's no money there now.

25 So I don't know how we don't get back to doing

1 this. I don't know if there's a way someone could check
2 something off and pick stickers up at the local PennDOT
3 place where you go renew your license and things like that,
4 get your picture taken. I don't know. I mean most people
5 want convenience of course; they'd probably check it off.
6 But I mean it's little things maybe we need to do but we
7 need to go back to these stickers. There is no way that
8 police can operate without those stickers on there. That's
9 an important tool we need to have. Maybe someone else made
10 that decision but they're not cops.

11 MR. MYERS: The only thing I could ask, Senator,
12 and all the Senators and the Representatives here is that
13 you look at the Penn State study and make your own
14 conclusions based upon the facts and the data. Thank you.

15 SENATE MAJORITY CHAIRMAN RAFFERTY: Thank you
16 very much. I appreciate everyone's patience and
17 understanding. This was a very long but a very informative
18 session. A number of comments were made here by the
19 colleagues. They just gave us a 10-minute call for the
20 Senate. So on behalf of Chairman Keller, Chairman
21 Marshall, Chairman Wozniak, this joint hearing stands
22 recessed until the call of the Chairs.

23 Thank you very much. Have a great day.

24
25 (The hearing concluded at 12:50 p.m.)

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2 are a true and accurate transcription produced from audio
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