

Joint House and Senate Transportation Committees Hearing on Work Zone Safety

Tuesday, July 14, 2015

Chairmen Rafferty, Taylor, Wozniak, and Keller my name is Joseph Kovel and I have the honor and privilege of serving as President of the Pennsylvania State Troopers Association. We represent the men and women who serve our Commonwealth as State Troopers. We strive to protect the neighborhoods, streets and highways of every county within this Commonwealth. Unfortunately we see firsthand the consequences when motorists fail to pay attention or drive too fast within a construction zone, whether it is within a “cattle chute” of jersey barriers or in work zones where workers are more greatly exposed and at greater risk of injury.

Work Zone safety is a critical element of our mission. We want the driving public and highway workers to safely coexist in these areas. To that end we take our presence in work zones very seriously. There is no questioning the impact a state police vehicle has in diminishing speed and raising the alertness of drivers as they enter these work zones. In fact as noted within the Pennsylvania State Transportation Advisory Committee Final Report on Cameras in Work Zones, *“One study showed that ASE (automated speed enforcement) was generally as effective at reducing speeds as the presence of police”*. Our presence is especially critical in work zones where workers are unprotected by the jersey barriers frequently placed in longer term construction zones.

Further, our presence within these work zones allow us to respond quickly when an incident happens within the work zones or leading into it. We also can observe impaired driving, which a camera would fail to detect, and respond accordingly before the impaired driver injures a worker, another driver, or themselves.

We have all heard the promise of automated speed enforcement. Unquestionably it is more efficient at issuing tickets and raising revenue. In Maryland it has been reported that over 26,000 speeding tickets have been issued within *ONE* month. If that number would be sustained that would be over 312,000 tickets annually. In Pennsylvania, we typically issue 14,000 in a year. So, if the goal is to raise revenue there is little doubt that automated speed enforcement will do that for you, I can't argue that.

But has it actually resulted in improving worker safety?

Most states limit the application of automated speed enforcement to longer term construction zones, often where workers are protected by physical barriers. This limitation is likely necessitated by the requirements of providing sufficient notice to the driving public that automated speed enforcement will be operational in a specific work zone, such as the initial 24 hour warning period provided for in SB 840, as well as the costs associated with setting up and operating the system on a daily basis.



When you compare worker safety within work zones where automated speed enforcement is operational, you need to be sure you are comparing worker and driver injury statistics only within similarly situated work zones, those with and without physical barriers, those with an ASE system operational, and those zones that had state police presence leading into or within the work zone. It is also important that response times are recorded whenever an accident does occur within a work zone, as a delayed presence of first responders at the accident scene often will lead to additional accidents and injuries as traffic and speeds patterns are suddenly changed. Has the enhanced worker and driver safety been achieved by the jersey barriers, the presence of the automated speed enforcement, the presence of a trooper, and what was the impact on getting first responders on scene?

If you choose to move forward with automated speed enforcement with the purpose of improving worker safety within work zones, and not just to raise revenue, then as stated in the previously mentioned report, *“Any revenue generated from this initiative should be considered for inclusion in future work zone safety enforcement programs.”* I was pleased to see that SB 840 does require that. But I would like to be a bit more specific as to what work zone safety initiatives I believe will protect the greatest number of our workers and drivers. I urge you to direct revenues generated from automated speed enforcement to improving worker safety in work zones unprotected by physical barriers, because those are the workers at the greatest risk of injury and where drivers tend to maintain unsafe speeds. *And the best way to do that is by increasing the presence of state police in as many of these work zones as possible.*

By far the majority of highway work zones are within areas that do not provide workers the protection of a jersey barrier, nor would it be practical to do so. Yet, the allocation of state police presence in these zones is often limited due to the lack of resources, whether that is our reduced complement or the funds to pay for assigning a trooper to maintain a presence while workers are performing their duties.

It is my belief that worker and driver safety could be greatly improved if a portion of revenues derived through the monthly issuance of tens of thousands of tickets is dedicated to a more aggressive cadet recruitment and training program to maintain our ranks at their maximum level. Further, the balance of revenues from an automated speed enforcement program should then be allocated to our department to cover the costs of having a trooper presence in as many unprotected work zones as possible. Anything less than that would raise questions as to the true intent of an automated speed enforcement program.

On page 4 of the report it is noted that, *“The use of state police in work zones has proven to be an effective strategy to improve safety.”* On page 15 it is stated that of the fatal crashes that were reported within the study for 2011, over 90% occurred in zones where there was no police presence.

If the goal is truly to enhance worker and driver safety, then it is imperative that more troopers are assigned to cover work zones unprotected and unrestricted by physical barriers. That is where the greatest risk to life and safety occurs, and due to the short-term nature of many of those work zones, it is not practical nor feasible to provide the physical barriers, nor automated speed enforcement equipment. It is within those work zones where the presence of a manned state police vehicle must be maintained if we really want to make a difference in the safety and lives of our drivers and highway and roadway workers.

But I would be remiss if I did not express some caution about traveling down this road. Arizona, the first state to implement automated speed enforcement on an aggressive basis terminated their program following organized citizen opposition to it. As reported in Car and Driver, "the state's Republican governor was quietly pulling the plug on a two year photo-camera reign of terror that nailed 1,109,035 motorists, mostly along a Phoenix freeway..." Think about that, over 1 million tickets issued in just two years. No wonder their program met with growing public anger and frustration.

That leads me to my other concern with authorizing such a program in Pennsylvania, and that is the "slippery slope" that follows. As the program proves its success as a revenue generator and the ever increasing need to find new non-tax revenues, how long before there is a push to raise the ASE ticket above the originally \$100 fine? Then when local governments see the revenue potential, how long before they are requesting the authority to start such programs within their boundaries. All this within a state where we don't even allow local radar.

I would like to close with a few comments on the issue of eliminating registration stickers. While that may seem like a minor concern to you and a logical way to reduce costs of government I would caution you that they serve a useful purpose in law enforcement.

Expired registration stickers are often telltale signs of other issues related to that vehicle's operation. When you stop a vehicle for an expired registration sticker you frequently find they do not have current insurance and/or have an expired safety inspection. Those simple registration stickers help us get unsafe and uninsured cars off the road. And occasionally we find contraband such as drugs or illegally purchased cigarettes in those vehicles as well. So, from a highway safety perspective they serve a useful and practical purpose for my members patrolling our roads and highways.

Thank you once again for allowing me to share with you our perspective on improving safety, not only for our roadway and highway workers, but also for the motoring public in general. I would be happy to respond to any questions you may have.