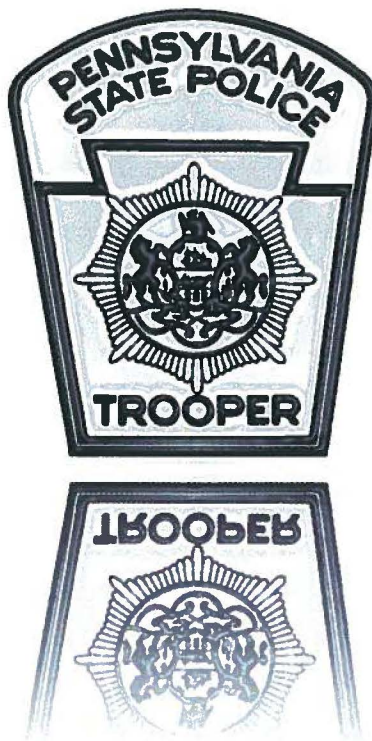


Pennsylvania State Police Testimony

Joint Committee Hearing – Senate and House Transportation Committees

Speed Enforcement Cameras in Work Zones

July 14, 2015



Good morning Chairmen and members of the committee. I am Lieutenant Robert Krol of the Pennsylvania State Police (PSP) Legislative Affairs Office. Thank you for the opportunity to appear before you today to discuss improving work zone safety through the use of speed enforcement cameras.

Improving the quality of life for the residents and guests of Pennsylvania by prioritizing highway safety is one of the highest goals of the PSP. In working toward this goal, the PSP employs multiple crash-reduction strategies which are developed through a variety of methods, including the monitoring and evaluation of crash-related data and by working in partnership with the Pennsylvania Department of Transportation (PennDOT), along with other state, federal, and private entities involved in the transportation sector.

One very important aspect of improving highway safety is ensuring the safe operation of vehicles by drivers traveling through designated work zones. These areas, including the segments immediately before and after the designated work zone, can present a host of hazards to the highway workers and the motoring public. Depending on the particular work zone, hazards may include stopped traffic queues upon approach to the area, rough and uneven road surfaces, significantly reduced lane widths, and most notably the presence of highway workers. Throughout these zones, the men and women who build and maintain our roads and bridges are extremely vulnerable to the actions of unsafe drivers.

Ensuring compliance with the posted speed limits on our highways is a very important component in the effort to reduce traffic crashes. Based on information provided by PennDOT, during 2014, there were 121,317 reportable traffic crashes, of which excessive speed was a factor in 32,069. The fact that 26%, just over one-fourth of all reported crashes in 2014, involved excessive speed clearly indicates a need for the Commonwealth's police agencies to continue making speed enforcement a central component of their overall crash-reduction strategy. This is especially important within the highway work zones, as the extra hazards in these areas can be greatly amplified by a motorist exceeding the established work zone speed limit.

The concept of using automated speed enforcement cameras in work zones, as outlined in SB 840, may potentially assist in reducing the number of drivers exceeding the speed limit. This bill is structured as a five-year pilot program for work zones established on interstate highways under the jurisdiction of PennDOT and the Pennsylvania Turnpike Commission. The PSP believes the decision of whether or not to implement the use of this technology is a policy matter that should take into account topics such as the costs to operate it, requirements on personnel resources, expected success rates, and public perception. We look forward to being involved in those discussions during any future workgroups regarding this subject.

Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. I will now be happy to take any questions you may have.

**Testimony of Robert Latham
Executive Vice President
Associated Pennsylvania Constructors
Joint House/Senate Transportation Committee
July 14, 2015**

Mr. Chairman, thank you for the opportunity to provide testimony today regarding Senate Bill 840, which would allow automated enforcement of speed limits in work zones. I am Bob Latham, executive vice president of Associated Pennsylvania Constructors. APC is a trade association with more than 400 members, including contractors, consulting engineers, material suppliers, manufacturers, and others with an interest in Pennsylvania's road and bridge construction industry. The association has been serving the industry for more than 80 years and represents the majority of active highway contractors in the state.

APC and its members strongly support the concept of automated enforcement of speed limits in work zones. Any highway construction worker who has been on the job for just a few hours has seen and felt first-hand the potential danger that exists when road construction takes place while traffic is maintained. Because the vast majority of our work these days involves existing infrastructure, the vast majority of projects remain open to traffic, and the number of projects has increased thanks to the passage of Act 89 of 2013. The following table shows the number of projects PennDOT has put out for bid during the last six construction seasons:

Year	Projects
2010	885
2011	737
2012	744
2013	563
2014	826
2015	468*

*To date

In nearly every case, road construction requires the closing of shoulders and/or one or more lanes. Many people refer to these narrower zones as "cattle chutes." Narrowing the traffic flow makes it more challenging to maneuver. Drivers have less time to react and less space to do so. That's why PennDOT and the Turnpike Commission lower speed limits in work zones. Drivers who are distracted and vehicles that are traveling faster than the reduced speed limit present an elevated threat to the safety of construction workers, as well as themselves.

According to PennDOT, 24 people were killed in work-zone crashes in 2014, eight more than in 2013. Additionally, there were 1,841 crashes in work zones last year, a slight decrease from the 1,851 crashes in 2013. Over the five-year period, there were 10,586 work-zone crashes and 128 fatalities in those crashes. While traffic fatalities and serious injuries are dropping in Pennsylvania and nationally, we can do much, much better in work zones.

Given the nature of APC and its membership, my focus has been on construction workers. But this issue is not only about their safety. According to the Federal Highway Administration, 85 percent of the victims of work zone fatalities are travelers – NOT construction workers.

Several years ago, the state of Maryland implemented an automated enforcement system, and Senate Bill 840 has drawn heavily on Maryland's approach. Maryland's experience with the program clearly shows that automated enforcement works.

When Maryland's program began five years ago, studies showed that 7 percent of the vehicles were traveling through work zones at least 12 miles per hour above the posted speed limit. Today, that number has been reduced to only 1 percent. Maryland reports that its LIDAR automated enforcement system has been extremely accurate and reliable.

Maryland has been very transparent in its effort to curb speeding in work zones. Signs alerting motorists to automated speed enforcement are placed well in front of work zones. The Maryland State Highway Administration website also identifies where automated speed enforcement vans are located, the posted speed limit and the number of citations issued from that location.

APC believes there is one aspect of Senate Bill 840 that can and should be strengthened. The bill as written specifies that automated enforcement would occur only when workers are present. We believe automated enforcement should occur regardless of whether workers are present, for two reasons. First, as I mentioned earlier, 85 percent of work zone fatalities involve travelers, not construction workers, and those accidents occur whether workers are present or not. Second, workers are not always immediately visible to drivers. Why make it the driver's responsibility to make the determination?

There are those who suggest that using cameras for automated speed limit enforcement is an intrusion into peoples' right to privacy. To that assertion, I respond with two points. First, those who do not want the government keeping photos of their license plates need only to obey the speed limit in work zones. Second, as it relates to rights, I submit that members of the public and construction workers have a right to travel and work safely in work zones.

APC's focus regarding this issue, first and foremost, is safety. However, automated speed enforcement also would enable the Commonwealth to utilize its resources more efficiently. As Maryland's experience demonstrates, automated enforcement can achieve a positive change in drivers' behavior without a significant increase in manpower.

Finally, I have heard some cynically suggest that automated enforcement is simply a mechanism to reach into the public's pocket and generate revenue. The Maryland experience lays that to rest. Citations in Maryland have dropped significantly as the motoring public has adapted to automated enforcement, and as you've heard today, Maryland remains quite happy with its program. As for APC's members, we would be pleased if no citations were issued, because that would mean that drivers are complying with the law and that work zones are safer.

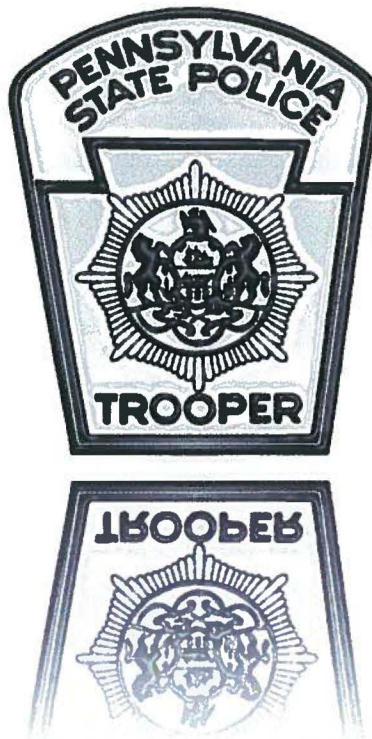
If Senate Bill 840 can achieve the same level of success that Maryland has had, Pennsylvania's work zones will be significantly safer – for the driving public and construction workers alike. APC and its 400-plus members strongly support Senate Bill 840, and we appreciate Senator Argall's efforts to make work zones safer. Thank you for your time, and I'll be happy to answer any questions you have.

Pennsylvania State Police Testimony

Joint Committee Hearing – Senate and House Transportation Committees

Prohibiting Hand-Held Devices

July 14, 2015



Good morning Chairmen and members of the committee. I am Lieutenant Robert Krol of the Pennsylvania State Police (PSP) Legislative Affairs Office. Thank you for the opportunity to appear before you today to discuss the topic of reducing distracted driving by prohibiting hand-held devices.

The PSP remains committed to prioritizing highway safety as one of our highest goals. To this end, we recognize that driver distractions can have tragic consequences resulting in traffic crashes and the injuries and fatalities associated with them. As a Commonwealth, we must all strive to reduce the 121,317 reportable crashes that occurred on our highways in 2014.¹ To put the significance of driver distraction into perspective, consider that a vehicle traveling at 60 miles per hour is moving at 88 feet per second – a distance longer than the average full-size tractor trailer combination. Given the distance that can be traveled in just a couple of seconds, it is easy to see how a significant crash could occur from just a momentary glance away from the road. For this reason, drivers should focus their attention on the task of operating the vehicle and avoid any unnecessary distractions.

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

¹ Based on information provided by PennDOT, during 2014, there were 121,317 reportable crashes in Pennsylvania.

some distractions that are inherently more dangerous such as texting while driving, reading a book or newspaper, or putting on make-up.

One distraction that has received a lot of attention in the media and through public service messages involves the use of mobile telephones while driving. There appears to be debate among safety advocates as to whether the concern is only with the use of hand-held mobile phones, or if it also includes the use of hands-free mobile devices. Currently, SB 153 seeks to prohibit the use of hand-held mobile telephones.

The PSP believes that all driver distraction is problematic and can result in a traffic crash; however, the decision to single out one particular activity – in this case using a hand-held mobile telephone – is a public policy matter for debate. With the exception of texting while driving, we are unaware of any proof that using a hand-held telephone while driving is inherently more dangerous than the other distractions that I mentioned earlier in my testimony.

However, should the legislature decide to move forward with the proposal to prohibit the use of hand-held mobile telephones, we believe there are some things that should be considered in order to make the law effective from an enforcement standpoint. First, enforcement of this type of law could be complicated if there are exceptions which allow drivers to use them at specified times. With the burden of proof

being on the Commonwealth, a driver could claim they were using it legitimately and it would be difficult for the police to refute that claim without the ability to seize and search the device absent a warrant – something that would not be obtained for general traffic enforcement of a summary offense.

Secondly, the law should include a presumption clause so that if a motorist is holding the mobile phone in close proximity to his/her ear, there is presumption in law that the person is engaged in a call. The presumption could be rebuttable by the person, upon showing evidence that they were not engaged in a call. Senate Bill 153 is currently constructed in this manner by including a presumption clause under § 3317(b).

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

We look forward to any future discussions on this topic as the legislature considers it. Once again, I would like to thank the committee for inviting the PSP here to speak on this matter. I will now be happy to take any questions you may have.