

JON PLUMER

STATE REPRESENTATIVE • 42nd ASSEMBLY DISTRICT

Testimony on AB 262 – Highway Safety

Assembly Committee on Criminal Justice and Public Safety Thursday, August 22, 2019 - 10:00 a.m. 225 NW

Unfortunately, every year across Wisconsin, we hear about accidents in works zones that result in injuries and sometimes deaths. The men and women who work on our state's roads put their lives in danger every day by doing their work just steps away from speeding vehicles. This bill is meant to address a few highway safety concerns which, in turn, will make our roads safer for those who work to build our state's infrastructure.

This bill does three things. The first imposes the liability on a vehicle owner involved in a traffic violation in a work zone. This is so that the driver is responsible for accidents in a work zone if they violate traffic laws within a work zone. Also under this bill, if a flagman in a work zone observes a traffic violation, they may report the violation to a traffic officer so a citation may be issued. The bill clearly defines a way that the flagman is supposed to report this violation. This will bring flagmen in line with crossing guards, who have the ability to report traffic violations under current law.

Finally, the bill requires that driver education courses teach students about the hazards of highway work zones and that they dedicate at least 30 minutes of instruction dealing with work zone safety. If students who are learning how to drive are taught about the importance of paying attention to highway workers and how to keep the men and women working on our roads safe, lives could be saved. Part of learning how to drive is how to drive safely – this should be a core part of that education.



PATRICK TESTIN STATE SENATOR

DATE:

August 22, 2019

RE:

Testimony on 2017 AB 262

TO:

The Assembly Committee on Criminal Justice and Public Safety

FROM:

Senator Patrick Testin

Chairman Spiros and members of the committee, thank you for today's opportunity to testify on behalf of Assembly Bill 262. Representative Plumer and I worked with the Wisconsin Counties Association on this bill.

In 2017, nationally, there was 710 Fatal Crashes in work zones with 799 Fatalities. There were 132 highway workers fatalities. In Wisconsin, in 2016, there were 2,811 crashes in construction zones, with 9 fatalities. This bill will attempt to drive down that number.

One of the functions of this bill is to give learning drivers at least a half hour of instruction on hazards posed by highway work zones, and how to safely navigate these hazards. This instruction will be provided in driver's education courses, both by classes offered by schools, and by private driver schools that are licensed by the state.

This bill also allows a flagman who observes a vehicle that fails to yield the right-of-way to a construction worker in a construction zone to report the violation so that a citation may be issued. The owner of the vehicle is subject to the same forfeiture that would be applied to the operator of the vehicle. If the owner of the vehicle wasn't the driver at the time of the violation, they can avoid liability if they identify the driver and the driver admits they were the operator of the vehicle at the time, or if owner of the vehicle reports it as stolen.

I would hope you join us in supporting this bill and make highways safer for those who work on them.

Paul FarrowCounty Executive



Allison Bussler
Director

To:

Assembly Committee on Criminal Justice and Public Safety

Dati

Date: Thursday, August 22, 2019

Re:

Support Assembly Bill 262

Thank you Chairman Spiros and members of the Committee on Criminal Justice and Public Safety for having this hearing today on Assembly Bill 262. Waukesha County strongly encourages you to support this bill.

Work zones can be incredibly dangerous for our highway workers who fill the potholes, patch the roads, improve the shoulders and mow so that all of us have a safe experience on the road. Work zone safety is a top priority of county highway departments across the state. With the legislature's help, there have been positive steps taken to improve safety including prohibiting the use of cell phones in work zones. However there is more to be done.

Wisconsin Department of Transportation data shows 3,157 crashes were recorded in Wisconsin work zones in 2018, causing nine deaths and 1,274 injuries. Five-year data shows that Wisconsin averages nine work zone crashes daily in the construction season. Assembly Bill 262 aims to decrease fatalities and increase awareness on the roads by empowering our highway flagger's to report irresponsible driving and educating our drivers on work zone safety.

This bill establishes liability on the owner of a vehicle that commits a violation related to failure to yield the right of way to workers in a highway construction/maintenance work zone. If a flagman observes such a violation, they may report the violation to a traffic officer so a citation may be issued.

The bill also requires all driver education courses to instruct students on the hazards posed by highway work zones, and provide at least 30 minutes of instruction time on the issue. When a driver enters a work zone we need them to be a focused, attentive driver, and we need to engrain this behavior to become as second nature as buckling up.

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have any questions.

Eau Claire County Highway Department



2000 Spooner Avenue Altoona, Wisconsin 54720-1400

Jon Johnson

Highway Commissioner

<u>Highway Committee</u> Chair-R Henning, Vice Chair-S Chilson C Anton, N Anderson, J Gatlin Telephones:

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Committee on Criminal Justice and Public Safety Thursday, August 22, 2019 10:00 AM 225 Northwest Rep. John Spiros (Chair)

Rep. Shae A. Sortwell (Vice-Chair)

Support of AB 262 - relating to: liability of owners of vehicles involved in certain speed limit and failure to yield right-of-way violations, driver education instruction, and providing a penalty.

Dear Representatives,

On Behalf of Eau Claire County we urge your support of Assembly Bill 262. In 2018 Eau Claire County highway department crews experienced two work zone incidents involving vehicles that drove past our flagging personnel and just yesterday one of our field operators had to jump over the guard rail as a vehicle loss control and almost collided with our maintenance equipment. In 2015 Wisconsin had 24,089 inattentive driving crashes, resulting in 10,604 injuries and 103 fatalities. Your support of this bill will not only help provide more work zone safety to highway workers in this state but will also invest more education into our future drivers. My 15-year-old daughter is currently going through her driver's education class and while the class covered flagging operations and speed limits in work zones it didn't address the different types of work zones that new drivers will encounter. Her comment to me was that there should have been at least a lesson devoted to this subject rather than just half a lesson.

Thank you for your time and consideration

on Johnson – Eau Claire County Highway Commissioner

Highway Department

Brian M. Kelley, PE Highway Commissioner



August 22, 2019

Assembly Committee on Criminal Justice and Public Safety Wisconsin State Capitol 225 Northwest

Re:

Assembly Bill 262

Dear Criminal Justice and Public Safety Committee Member:

I would like to thank Chair Spiros and everyone on the committee for the opportunity to speak today. My name is Brian Kelley and I am here today to ask for your support of Assembly Bill 262, which is a very important piece of work zone safety legislation. I am the Highway Commissioner for Chippewa County, where I have worked for the past 6 years. My department has 85 employees that are responsible for maintaining the fourth largest State/County highway system in the state. Previously I have also served as Highway Commissioner in Portage County.

Work Zone Safety is very near and dear to me, both professionally and personally. My staff deal with the dangers of distracted, impaired, and angry drivers on a daily basis. Just as the laws need to adapt to these changing behaviors, we've also made changes to our methods to protect our workers and the public. We now place crash attenuators at the beginning of our job sites when we work on the freeways, which has led to two distracted drivers crashing their vehicles into them. We've provided more training and reflective gear for our workers, however drivers still don't always see them. I've tried to get in front of driver's education classes to speak about work zone safety, but was told there is a set curriculum and there is no time available.

On November 3, 2018 my 9-year old daughter Jayna and three other Girl Scout volunteers were struck and killed by an impaired motorist in an adopt-a-highway work zone while they were picking trash in the ditch. On April 23, 2019 I attended a public hearing at the Assembly Transportation Committee to speak on behalf of AB 151. This bi-partisan legislation will protect volunteers working in adopt-a-highway work zones by providing double fines for traffic citations. The bill has since passed through the Assembly, but unfortunately still awaits approval of the Senate's companion bill, SB 136.

On May 15, 2019 an employee of mine was flagging for a mobile chipseal operation on our County system. An upset, unlicensed motorist swerved at him, knocking him to the ground and breaking the flagging paddle. Fortunately my employee was not hurt. The other staff convinced the driver to stop until law enforcement could arrive and issue citations for operating without a license and disobeying a traffic signal in a work zone.

On July 11, 2019 the Chippewa County Traffic Safety Commission, of which I am the chairman, requested that I send letters of support for work zone safety legislation to our area state Assembly and Senate members. Letters were sent to Representative Rob Summerfield, Representative Jesse James, and Senator Kathy Bernier. We asked for three specific items: their support of AB 151 / SB 136, automated speed enforcement (ASE), and provisions for work zone flaggers to be able to report traffic

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citations to law enforcement for issuance of citations. We also asked for their support of further legislation to improve work zone safety in the future.

Today I ask for your support of AB 262, which addresses two issues. First of all, this will allow flaggers to report "failure to yield" violations in highway work zones and allow law enforcement to issue citations based on the report. Secondly, it will require that driver's education courses provide at least 30 minutes of instruction on safely dealing with the hazards of highway work zones.

AB 262 is an important piece of legislation and a positive step towards achieving zero fatalities in highway work zones. There is still much more work to be done such as:

- Banning handheld phones while driving, just as Minnesota and 16 other states have done
- Allowing use of automated speed enforcement (ASE) in highway work zones
- Addressing the methamphetamine and opioid epidemics that are plaguing our great state

I never want to see another person hurt or killed doing something like flagging for a work zone or picking up trash. I hope you will support AB 262 and other future legislation in order to make our highways safer.

Sincerely,

Brian M. Kelley, PE

Highway Commissioner

Brian M. Kolley

bkelley@co.chippewa.wi.us



Craig Hardy, Highway Commissioner

www.iowacounty.org

8-22-2019 WZS Hearing

Workzones include – major construction and rehab projects

Utility work areas Municipal maintenance

Emergency Response

Tow Recovery

Anytime there are flashing lights, signs, barrels, or workers on the highway.

Annual statistics involving injury and fatality....

2018 – 3100 crashes in Wisconsin / more than 8/day.

1275 injuries

9 Fatalities

4 / 5 crashes result in injury to the inhabitants of the vehicles not the workers.

5-year average of 2700 crashes/year in workzones

2014-2018 - 50 fatalities in Wisconsin

Nationwide 3-year average of 2014-2016 = 114,667 crashes / year.

>2100 (750+/year) fatalities

42,300 injuries

At the speed of 55MPH you cover the length of a football field in 4 seconds.

Events in 2015 – 3 WZ deaths County family – County Highway Department employees

- Derrick Stempa Shawano
- Marcus Wydeven Lincoln
- Derrick Burkhalter Calumet

9-23-2015

Handful of commissioners within the WCHA started an initiative to promote a culture of worker safety within County Highway departments, to raise the awareness of workzone safety and to change the cultural behavior of drivers related to workzones.

Purpose and Scope: This Work Group exists for the purpose of supporting and developing concepts and strategies related to highway work zone safety along with increasing work zone awareness and practices to promote operational efficiencies, consistency, and professionalism on a statewide basis. The primary goal is to improve work zone safety and general highway safety for county highway employees and others who work in and around our State, County, and Local roads. These improvements will also lead to increased safety for the traveling public.

Identified a number educational, operational, technological, and legislative initiatives to work on to promote Workzone safety within the workforce:

- Annually host a WZS kick-off event in honor of National Workzone Safety week held in April with WisDOT/ State Patrol/ Road Builders/ WCHA and other stakeholders.
- Updating of workzone safety educational resources / training and installation guidebooks
 utilized by the industry (utility contractor, county, town, road builders, emergency
 response, towing recovery, and any other entity working within the highway right of
 way). Books originally developed by UW-TIC and WisDOT provide resources for proper
 traffic control setup and operations for the work.
 - o Flagger Certification program effective January 1, 2020
 - o Flagger Handbook online in October 2019
 - o Workzone Safety Guidebook online in spring 2020
 - Training of county staff for workzone safety and temporary traffic control setups annually statewide:

2017 – 2019 training in excess of 500 employees

But we find and hear from our staff/employees that is not enough. Distracted drivers, drivers driving too fast for conditions, drivers not obeying directions given to them. Need to change the culture of the driver for the safety of the worker.

Legislative proposals:

ASE – Automated Speed Enforcement – not before you today but may be something we could consider as a separate bill. Don't care if a ticket is ever issued related to those violations, but have the impression to change the culture of the driver by making it a possibility.

Driver education mandatory workzone training – educate new drivers on how to identify different types of workzones, what to expect in those locations, and the hazards they may encounter.

- Provided a tool/resource Driver's Education Facilitators Association. We developed, created, and provided a powerpoint for driver's education instructors to educate youg and new drivers of the different types of workzones and the hazards to be aware of within workzones. We presented the powerpoint to the educators at two sessions:
 - o April 2017 at the statewide meeting at the Chula Vista
 - o May 2017 at SW Technical in Fennimore to the SouthWest region eductators
 - o Provided the powerpoint to all attendees.
 - o Offer opportunity of the highway commissioner in each county to assist with delivery of the powerpoint and/or its' message.

Flagger Bill of Rights – giving the opportunity to assess fines for vehicle operator in workzones who disobey direction of flaggers. A flagger is placed on the roadway to direct traffic for the protection of the workers and the travelling public due to the type of work being encountered traffic cannot flow at its' normal pace or in its' normal path. Often there are changing lanes, varying speeds, and workers within close proximity of not only moving vehicles operated by the travelling public, but also heavy construction equipment and machinery being utilized to perform the work – workers are at risk.

 Developed and created a workzone safety video to raise awareness of the issues within workzones and to the issues of distracted driving.



Work Zone Safety

Briefing and General Talking Points April 2019

Background

- Preliminary figures show there were more than 3,100 crashes in Wisconsin road construction and maintenance zones in 2018. This works out to an average of more than eight daily.
- The crashes in 2018 caused 1,274 injuries and nine deaths (preliminary figures). Distracted driving, tailgating, speeding and drug/alcohol use remain common factors.
- Over the past five years, there has been an average of 2,677 work zone crashes annually.
- In Wisconsin, work zones include major highway construction and rehabilitation, maintenance, emergency response, utility work, municipal projects and more – any time in which there are flashing lights, signs, barrels or workers on the road.
- Between 2014 and 2018, there were 50 fatalities recorded as a result of crashes in Wisconsin work zones.

Talking Points

- Even at the reduced speed of 55 mph, you are still covering the length of a football field in less than four seconds while driving through a work zone.
- With narrow, shifting lanes, work zones can present a challenge to all drivers under any circumstances. This is why it is so important to limit distractions.
- Remember that work zones aren't limited to major construction. They also include maintenance, emergency vehicle stops, utility work and even garbage pickup. Being able to identify a work zone is important for drivers to stay safe.
- We ask that drivers expect the unexpected and stay alert at all times.
- We ask that drivers take necessary precautions when entering work zones, and also use tools like
 511 Wisconsin to get valuable information about road work and delays so that they don't find themselves in such a hurry.
- It's illegal to talk on a hand-held cell phone while driving through a work zone. Fines start at \$40, plus costs. "See Orange Cones? Please Put Down the Phones."

How can people help?

- Most importantly, drive safely, avoiding distractions and obeying posted speed limits. Be courteous
 and patient. Set a good example for others on the road.
- Advocate for safe driving. Show support for work zone safety by using social media hashtags -#NWZAW, #WorkZoneSafety, or #OrangeForSafety (but please never text and drive)
- Participate in "Go Orange Day" on Wednesday, April 10, but wearing orange in support of safety.
 (#OrangeForSafety)

WCHA Work Zone Safety Work Group

Preliminary County Survey Questions

Does your County do enough training and, the proper training, on work zone safety?

Is the training being provided effective in making your employees aware of the dangers of working in the right of way?

Is there a "culture" of safety in your department?

Is there a designated safety person working in the Highway Department?

Would your County be willing to invest in new technology regarding WZS?

Do you believe your employees follow Best Management Practices when it comes to WZS?

Should we work towards BMP's that could be accepted State wide regarding WZS and employee behavior in work zones?

Would your County undertake a media/publicity campaign for WZS each spring if the format and tools were provided to you?

Would you work on your own or with other Commissioners to talk to Legislators regarding WZS related Bills and Laws?

Would you be willing to do WZS training and outreach in your own County? Media contacts, Service Groups and Drivers Ed classes.

Work Zone Safety Work Group

Start Up Priorities

After much discussion, the Work Zone Safety Group has determined that the following priorities are what we'll put our efforts into in the next few months. Hopefully, as things are accomplished, our list of what's important will need to evolve.

These are not meant to be all inclusive, this list is an attempt to bring prioritization and order to a very broad list of what the group thinks we need to do.

- 1) Driver Education Campaign Develop Curriculum for Statewide distribution and use.
- Survey County Highway Departments Work zone training, practices, utilization, needs and culture.
- 3) Research Seek experts to meet with the group on available technologies and techniques.
- 4) Legislation Back ongoing efforts which support work zone safety. Research neighboring states for their practices and laws.
- 5) Media Campaign Public outreach, TV, radio, billboards.
- 6) Engage- Everyone... DOT, Private representatives, other stakeholders. Share our efforts and utilize their input and processes.
- 7) Research Technologies for motorist alerts, texts, emails, message boards etc.
- 8) Change Culture Every stakeholder, how do we all look at work zone safety?
- 9) Research and Develop Training opportunities, TIC, LDG, for profit training companies.

In response to the question of Work Zone Safety Work Group priorities, a number of issues were put forth. These items are listed below in no particular order. The Work Group discussed all of these at some level and this list was used to create the priority list above.

Attain full support from the WCHA leadership to fulfill the recommendations of the work group.

Attain buy in and participation from WisDOT, State Patrol, and Private Industry to raise awareness.

Establish a contact and supporter in state government to help facilitate the recommendations of the work group.

Survey other states to find out what if any public awareness is being used.

Determine funding options to finance the recommendations of the work group.

Research new technologies that may provide more safe work zones.

Establish media contact(s) and educate what the work group is trying to accomplish.

Identify better training materials that can be used by all 72 counties to provide more consistent and uniform training.

Provide educational opportunities at future WCHA conferences.

Possibly WCHA could use the topic as a conference theme for a few conferences and have publications and posters strategically placed at the conference to continuously remind attendees of the importance

Address distracted driving.

Proper and consistent installation of traffic control devices.

Proper and consistent flagging operations and educating the public on how to enter flagger construction zones.

Consistent operations amongst all companies that require traffic control, the marketing strategy of billboards, one needs to see that same billboard at least three consecutive times before it registers in the brain.

Work with WCHA and legislatures to draft legislation to require as part of any Driver Ed curriculum a session on work zone safety.

Crate legislation to make video camera/electronic speed indicator signs enforceable in work zones.

Work with DOT to provide a set of radar speed indicator signs and possible rumble strips for every county for work zones that are uniform across the state which drivers would identify with that they are entering these zones.

Revise the work zone safety guidelines for construction, maintenance and utility operations to incorporate new signs and devices into the current diagrams to insure all counties are uniform in their application of these devices.

Work WCHA, WisDOT and stakeholders to do an ongoing monthly TV/radio campaign for continued reinforcement.

Work with WisDOT and 511 traveler information to be able to automatically send text messages or some type of warning or automatically show up on GPS maps in vehicles when you are approaching a work zone or incidents.

Work with law enforcement and WisDOT and require an officer(s) present in high traffic work zones.

Look to install more permanent electronic message boards to provide operators information about driving conditions.

Some states have more distinct or designated uniform trucks that respond to incidents on major highways which I think people recognize better and identify with.

Having persons doing flagging operations actually suit up in law enforcement uniform and place police squad on site.

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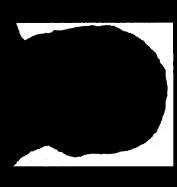




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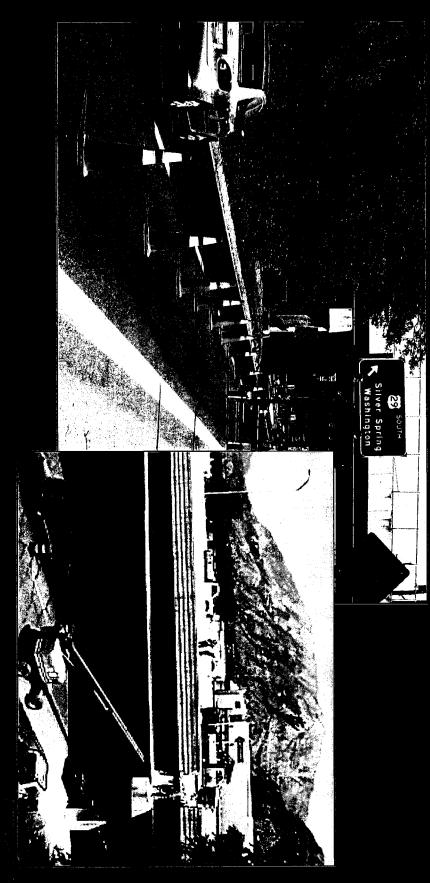


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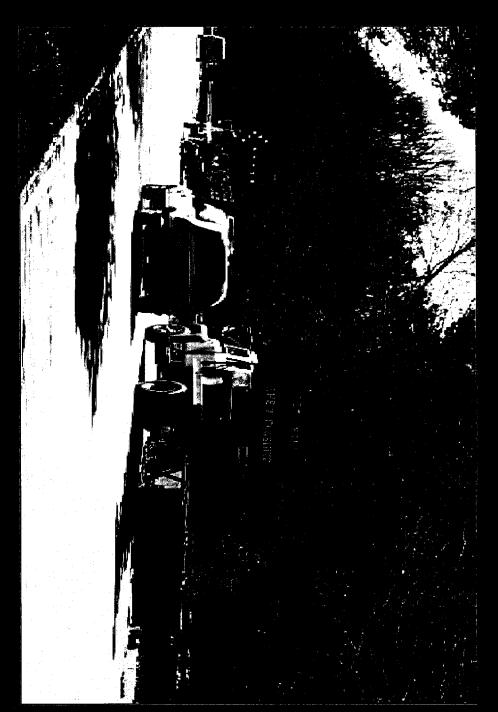


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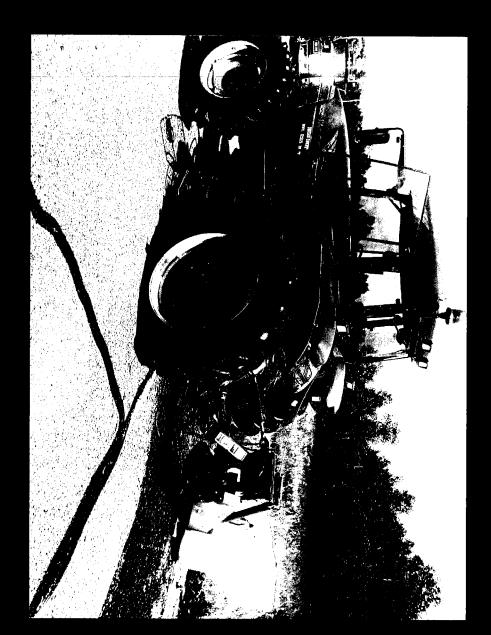
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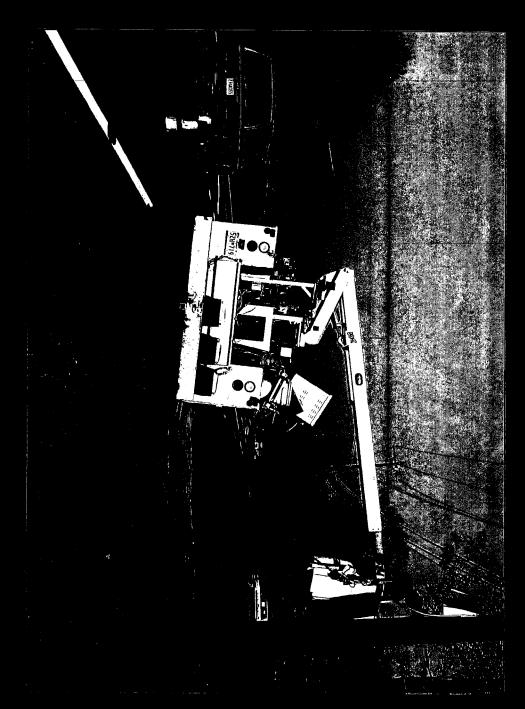


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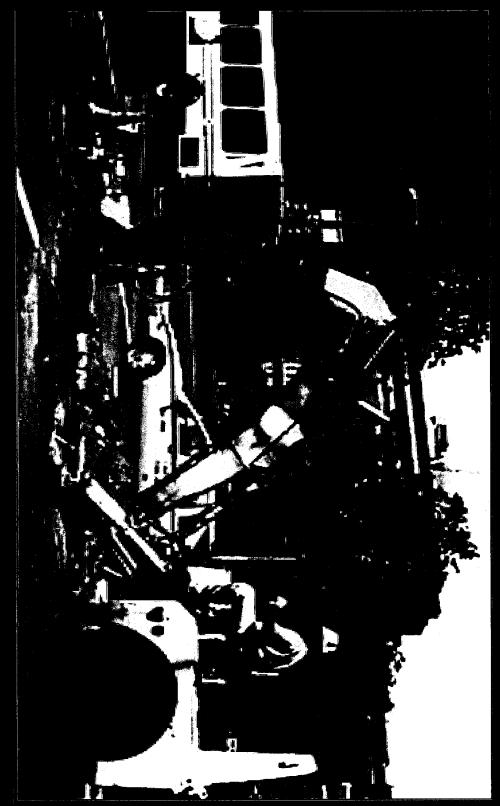
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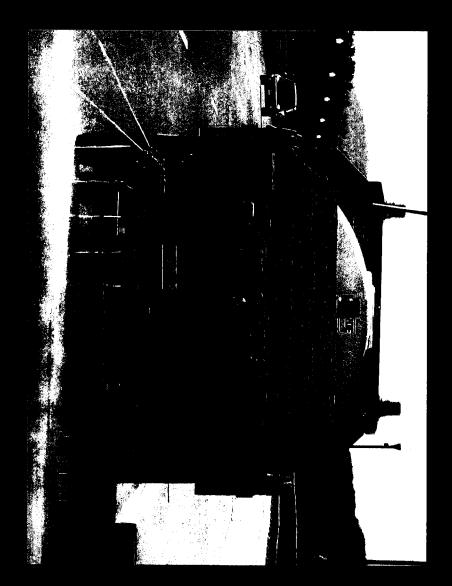
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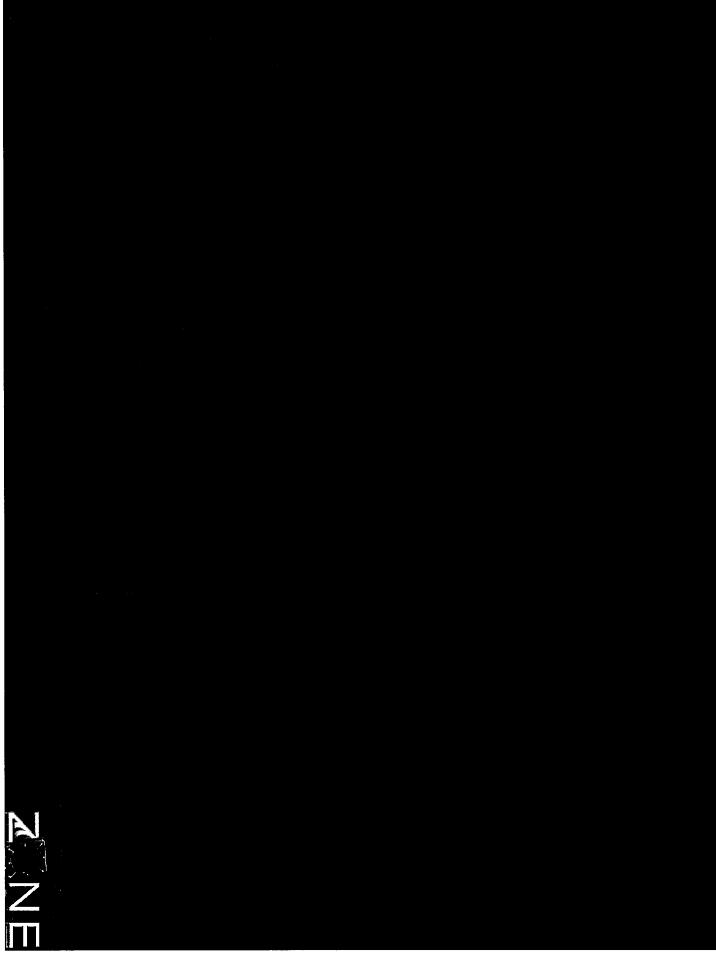
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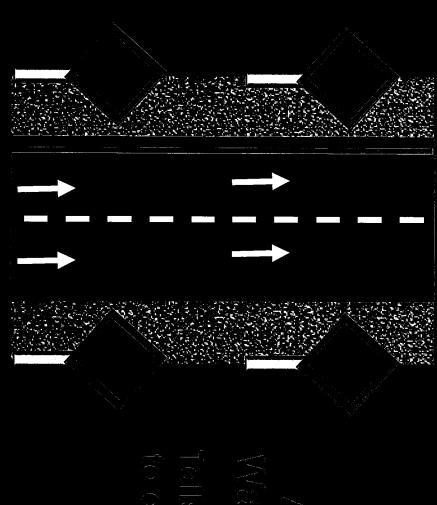
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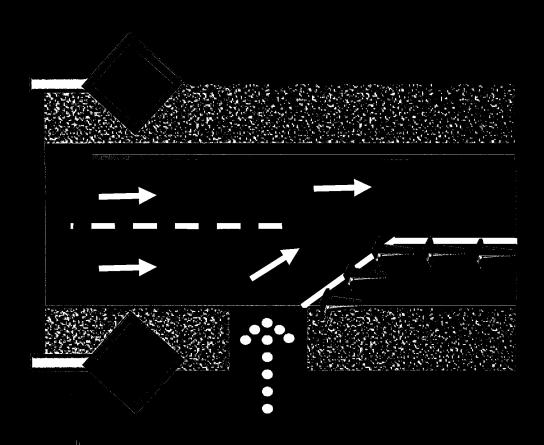
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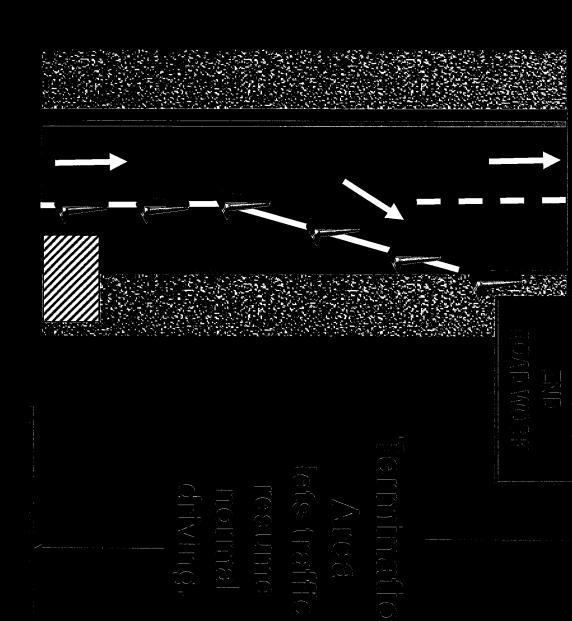
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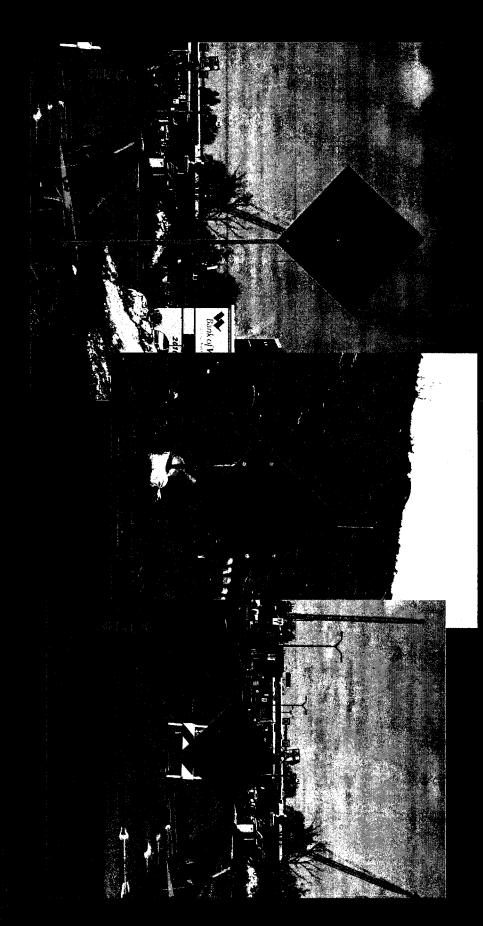
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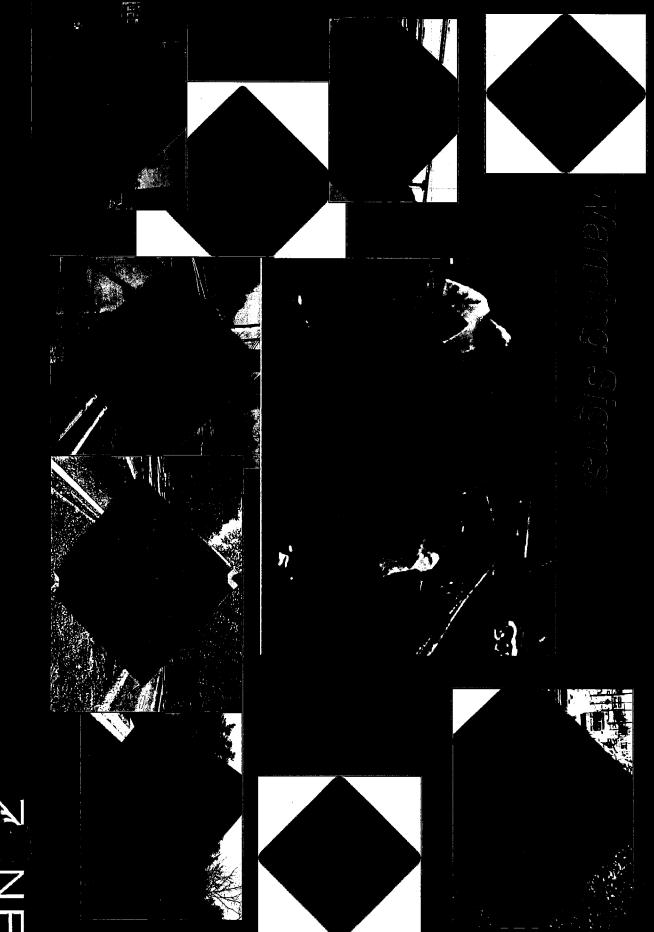


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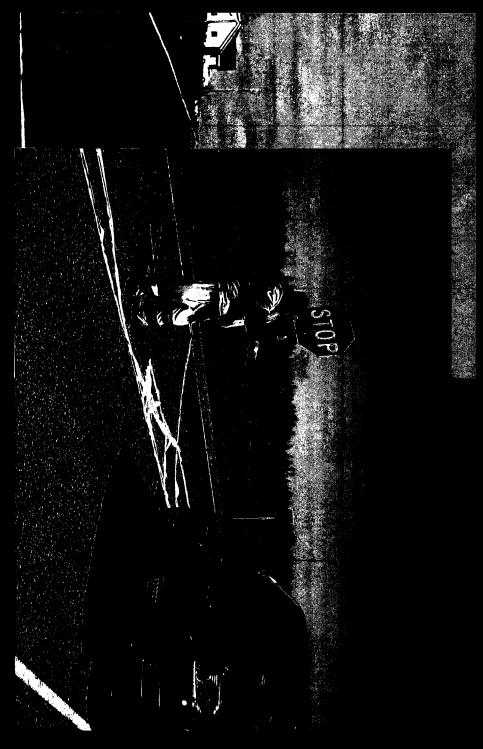


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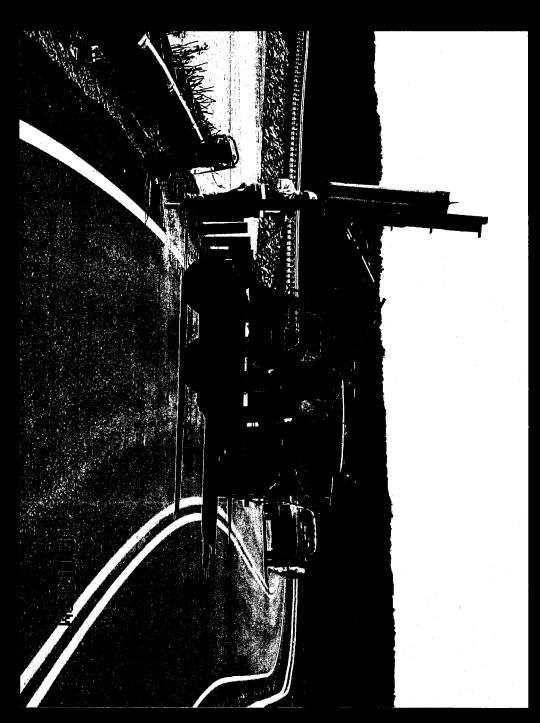
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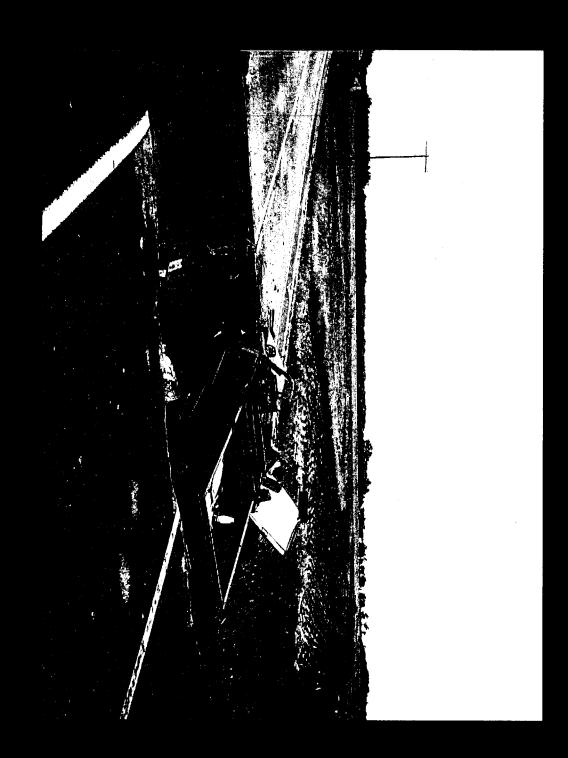
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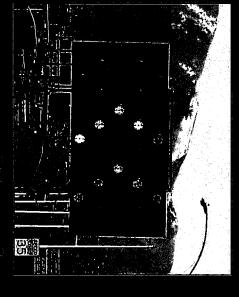


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When driving on a multilane tar right lane, what howy in the far right lane, what side the sould you do when you see this trow classes the answer the should error.











Thank-you

Juneau County Highway Commissioner

