



Testimony of
Ron McLellan, President
Connecticut Employees Union Independent (CEUI), SEIU Local 511

Judiciary Committee
Public Hearing – March 10, 2008

S.B. 634 – An Act Concerning Highway Worker Safety

Good afternoon Senator McDonald, Representative Lawlor and members of the Judiciary Committee. My name is Ron McLellan and I am the president of the Connecticut Employees Union Independent, SEIU Local 511, which represents more than 1,500 members who work for the Department of Transportation. More than 1,200 of those members are highway workers.

RON McLELLAN
President

MICHAEL GRIFFIN
Vice President

LESLIE MADDOCKS
Secretary-Treasurer

On June 13, 2007, I received a phone call from a DOT bridge maintenance manager. This is the call you never want to get. There had been an accident on Route 8 in Waterbury with the Torrington bridge crew. A motorist had entered the work zone and hit a crash truck from behind. Two workers were transported to the hospital. I went to the garage that afternoon to talk to the workers that were had been at the scene and their co-workers. Some looked scared, some were disgusted and others were mad as hell. They shared with me the frustration of being out on the road every day and seeing motorist speed through the work zone with total disregard for their safety.

Twelve days later, I received the same call from the same manager. The Torrington bridge crew had sustained another hit in the work zone on Route 8 in Waterbury. A worker narrowly escaped death that day and we are fortunate to have him here with us this afternoon. I will never forget the look on Charles Laus' face the next day when he was showing everyone pictures of his grandkids. I knew at that moment we had to do something before another family had to experience the pain of losing a loved one. Our union had already lost Robert Mugford, a highway maintenance crew leader, when he was struck and killed on the job in August of 2005. We couldn't let that happen again.

Several years ago, the General Assembly attempted to improve work zone safety by doubling fines for motorists who committed traffic violations within a work zone. The measure provided some relief at first, but today the problem is as bad as ever. By in large, motorists ignore work zone signage and speed limits. They drive aggressively and inattentively, causing hundreds of work zone accidents each year.



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CEUI supports S.B. 634 because it will make the roads safer for highway workers. By creating the offense of endangering a highway worker, we hope to remind the public that these men and women are real human beings, who have families of their own. Public relations campaigns and doubled fines have been unable to get the motorists to make the connection between their actions and worker safety. We are hopeful that S.B. 634 will bridge that gap.

I would like to urge members of the Committee to consider expanding the definition of "highway worker" in Section 1 to include any kind of worker that does their job on our state roads. S.B. 500, An Act Concerning Highway Work Zone Safety, was JFS'd from the Transportation Committee last week. The definition of "highway worker" in that bill includes public and private highway maintenance and construction workers, state police officers, municipal police officers, fire fighters, emergency medical personnel and any person who finds himself performing duties on public roadways.

I would also like to urge Committee members to consider expanding the definition of a "highway work zone." SB 634 defines it as a clearly marked area of a state highway where construction, maintenance or utility work is being performed. It should be noted that while many work zones are stationary, other maintenance activities, such as mowing, occur in a moving work zone. The traditional kinds of signage, barriers or markings required by SB 634 to define a work zone vary greatly in these kinds of settings. The definition of "highway work zone" in SB 500 was taken from the *Manual on Uniform Traffic Control Devices*, which defines the standards used by road managers nationwide to install and maintain traffic control devices on all streets and highways and is published by the Federal Highway Administration. That definition is more flexible to allow for moving work zone patterns and other variations.

S.B. 634 is a good first step toward protecting highway workers and I urge the Committee to act favorably on the bill. Thank you the opportunity to testify today and I look forward to answering any questions you may have.

CONSTRUCTION OR MAINTENANCE RELATED ACCIDENTS ***ACCIDENT, INJURY & FATALITY TOTALS
1995-2006**

Year	Fatal Accidents	Number of Fatalities	Injury Accidents	Number of Injuries	Property Damage Only	TOTAL ACCIDENTS
1995	5	5	437	640	941	1,383
1996	5	5	413	617	997	1,415
1997	1	1	446	607	788	1,235
1998	6	7	374	565	811	1,191
1999	4	5	403	604	882	1,289
2000	7	7	364	545	934	1,305
2001	4	4	338	484	780	1,122
2002	1	1	321	437	789	1,111
2003	2	2	310	430	864	1,176
2004	4	4	326	471	984	1,314
2005	4	4	249	354	702	955
2006 #	3	3	219	290	526	748
TOTAL	46	48	4,200	6,044	9,998	14,244

* accidents that involved median barrier penetration are excluded from these totals

2006 data is preliminary

Operation Big Orange
Financial Summary and Ticket Activity

Operation Big Orange Financial Summary						
Year	Tickets Written	Estimated Revenue <i>(Assuming \$200 Fine)</i>	Program Budget	Amount Spent	Hourly Trooper Overtime Rate	Budgeted Trooper Overtime Hours
1998	1,645	\$ 411,250.00				
1999	9,631	\$ 2,407,750.00				
2000	10,727	\$ 2,681,750.00				
2001	5,890	\$ 1,472,500.00				
2002	4,441	\$ 1,110,250.00				
2003	3,055	\$ 763,750.00				
2004	3,511	\$ 877,750.00				
2005	3,410	\$ 852,500.00	\$ 75,000.00	\$ 80,000.00	\$ 44.59	1,682
2006	3,687	\$ 921,750.00	\$ 75,000.00	\$ 93,000.00	\$ 46.45	1,615
2007		\$ -	\$ 100,000.00	\$ 46,000.00	\$ 48.39	2,067
2008		\$ -	\$ 100,000.00		\$ 50.41	1,984
2009					\$ 52.43	
TOTAL	45,997	\$ 11,499,250.00	\$ 350,000.00	\$ 219,000.00		7,347
Operation Big Orange Traffic Tickets Written						
Year	Speed	DWI	MISC	TOTAL		
1998	1,097	-	548	1,645		
1999	6,821	6	2,804	9,631		
2000	7,790	15	2,922	10,727		
2001	4,272	5	1,613	5,890		
2002	3,292	3	1,146	4,441		
2003	2,149	1	905	3,055		
2004	2,597	2	912	3,511		
2005	2,522	-	888	3,410		
2006	2,359	-	1,328	3,687		
TOTAL	32,899	32	13,066	45,997		



General Assembly
February Session, 2008

Raised Bill No. 500

LCO No. 2337

02337 _____ TRA

Referred to Committee on Transportation

Introduced by:

(TRA)

AN ACT CONCERNING HIGHWAY WORK ZONE SAFETY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (NEW) (*Effective October 1, 2008*) (a) There is established a Highway Work Zone Safety Advisory Council to make ongoing recommendations to improve highway work zone safety for workers, public safety officers and motorists. The ongoing areas of study and review by the council shall include: (1) Evaluation of current work zone design and safety protocols; (2) survey of effective highway work zone design and safety protocols in other states; (3) implementation of technology to improve highway work zone safety; (4) use of public safety officers to improve highway work zone safety; (5) availability of federal funding for work zone training and enforcement; and (6) other issues the council deems appropriate for improving highway work zone safety.

(b) The council shall be comprised of the following members: The Commissioners of Transportation, Public Safety and Motor Vehicles, or their designees; a representative from the state-wide union representing Department of Transportation highway maintainers; a representative from the state-wide union representing state police officers; and a representative of private sector highway workers who perform work on state roads.

(c) The council shall meet quarterly, or more often as needed, and report its recommendations to the Commissioner of Transportation and the joint standing committee of the General Assembly having cognizance of matters relating to transportation.

Sec. 2. (NEW) (*Effective October 1, 2008*) (a) As used in this section and section 1 of this act, "highway worker" means a person who is required to perform the duties of his or her job on state bridges, state roads or in highway work zones, including: (1) Persons who perform maintenance, repair or construction of state bridges, state roads, shoulders, medians and associated rights-of-way in highway work zones; (2) persons who operate trucks, loaders and

other equipment on state bridges, state roads or in highway work zones; (3) persons who perform all other related maintenance work, as required, on state bridges, state roads or in highway work zones; (4) state and local public safety officers who enforce work zone related transportation management and traffic control; (5) state and local public safety officers who conduct traffic control or enforcement operations on state bridges, state roads, shoulders, medians and associated rights-of-way; and (6) state and local public safety officers, firefighters and emergency medical personnel or other authorized personnel who remove hazards from state bridges, state roadways, shoulders, medians and associated rights-of-way, or who respond to accidents and other incidents on state bridges, state roads, shoulders, medians, associated rights-of-way or in highway work zones; and "work zone" means an area of a state highway where construction, maintenance or utility work is being performed. Such work zone may be marked by signs, channeling devices, barriers, pavement markings or work vehicles, and extends from the first warning sign or high-intensity rotating, flashing, oscillating or strobe lights on a vehicle to the "END ROAD WORK" sign or the last temporary traffic control device.

(b) A person shall be deemed to commit the offense of "endangerment of a highway worker" upon conviction of any of the following while such person was within a work zone, as defined in section 1 of this act: (1) Exceeding the posted speed limit by fifteen miles per hour or more; (2) passing within the work zone; (3) failure to stop for a work zone flagperson or failure to obey traffic control devices erected in the construction zone or work zone for purposes of controlling the flow of motor vehicles through the zone; (4) driving through or around a work zone by any lane not clearly designated to motorists for the flow of traffic through or around the work zone; (5) physically assaulting, or attempting to assault, or threatening to assault a highway worker in a construction zone or work zone with a motor vehicle or other instrument; (6) intentionally striking, moving or altering barrels, barriers, signs or other devices erected to control the flow of traffic to protect workers and motorists in the work zone for a reason other than avoidance of an obstacle, an emergency, or to protect the health and safety of an occupant of the motor vehicle or of another person; or (6) committing any of the following offenses for which points may be assessed in accordance with regulations adopted by the commissioner pursuant to section 14-137a of the general statutes: (A) Leaving the scene of an accident; (B) careless and imprudent driving; (C) operating without a valid license; (D) operating with a suspended or revoked license; (E) driving while in an intoxicated condition or under the influence of controlled substances or drugs or driving with an excessive blood alcohol content; or (F) any felony involving the use of a motor vehicle.

(c) Upon conviction or a plea of guilty for committing the offense of endangerment of a highway worker under subsection (b) of this section, if no injury or death to a highway worker resulted from the offense, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than one thousand dollars and shall have four points assessed to his or her operator's license.

(d) A person shall be deemed to commit the offense of "aggravated endangerment of a highway worker" upon conviction or a plea of guilty for any offense under subsection (b) of this section when such offense occurs in a work zone, as defined in subsection (a) of this

section, and results in the injury or death of a highway worker. Upon conviction or a plea of guilty for committing the offense of aggravated endangerment of a highway worker, in addition to any other penalty authorized by law, the person shall be subject to a fine of not more than five thousand dollars if the offense resulted in injury to a highway worker and ten thousand dollars if the offense resulted in death to a highway worker. In addition, such person shall have twelve points assessed against their operator's license and shall be subject to the provisions of title 14 of the general statutes, regarding the revocation of an operator's license and driving privileges.

(e) No person shall be cited or convicted for endangerment of a highway worker unless the act or omission constituting the offense occurred when one or more highway workers were in the work zone.

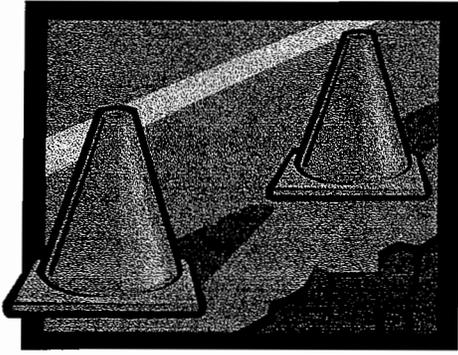
(f) No person shall be cited or convicted for endangerment of a highway worker or aggravated endangerment of a highway worker, for any act or omission otherwise constituting an offense under this section if such act or omission resulted, in whole or in part, from mechanical failure of such person's vehicle or from the negligence of another person or a highway worker.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section

Statement of Purpose:

To create a Highway Work Zone Safety Advisory Council to protect highway workers in work zones, and to establish the offenses of "endangerment of a highway worker" and "aggravated endangerment of a highway worker".

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



Let Us Work. Let Us LIVE.

PROTECT HIGHWAY WORKERS

S.B. 634 – An Act Concerning Highway Worker Safety

More than 1,200 DOT employees maintain our state roads, performing many of their duties in highway work zones. These men and women face risk of injury, and even death, when they encounter hazardous drivers.

By in large, motorists *ignore* work zone signage and posted speed limits. Many drive aggressively and inattentively, *undeterred by doubled fines*. As a result, dozens of work zone accidents are caused by Connecticut motorists every year.

Did You Know?

- *25% of the 1,374 fatal highway incidents recorded nationally in 2004 were work zone related.*
- *More than 200 work zone accidents occurred in Connecticut in 2006, injuring nearly 300 workers and motorists.*
- *DOT's Operation Big Orange funds overtime hours for state police troopers to provide traffic enforcement in DOT work zones, but with less than \$100,000 budgeted for the program in the last two years, only about 10% of Connecticut DOT work zones are monitored by state police personnel.*

How Can You PROTECT HIGHWAY WORKERS?

► Create the offense of Endangerment of a Highway Worker

- \$1,000 fine and 4 points assessed to driver's license for:
 - Exceeding posted speed limits by 15 MPH
 - Passing another vehicle
 - Failing to stop when signaled or obey traffic control devices
 - Driving through or around a work zone in undesignated lanes
 - Assaulting a highway worker with a vehicle
 - Moving or striking barrels, cones or other traffic control devices

► Create the offense of Aggravated Endangerment of a Highway Worker

- \$5,000 fine for injuring a highway worker
- \$10,000 fine for killing a highway worker



Prepared by Connecticut Employees Union Independent

For more information, please contact Jennifer Berigan at 860-343-8736.