

March 4, 2009

Senate Transportation Committee  
Connecticut General Assembly  
Legislative Office Building  
Hartford, Connecticut

Re: Senate Bill 155, an Act Requiring Training in Highway Work Zone Safety  
Transportation Committee – Hearing March 4, 2009

To the Chairmen and Members of the Committee:

Costello Industries is a major pavement rehabilitation contractor in Connecticut, and as such we perform pavement milling, reclaiming, infra-red repair and crack sealing at approximately 200 separate roadway sites within Connecticut annually. Each site our crew arrives at requires some sort of traffic control pattern or closure using various safety devices to protect both -

- The Traveling Public and
- Our Roadway Workers and Inspectors

The temporary signage, warning lights, barrels, cones and safety barriers are not just thrown up at the whim of the crew's foreman. The rules and regulations for setting up such temporary traffic control patterns have been formulated over the years and encoded by the government – more specifically - by the Federal Highway Administration (FHA).

I have been in and around the roadway construction industry my whole life. As is commonly realized, construction is dangerous work and safety must always be a priority. I believe there is no type of construction with more relentless and unforgiving hazards than work on an active highway. Truly, every day presents life and death challenges. A highway construction zone is no place for the untrained, or the unsafe.

Because working on a highway is so dangerous – where a single misstep, misplaced sign or missing warning light can quite literally result in death or injury – the FHA and American Traffic Safety Services Association(ATSSA) have translated the Federal Code regarding work on ALL public roads into the Manual on Uniform Traffic Control Devices (MUTCD).

### Authority

All highway contractors are expected to be familiar with this manual, and must have foreman who are trained – line and verse – with the rules inscribed within. But what of the public officials who are charged with enforcing and policing those rules? Can they be relied upon to effectively monitor and enforce these important, even life saving standards?

As is stated in section 1A.08 of the MUTCD, “Traffic control devices, advertisements, announcements, and other signs or messages within the highway right-of-way shall be placed only as authorized by a public authority or the official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.” Any rights that we as roadway contractors have to place traffic control devices on the highways, by law, come directly from these public authorities. We need their authorization and approval - their “blessing”.

As with any granting of authority, this power comes with a de facto responsibility. It is my sense that this responsibility of enforcement has been largely overlooked. Clearly, you cannot enforce a rule if you don't know what the rule is.

So, when considering this very grave issue of public safety, we must ask – Who is it that knows the rules propounded in the MUTCD, and who, each day, enforces those rules and protects the public?

### Disconnect

The answer is that there is a significant void – a disconnect, if you will – between the public authority and the public ability to enforce the important rules protecting the public described in the MUTCD.

It is this very disconnect that **Bill 155 Section 4** starts to address. Any highway contractor or safety director I have spoken to is strongly in favor of training police officers in the rules of highway work zone safety because these officers will be on our jobs day after day, performing a critical function. They are a well appreciated part of our traffic control, but often a problem arises.

The contractor's foreman and supervisor are trained in the MUTCD, but usually turn to the police officer for further direction. Especially in an emergency, the officer's input is critical – he is in charge. In accordance with 1A.08 of the MUTCD, unless there is another municipal authority designated and available, the police officer is the public authority on that roadway. He is the final decision maker as to how the traffic devices are placed.

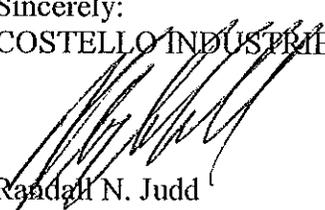
What happens when the officer has no knowledge of these rules? Will his decision endanger the public and the workers out on that road?

The answer to this final question is clear. This is why we are **supporting Bill 155 not just enthusiastically, but with a sense of urgency**. Thank you for your kind attention.

If I get a chance to speak before the committee, I will explain why I feel this important bill's enactment will cost municipalities little or nothing to accomplish the training that is required.

Sincerely:

COSTELLO INDUSTRIES, INC.

  
Randall N. Judd  
Manager of Contracts and Insurance (Risk)