



3/24/2021

To: House Government Operations Committee

RE: 21-0665 An act relating to the Transportation Program and miscellaneous changes to laws related to transportation- Sec 13-16 - Automated Traffic Law Enforcement System in Work Zones Pilot

Associated General Contractors of Vermont (AGC/VT) is the trade organization for general contractors and construction workers in Vermont. We are Vermont's leading provider of industry specific training, Occupational and Safety Health Administration (OSHA), Mine Safety and Health Administration (MSHA) certifications and are home to nationally recognized instructors. Our members employ 15,000-20,000 in Vermont annually with careers offering incomes and benefits well above Vermont's livable wage. The association works directly with the Agency of Transportation, Building and General Services, Agency of Education and Department of Labor to enhance delivery of services to the state.

Safety is at the forefront of all AGC/VT members and contractors mind every day. The emotional costs of injuring some or losing a human life far exceed any other consideration so safety is the priority. In the summer of 2019 James Alger, a traffic control flagger was struck and killed by a driver on Route 7 in Fair Haven. James was a son, a new father, a partner, and friends to many. AGC/VT assembled a group of flaggers and contractors who work on our roads to visit the state house. They gave gut wrenching testimony of near misses, having to jump out of the way of distracted or impatient drivers and we heard from James family.

Through those efforts we were able to lobby successfully for additional policies such as expanding the move over law to include work zones and increasing penalties for handheld uses. VTRANS has increased its requirements for training of staff who work in work zones including a resource safety officer at all work zones and there are proposals for expensive LED traffic control devices. But despite those efforts there is currently no mechanism to enforce those laws effectively due to the shortage of police and limitations due to state contracting. The VTRANS 2018 Standard Specifications for Construction (attached section attached) only allow police to direct traffic, promoting voluntary compliance or flagging. In rare instances there is enforcement of municipal projects or additional non work zone enforcement.

The travelling public is a stakeholder in safety at our work zones but until there is enforcement of protocols there will just be more apathy. The travelling public is already adapting to license plate reading technology. Currently in Vermont DMV vehicles still scan plates and neighboring states are moving away from a human toll taker to license plate readers that mail toll bills to owners of vehicles. It is our opinion that this pilot program will immediately change attitudes in the public once the press reports and warning letters are mailed.



630.03 UNIFORMED TRAFFIC OFFICERS (UTOs).

(a) Requirements. A UTO shall be a law enforcement officer who has law enforcement authority at the location where the services are provided. 630 6-86 UTOs shall wear a uniform approved by their law enforcement department with an exposed badge that clearly identifies them as a law enforcement officer. When operating outside the vehicle, the UTO shall wear safety apparel in accordance with Subsection 630.02. UTOs shall be accompanied by a law enforcement vehicle with operating blue or blue and white law enforcement signal lamps as permitted under 23 V.S.A. § 1252. The signal lamps on a UTO's law enforcement vehicle shall be in operation when and where required by the approved Traffic Control Plan or as directed by the Engineer. Law enforcement vehicles shall not be parked within 25 feet of the centerline of a railroad track.

(b) Equipment. When operating on the Project during nighttime hours, between sunset and sunrise, UTOs shall be equipped with hand-held, lighted signals that display a red light suitable for directing traffic.

(c) Duties. UTOs shall perform the following duties in accordance with the Contract Documents or as directed by the Engineer.

(1) Promoting voluntary compliance, by motorists, with speed and other rules of the road through an obvious presence. This may include the presence of marked law enforcement vehicles displaying law enforcement signal lamps, the presence of a UTO in or near the highway, and/or signage indicating their presence. This presence is generally stationary, with a law enforcement vehicle serving as an advanced warning signal and the UTO usually positioned outside the vehicle, to direct or control traffic as necessary.

(2) Directing and controlling traffic, including at intersections with non-functioning or malfunctioning signals.

(3) Serving as a Flagger.