



4/14/2021

To: Senate Committee on Transportation

RE: H.433 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

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.

The VTRANS 2018 Standard Specifications for Construction (section attached) only allows police to direct traffic, promoting voluntary compliance or flagging in their projects. In rare instances there is enforcement of municipal projects or additional non work zone enforcement. AGC/VT fully supports the pilot program proposed by VTRANS using automated variable speed signs to record speed violations in work zones and issue warnings or tickets.

We do not support the amendments which would strip out the warning ticket and only collect data. We know the data. The existing variable speed signs have reporting capabilities. We already know how many cars are travelling and we know how many work zone traffic violations exist. We believe setting up the signs without an enforcement or warning element does not accomplish the goal which is to cure the driving publics lack of regard for work zones. It would also be a waste of money duplicating data what we already know.

We understand the privacy concerns of both the Transportation and Judiciary committees. We believe only robust discussions will address those concerns and lead to a quality policy. In a normal session we have time to vet proposals while working with the many different stakeholders. We would have taken time to point out that driving is a privilege, we already ticket car owners via parking tickets, we already operate license plate readers, license plate readers are becoming the norm, cameras everywhere in society, and suggesting the most vulnerable of workers should "try harder" to keep work zones safe won't to cure distracted/impatient driving.

We are not in a normal session. We are separated my technology that does not allow for robust debate. We were one of 20+ business groups that have asked that the legislature focus solely on COVID-19 recovery and must pass bills while we are working remote. We are willing to walk away from this issue for now. Id also like to take this opportunity to ask that you consider this testimony when other non-COVID-19 policies approach the floor.



### 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.