

NYS Thruway Authority Public Hearing Page 1 of 14
On Work Zone Speed Enforcement Implementation
October 6, 2021

Jennifer Givner: Good afternoon, it's 4:00 I think we're going to begin today. Thank you for joining us my name is Jennifer Givner. I am your host and moderator for this afternoon. Due to the impact of COVID-19 and for the safety of all of our staff and customers, the New York State Thruway Authority is holding this public hearing virtually today. The Thruway Authority is required to hold this hearing following the passage of legislation which establishes a demonstration program implementing speed violation monitoring systems in work zones by means of photo devices. This meeting is being held virtually again, through CISCO's WebEx streamed online at Thruway.ny.gov. We welcome input for today's virtual hearing and we're providing several ways for individuals to comment. We have a number of people signed up to speak today. In addition, you can submit comments by mail or by e-mail or you can give us a call right now anytime during the next two hours and sign up to speak as well. The number that you can call is 518-471-5300. My colleagues and I are standing by to be able to take your name and get you the link so that you are able to make comments today if you'd like. All this additional information is also available on our website.

At this time I'd like to introduce the Thruway Authority's Executive Director, Mathew J. Driscoll who will detail the Work Zone Speed Violation legislation. Director Driscoll.

Mathew Driscoll: Thank you Jennifer and good afternoon everyone and thank you for joining us today. As Jennifer said, my name is Mathew Driscoll, I'm the Executive Director of the New York State Thruway Authority. This virtual hearing complies with chapter 417 of the Laws of 2021 of New York State that permit any public body to hold meetings remotely and without in-person access until January 5, 2022 due to COVID-19. We are here today to convene a virtual public hearing regarding legislation signed into law by Governor Kathy Hochul, Chapter 421 of the Laws of 2021 authorize the Thruway Authority to establish a Work Zone Speed Violation demonstration program after a public hearing and approval by its Board of Directors. This hearing is an opportunity for the Thruway Authority to listen to comments regarding a Work Zone Speed Violation demonstration program. This process enables us to gather public opinion and inform the Thruway Authority's Board of Directors so that they are able to make a more informed decision regarding this demonstration program. Your feedback is critical to this process and I'm pleased that so many of you have taken time out of your busy schedules to join us today. Joining me on this panel is Jim Konstalid our Thruway Authority Director of Maintenance and Operations. Laurie Abeel who works for our Bureau of Safety Services, Major Carla DiRienzo, New York State Police Troop T Commander, and our four Division Directors, Brent Howard of our New York Division, Phil Serafino of our Albany Division, Patrick Hoehn of our Syracuse Division, and Mathew Latko of our Buffalo Division. We are fortunate to have such incredible professionals with varied backgrounds and extensive experience regarding highway safety on this panel.

The Thruway is a 570-mile superhighway with more than 800 bridges and 118 interchanges standing in New York State and it's one of the longest toll systems in the United States of America. Underscoring its importance to the state, region and nation, the Thruway Services provide a link to long distance interstate travel and provides the major route of access for visitors to our state's tourism anchors. It's also a principal artery of commerce and serves as a primary

catalyst of the State's economic activity. A system this extensive requires continual ongoing maintenance such as full depth pavement restoration, resurfacing and seasonal maintenance resulting from freeze and thaw cycles. This work is performed by our dedicated employees and our contractors who are often mere inches from high speed traffic. Unfortunately, there are motorists who do not heed advanced notice on variable message boards by flaggers and orange cones, and work zone signs and continue to enter these work zones at excessive and unsafe speeds. Our highways crew's lives are imperiled by this behavior. According to the Federal Bureau of Labor statistics from 2003 to 2017, 1,844 workers lost their lives at road construction sites across the United States averaging 123 per year. That is just unacceptable. The legislation we are talking about today authorizes the Thruway Authority to establish up to ten work zone speed violation pilot locations along the Thruway. These locations are determined by, among other things, data including speed, roadway geometry and crash history. As part of the demonstration program, staff will be specially trained to operate speed cameras in work zones. Images from work zone speed cameras will be exclusively used for speed violations only. The demonstration program is scheduled to last five years. This legislation will help ensure that the most valuable resource the Thruway Authority has, our employees, have a safe environment to work in. Work zone speed enforcement has been shown to slow traffic before it gets to the work zone, enhancing safety for our workers and all motorists on the Thruway. For example, a long-term automated speed enforcement program implemented in 2010 in Maryland has resulted in a significant increase in work zone safety. When the program began, seven out of every 100 drivers were exceeding the posted speed limit by 12 miles per hour or more. A 2021 fact sheet about the program indicated the number of speeding vehicles in work zones has been reduced by about 90 percent since it began. I hope that in the days and years ahead our results surpass those of Maryland and I hope that there comes a time when I can report zero injuries or fatalities as a result of work zone accidents. I also hope that our workers feel secure knowing that we will do everything we can so that they never question whether or not they will make it home after a day at work. Again, I appreciate everyone's participation today.

These panelists will not be taking questions. We are here to listen to your comments and use them in our review. Individuals will have up to five minutes each to offer their remarks related to the Work Zone Speed Violation Demonstration Program. I have also asked that you keep your remarks specific to this topic. If you have other issues or concerns, my staff would be happy to assist you at another time. So at this point Jennifer, I'll turn it back to you and we can begin our hearing.

Jennifer Givner: Thank you Director I appreciate that. I would like to share some brief background rules or ground rules here before we begin. As the Director said, when it's your time to offer your comments, we're going to enable your audio only, we will not be enabling video for the attendees who are offering comments. To allow everyone an opportunity to speak, we ask that everyone has a maximum of five minutes and we also hope that you limit it again, to the specific legislation as the Director said. Again, if you're watching the hearing and you have decided that you would like to make public comments, please give us a call that way we can get you the link to the WebEx 518-471-5300 and we'll arrange the time for you to sign on. you can also submit your comments to workzonespeedviolation@thruway.ny.gov. We appreciate

everyone's participation today. First, I'd like to introduce our first speaker for today Todd Westhuis is the Chief of Staff for the New York State Department of Transportation. We're happy to have you here today Todd. Your line has been unmuted and the floor is yours.

Todd Westhuis: Thank you Jen. Good afternoon everyone. Executive Director Driscoll, Troop Commander DiRienzo, distinguished members of the panel on behalf of the New York State Department of Transportation and Commissioner Dominguez. I thank you for the opportunity to provide input on the Thruway Authority's implementation of Automated Speed Monitoring Enforcement in Maintenance and Construction Work Zones. I'd like to start my remarks this afternoon by reciting a testimonial from Rebecca Vonsel. Rebecca's husband Wayne was killed in 2005 as a result of a work zone crash in the town of Chittenango. The morning of the accident he went off to work and I remember he gave me a kiss on the cheek good-bye and that's the last I saw of him. The doctor came up and asked if my name was Rebecca and I said yes and that's how they identified him through his tattoo on his heart it had my name on it. A horrible day, really horrible. Yes, we were supposed to grow old together a big part of us is missing not having him here, simply heartbreaking. It has been more than 16 years since this dreadful day and yet the frequency and severity of work zone crashes has continued to increase. During 2020 alone, there were more than 400 intrusions into New York State DOT work zones. These vehicle intrusions resulted in more than 130 injures and one fatality. Similar numbers have been reported in facilities owned and operated by local governments and other public authorities. The most commonly cited factors in crashes in and around highway work zones are unsafe speed and distracted driving. High speeds and distracted driving not only reduce the amount of time available for drivers to reach to traffic or roadway conditions but also have been shown to result in more severe crashes when these occur. I want to personally thank Governor Hochul for signing landmark legislation last month establishing the demonstration program implementing speed violation monitoring systems in work zones. Speed and distractions are deadly. This new tool is critical for protecting these essential transportation workers who put their lives on the line daily to ensure the general safety of the traveling public. This action by the Governor affords new protections and demonstrates New York State's strong commitment in enhancing the safety of these employees. I would also like to thank our partners at the New York State Division of State Police for their steadfast support of Operation Hard Hat. As part of this initiative, troopers disguised as highway workers ensure compliance with state laws pertaining to active work zones. This year alone, the state troopers issued 1,937 violations as of October 1 within the posted limits of a work zone under Operation Hard Hat. More than 55 percent of these violations involve motorists who were distracted, speeding or otherwise impaired jeopardizing the safety of highway workers as well as others. Despite New York's sustained efforts to educate the public about the hazards of active work zones, the number of vehicle intrusions continue to increase. As such, I urge the Thruway to expedite the appointment of automated work zone speed monitoring systems to ensure that these dedicated women and men can return home safely each day to their families. I am aware of the concerns that have been raised by some about the use of technology for enforcement purposes. I want to ensure you that automated work zone enforcement is a proven and reliable technology that has demonstrated significant safety benefits in other states including a 63 percent reduction in work zone speeding and 90 percent reduction in the number of vehicles traveling in excess of 12 miles per hour above the work zone speed

limit. In closing, the Department of Transportation strongly supports efforts to implement automated speed monitoring work zones and stands ready to support the Thruway Authority for the deployment of such systems. Work zone safety is everybody's responsibility and requires our undivided attention. New York State owes it to these dedicated highway professionals to ensure that law enforcement has the tools they need in pursuing and punishing offenders that endanger the lives of others. Thank you for this opportunity to offer this testimony.

Jennifer Givner: Thank you Todd, we appreciate your time today. We are going to move onto our next speaker who signed up today, Mr. Jerry Boehm. I believe your line has been unmuted and you have the floor.

Jerry Boehm: Thank you. I am Jerry Boehm. I'm here to express my strong feelings about the work zone speed concerns. I am retired from New York State DOT and that really explains the connection that I have to this concern. Some years back, a fellow DOT employee was killed in a work zone by a careless driver and that struck pretty hard and it served as a reminder to me that so many drivers just don't respect the reduced work zone limits. I see this myself when driving in work zones. I pay attention to the posted speeds and that makes me one of the slowest people in that section of the road. I think many drivers just see those limits as advisories as if they are being told the conditions might be more of a challenge for them. And so they fail to reduce their speed because they think, well I can handle it. They don't see the reduced speed limits as a means of protecting our workers. I think it is absolutely imperative that we do more to enforce work zone speed limits. Police presence should be stepped up in work zones but that is often not possible. And so there is no question in my mind that photo devices should definitely be put into place. Thank you.

Jennifer Givner: Thank you Mr. Boehm we appreciate your time today. The next speaker we have lined up is Sarah Patrie she is the Vice President of Transportation Services for the Association of General Contractors of New York State. Sarah your line has been unmuted.

Sarah Patrie: Good afternoon Executive Director Driscoll, Troop T and the distinguished Thruway staff. Thank you for the opportunity to testify on behalf of the highway construction industry here in New York State. My name is Sarah Patrie. As a former project manager and a current leader in the construction community, I not only support this legislation but I urge you to implement it without delay. Most people will never know what it's like to go to work in a highway work zone. So I'll make a comparison for those of you. Have you ever walked down the shoulder of a State Route with a 55 mile an hour speed limit? A car passes you every couple of minutes, some drivers notice you and they might move over a little while others whiz by you at a modest 60 miles an hour. The wind from them passing you physically moves your body. It might take your breath away for a second as you turn your head in the direction of that car and think to yourself, "Geez, couldn't you have moved over or slowed down? Didn't you see me walking?" Now multiple that by cars, trucks and tractor-trailers whizzing by you on the Thruway every five to ten seconds. The speed limit has been reduced from 65 to 55 but most of the traffic is still barreling down the road at 75 miles an hour the only attention being paid is to race the driver next to them to move over just before the lane closure starts even though they've

known about it for over a mile. Work zone intrusions are almost exclusively because someone is speeding and not paying attention. We have men and women working on our roadways every day that have the right to get home safely to their families and not worried about being injured or killed by someone in a work zone. I believe that speed violation systems in active work zones will force the average driver to pay attention and slow down. Every driver is responsible for the way they operate their vehicle and failing to obey the speed limit should, at the very least, be penalized with a monetary fine. Drivers treat work zones like it's going to delay their drive by several hours. They get aggressive and in some cases over the last few years, they've even exited their vehicles to physically assault construction workers because of the simple inconvenience that work zone had on their day. What people don't realize is that most work zone accidents result in the driver being seriously injured or killed. These cameras will remind drivers that no one is too busy to slow down and save a life, especially if it might be their own. I believe that implementing this program is a great step toward safer work zones and will help get the traveling public to slow down and pay attention. We all share in the responsibility of keeping the people working in and driving through our highway unsafe. On behalf of the Highway Construction Workers of New York we thank the Thruway for working to implement this program and create safer work zones. We strongly support this legislation and we urge its implementation. Thank you.

Jennifer Givner: Thank you Sarah we appreciate your time today. Our next speaker is Chris DiStefano. Chris your line is unmuted, you have the floor.

Chris DiStefano: Thank you to everybody from the Thruway, the staff, DOT and the troopers I certainly appreciate the opportunity to speak here today. My name is Chris DiStefano I'm Chief Operating Officer at Harrison and Burrowes Bridge Constructors based out of Albany. They do a lot of New York State Thruway work and a lot of DOT work here and the Capital District and down in the Hudson Valley. Sarah mentioned this to me last week and it gave me the opportunity to come and speak today. We've had a lot of work zone intrusions over the course of even the past two or three years as recently as last week on our DOT job in Ulster County one of our flaggers was hit by a car. The driver sped through the work zone was not paying attention, was distracted and then didn't even stop after our flag man was hit and drove away. We had a fatality in one of our work zones in Newburgh on the New York State Thruway April of this year where a tractor-trailer rear-ended another tractor-trailer that was right at the north end of the southbound lane of a bridge replacement project at mile post 58 just south of Newburgh the exit. And I could tell you stories like this for the rest of the afternoon. We had a superintendent been working since 1986 get hit by a car on I-90 in Region 1 in Albany on one of the DOT projects and the stories go on and on. I appreciate you guys getting this legislation out. We are in full support of it here and I know I speak on behalf of a lot of the contractors from Buffalo to Long Island. We really, really urge you to get this implemented to help protect our workers who are afraid to go to work on the Thruway on DOT projects where they're fearing for their lives and wondering if they're going to get home to their family or not. This isn't just one or two employees that have told me this over the course of the past two or three years. It's numerous people that have come to us. Some people have been with us since the mid 80s, some people have been with us 20 years and it's scary. As recently as yesterday, I was on the Thruway

at mile post 58 and cars were still buzzing right along. We're removing barrier right now because we're getting ready to open the road back up to its normal traffic configuration and it's terrifying. So I certainly appreciate being given the opportunity to speak here today and we are in full support of this legislation and really urging you to implement this as quickly as possible. So thank you very much for everything you do.

Jennifer Givner: Thank you Chris. We appreciate your time on this. Our next speaker today is John Cooney, Jr. John your line is open, you have the floor.

John Cooney, Jr.: Thank you Jennifer. Good afternoon Executive Director Driscoll, Thruway Authority panelists and Major DiRienzo. Thank you for the opportunity to contribute to this important public hearing on a demonstration project to enforce work zone speed limits by placing speed cameras in work zones. My name is John Cooney, Jr. and I serve as the Executive Director of Construction Industry Council Westchester on the Hudson Valley, Inc. The CIC has actively collective bargaining agent for some 600 employers in the heavy highway contracting community, as well as hundreds of suppliers and builders throughout the region align with DOT region aid. As advocates for the Heavy Highway and Transportation infrastructure sector of construction, CIC partners with some 30 union locals of organized labor, collectively speaks for more than 30,000 local residents who are employees of these enterprises and members of families throughout the seven counties of the lower Hudson Valley. The CIC is very pleased that the legislation allowing this pilot program was passed by the assembly and senate and signed into law. Simply put, excessive speed in the work zone brings the increased risk of accidents, property damage, injury and death. We are aware of the use of speed enforcement camera technology in other states that has significantly reduced excessive speed in the work zone. Further, in these states, the reduction of speed lessened the number of accidents and fatalities in work zones. The New York State Thruway pilot program will allow for the gathering of data that should prove out the effectiveness of the use of speed cameras in work zones. We, at the CIC, are optimistic that the same positive results registered in other states will correlate with the data gathered by the New York State Thruway Authority pilot program. The safety of our employees and the traveling public in work zones is our number one priority for our industry. The goal has been and always will be zero accidents in the work zone. How do we continue the pursuit of zero? We believe that amber lights need to equal red and blue lights. Any of us that drive a vehicle react and are alerted to red and blue lights of police vehicles? Why? Why do red and blue lights get our attention? They do because of the fear of enforcement, tickets, fines, and points on our licenses. Further, many of us have been involved in projects where law enforcement officers and their vehicles have been present in the work zone. The presence of law enforcement in the work zone consistently reduces the speed of the motoring public which consequently increases safety. It is our advanced conclusion that speed enforcement camera technology used in this pilot program will product positive results. In conclusion, we fully support this demonstration project and look forward to its results. We offer our cooperation with this project in any way the New York State Thruway Authority sees fit, the CIC, its Board and our members truly believe that work zone speed camera enforcement will save the lives of our employees and the motoring public and can truly be the foundation for amber lights equaling red

and blue lights in the future. I thank you for your time and I very much appreciate the opportunity to testify on something as good as this. Thank you.

Jennifer Givner: Thank you John. Thanks for participating today. Our next speaker, we're running a little ahead of schedule here so we have a few folks that are in the waiting room area as attendees so we're going to keep moving ahead as we see them. Our next speaker is John Corlett from AAA. John your line is open you can go ahead.

John Corlett: Thank you Jennifer. My name is John Corlett, I'm chairman of the legislative committee for AAA New York State a federation of the five AAA clubs representing almost 2.8 million AAA members residing in New York State. I wish to thank the executive team and Executive Director Driscoll and his staff for inviting us to testify on this important subject. As we all know, work zones play an essential role in the state of maintaining good repair on our highways. However, the presence of work zones often creates a challenge in driving environments that results in crashes, injuries and fatalities, crashes that are often the result of excessive speed. Indeed speeding in work zones is a dangerous driving behavior with deadly consequences. According to state data, in 2018 there were 701 work zone crashes resulting in 329 injuries to drivers, contract employees and state staff. Further, there were 13 driver fatalities. Moreover work zone related crashes nationwide are on the rise. In fact, according to the latest federal data released by the Federal Highway Administration, between 2018 and 2019 fatal crashes at work zones increase by 11 percent. Furthermore, worker fatalities at road construction sites where speed was a factor increased from 172 to 239 incidents a 31 percent increase. With respect to automated enforcement efforts in New York State, our association has conducted rigorous oversight reports of automated enforcement programs operated by municipalities across the state and issued a host of recommendation that in our opinion would improve these programs. And we applaud the fact that state police makers have incorporated into this legislation many of the recommendations we sought to improve these programs. These include a requirement that a significant amount of the money generated from this program would be dedicated to enhancing state work zone safety efforts, provisions mandating a 30-day warning period, a requirement for a comprehensive report with respect to work zone safety programs on the impact of crashes and safety, a provision mandating that the results of the program be transparently displayed on public facing websites. And lastly, we support the requirement that signs be used to alert drivers of the presence of cameras in work zones. On this final provision, we would respectfully request that the Thruway and DOT go one step farther and post messaging on their variable message signs along the state's major controlled access highways. In our opinion this would result in increased safety in all work zones across the state, a phenomena dubbed by safety professionals as having a "halo effect" even at locations where no cameras are operating. Finally, I would like to offer AAA's assistance with respect to public outreach campaigns to educate driver's with regards to the dangers of speeding in work zones and we would be happy to include this, in fact we already include this in many of our defensive driving courses that we offer to people throughout the state that want insurance reduction program and we would be happy to utilize any other traffic safety channels in our member publication, e-mail, social media to educate the driving public when this program gets up and running. So, thank you for inviting us to testify.

Jennifer Givner: Thank you John, we appreciate you participating today. Our next speaker today and moving a little bit ahead of schedule by about 15 minutes or so, I have Michael Osborne, President of the CSEA Local 58. Mike your line is open, you can go ahead.

Michael Osborne: Thank you Jennifer. Good afternoon my name is Michael Osborne and I am the President of CSEA Local 58 here at the New York State Thruway Authority. I am also a 30 plus year employee of the Authority. I want to thank Director Driscoll and the Thruway panel for giving me the opportunity to speak about this very important subject. CSEA strongly supports and supported this legislation because too many members are being injured or killed in work zones. Since 1983 57 CSEA members have been killed in work zones. This number is unacceptable and way too high. We need to do everything we can to protect our work zones and protect our workers in those zones. One of those ways is speed zone cameras, work zone speed cameras. They have a proven track record of success in states where they have been implemented. Maryland saw an 80 percent reduction in speeding and a 50 percent drop in fatalities after implementing speed cameras. A study of work zone cameras in Illinois found that cameras were as effective in reducing speed as having a police car present in the work zone. The use of speed cameras will help to better protect our workers, improve safety in highway work zones and curb unsafe driving behavior. For those folks that may have a problem with the revenue related to this legislation, the majority of the fine revenue collected under this program is specifically required to be used to make work zones safer. This program is about protecting workers not raising revenue. On a personal note, like I stated, I've been a 30 year employee of the Thruway Authority. I have worked in many work zones over my career and I cannot stress enough how dangerous a job it is being in those work zones. I have personally witnessed vehicles going through work zones posted at 55 miles an hour at speeds well over 100 miles per hour. I have witnessed accidents, employee injury, the list goes on and on. We need to do everything that we can to protect all of our workers out there in these zones. If we don't, things can just be catastrophic. Just having to deal with the aftermath of one of these accidents I think people that are driving out there don't realize how difficult it is for employees, coworkers in dealing with these situations when they happen. We need to do everything we can to make sure they don't happen anymore. So I cannot stress enough how important it is to slow down, how important this legislation is and how strongly I support it. I would like to thank the Thruway Authority for looking to implement this program as quickly as possible and I look forward to continuing to work with the Thruway Authority to find more ways that we can protect all of our employees. Thank you very much for your time.

Jennifer Givner: Thank you Mike. Thank you for participating today. Our next speaker is Bill Tente. Bill your line is open and unmuted, you can go ahead.

Bill Tente: Great thank you. Good afternoon my name is Bill Tente, I'm a former member of the Transportation Research for Traffic Law Enforcement Committee and I'm currently the Director of Technology and Public Safety for Conduent one of North Americas leading auto photo enforcement providers. We currently partner with the New York State Thruway Authority to help manage the New York E-ZPass tolling program and have roughly 1,200 employees in the

state supporting other important government programs. We want to begin by commending the Governor, the New York State Thruway Authority, New York State Department of Transportation, and New York State Police for choosing to implement automated speed enforcement in work zones. States such as Maryland, Pennsylvania, and Illinois have seen positive results using such technology including significant reductions in vehicular speed and a reduction in crashes when cameras are deployed. Automated photo enforcement has been around since 1965 and was first introduced into the United States in 1986. Automated speed enforcement in work zones was first implemented in 2006 in the State of Illinois and Conduent helps manage this program today. There are various forms of the technology, all of which have proven to be effective in helping to reduce instances of speeding and speed related crashes. Conduent has partnered with the Maryland State Highway Administration and the Maryland State Police to implement a laser based technology known as scanning LiDAR that has contributed to a significant reduction in vehicles violating the established speed threshold. When the Maryland program began, seven percent of drivers in enforced work zones were exceeding the speed limit by seven miles per hour or more. The implementation of scanning LiDAR based speed enforcement, today only about one percent of drivers exceed the speed limit of 12 miles per hour or more representing a nearly 90 percent reduction. According to the Governor's Highway Safety Association, speeding is a factor in 26 percent of all traffic fatalities. The HSA advocates for Highway and Auto Safety the Insurance Institute for Highway Safety and the National Safety Council as well as other groups all support the use of automated enforcement. As a subject matter expert in automated enforcement technologies, I can personally tell you that it works and will continue to work moving forward. Conduent stands ready to help and support your efforts in this important initiative. Thank you for your time.

Jennifer Givner: Bill thank you for participating today. Our next speaker, again, running a little bit ahead of schedule but we see that he is here and ready to go hopefully, Steve Morgan. Steve your line is unmuted I hope you're ready for us.

Steve Morgan: I am. I'm always ready but good afternoon and Jennifer thank you. My name is Steve Morgan, I'm a transportation infrastructure consultant. I am also secretary of the New York Roadway Infrastructure Coalition. I used to work at the Thruway Authority for 18 years and at Motor Vehicles. So my background is pretty heavy in traffic safety and work zone safety. It is near and dear to my heart. Thank you Director Driscoll, Thruway staff and New York State Police for putting together this hearing. State Senator Tim Kennedy, Assemblyman Bill Magnarelli for leading the successful effort in passing this bill and thanks to Governor Hochul for her prompt signing of the bill very appropriately on Labor Day. Governor Hochul often says her number one job is to keep New Yorkers safe. Maybe I've heard it in the context of COVID but I think by her signing it on Labor Day she has specifically addressed the men and women who are working hard on our roads and bridges day to day to make New York State even that much greater. This initiative will go a long way to keep our maintenance workers, contractors and engineers safe as they perform their important work. Based on national data and my gut feeling, I am confident that data collected during this five-year demo project will prove that a reduction in speed by camera enforcement will reduce accidents, injuries and fatalities certainly in the work zone. Over the last decade or so the use of cameras for enforcement, examples red

light cameras and school zones has been controversial. But in my mind, traffic safety, human safety of our highway workers both public and private far outweighs any issues with the technology of today. Where possible in the past we have used jersey barriers, rumble strips, various message signs, speed limit signs for a work zone and we've had the presence of New York State Police. That's mitigated a small piece of the problem. A better solution is needed. I believe this legislation and this effort is what we need at the moment. In today's world smartphones, drones, E-ZPass, cashless tolls, cameras in our homes, our businesses, street corners are a way of life. And yet cameras in the work zone are, to me, a logical next step. No one should think that New York is doing this effort to try to give out more tickets for revenue but rather, work zone cameras as a way to slow down and save lives, safety first is a great campaign. As I said, my career has been in infrastructure. I started out as a county highway worker during my college summer days working on shoulder work with a few cones and one flagman never thinking of safety back then. We've come a long way and certainly by motor vehicle and Thruway I worked for an engineering firm and now as consultant which brings me to this point where we have to do everything to protect the men and women public and private that are doing the work for New York. I also represent Long Island Contractors, the VCA of New York City, Hudson Valley Contractors and AAA plus consulting firms. So, all those people work on the road as well as the men and women of state service. So to me this is long overdue but it's better late than never. I can add my voice of support. So I want to thank you for the opportunity. Please add my voice of support and the people I represent for this demo project and together let's keep the state highways and bridges safe for motorists in our work zone, safe for the men and women who work to improve our state's aging infrastructure. Thank you very much.

Jennifer Givner: Thank you Steve. We appreciate you participating today. Our next speaker who is available and ready to go hopefully is Mark Zylberberg. Mark your line is open if you're ready for us we're ready to take you a little earlier this evening.

Mark Zylberberg: Yes, thank you. Unlike the previous nine speakers I'd like to present a different point of view. I've been an attorney for about 37 years. My point of view is more as a member of the driving public and I have a couple of items that I'd like to address. One is I would like to make sure that the work zone cameras when they're active, they're active while the work zone is an active work zone. In other words there are actually physically men and women working in the work zone which I think is a requirement in the law although the law is mostly incomprehensible even though I've tried to read it. The other item that I wanted to address is it is my belief, and again, this is as a member of the traveling public and speaking to other members and friends, one of the reasons that drivers don't respect limits, is because a majority of the time there is no work being done in the alleged work zone which has caused driver's to become complacent in believing that no work is being done and therefore they continue on and in those rare occasion when work is being done then sometimes it's too late and that is unfortunate. But some of that has been caused by the worker's themselves by posting these signs which they never take down and are constantly present for days, weeks, months even though work is not being done. And a perfect example is in Albany on I-90 there's a reduced 45 mile per hour and no work has been done for weeks. There's a current 35 mile per hour on Route 4 right now going on and also no work is being done. Another item I wanted to address was

importance of actually having a sign indicating the presence of cameras where there are active cameras. Unlike the AAA speaker, I think you should only post it when there are active cameras and not try to fool the public in believing there are cameras when there are not cameras. So be truthful to the public and tell them if you have cameras that the cameras are there and they're operating. And the final item that I wanted to address is the lengthy notice amount which sometimes can be good except when there is no work being done. You'll get a notice maybe three, four, give miles before the work zone saying, work zone ahead or flagman ahead and you slow down and you get closer and closer and you get to the flagman and there is no flagman there. So again, this is a repetition but those are my comments. Thank you very much for the opportunity to provide those.

Jennifer Givner: Thank you Mark, thank you for joining us today and providing those remarks. Our next speaker, again, moving a little bit ahead of schedule here is Mike Jovanovic. Mike, I see that you're in our room here - are you ready to go?

Mike Jovanovic: Yes I am thank you. I want to thank everyone for being here at this very important meeting. I'm the President of Teamsters Local 72. Local 72 represents maintenance and other workers who work for the New York State Thruway Authority. Prior to becoming the President of Local 72 I was a bridge repair mechanic on the Thruway for over two decades and was involved in many land closures and work zones. Due to the proximity of the work areas to the high-speed vehicle traffic and the noise generated by the work itself, individuals performing the work find themselves in a very dangerous situation. Workers have been injured and even killed by careless motorists. I have personally experienced many accidents and close calls from motorists not paying attention. Any of these events can and could have resulted in a tragedy. The legislation signed by the Governor is an attempt to lessen the danger in which Thruway workers are exposed when working close to traffic. Reduced speed limits and double fines for speeding in work zones have been around for many years. The legislation beefs up the ability to enforce those speed limits and thereby create a safer work environment. Once the motoring public is made aware of this capability it is likely that the motorist will pay more attention and greater compliance with reduced speed limits which will result in the workers having a safer and Local 72 represents this type of action. The legislation increases the probability that the Thruway workers will return home safe and sound at the end of their shifts and is certainly supported by Teamsters Local 72 and by myself. Thank you very much.

Jennifer Givner: Mike thank you for participating today, we appreciate it and thanks for moving up a little bit I know we are ahead of schedule. At this time we're going to take a pause for about 10 minutes. We have a few additional speakers that are signed up for later but they're not on right now. At this time I'd also like to suggest that if anyone is watching this and would like to call in and get the link so they could make some comments, we're still here till six o'clock this evening. You can call us at 518-471-5300. Additionally you can submit comments by e-mail. Perhaps you don't want to speak over WebEx today with us but you can send us an e-mail and that's workzonespeedviolation@thruway.ny.gov. If you go to that send us something through the e-mail address we'll be able to take those comments and also take a look at them at a later

point. We're going to take a quick break for right now about 10 minutes then we will come back. So thank you very much.

The line is open you can go ahead. Ron are you there? Oh we can hear you. Go ahead.

Ronald Kozak: Thank you Jennifer. Good afternoon panel, Major DiRienzo, Laurie Abeel, Matt Latko, Patrick Hoehn, Phil Serafino, Brent Howard, Jim Konstalid and Executive Director Driscoll, long time no talk. Thank you for taking the time to listen to our comments for this public hearing. My name is Ronald Kozak I'm secretary/treasurer for Teamsters Local 72 which represents over 1,000 unit one employees who work for the Thruway Authority. This unit is for these work zone speed cameras if they're used for the right reasons, just to catch speeders in work zones not to be used to discipline anyone of my members. As you know in 2016 we lost Ron Deming while he was assisting a customer on the side of the road. We also lost two toll collectors Rob Chemanski and Cheryl Anderson who were not in work zones but just outside tollbooths. I, myself was struck by an unlicensed operator while crossing the toll lane but was lucky enough to survive. The question and concerns I have are as follows with this. So when reading this bill, one question I have is why won't these be used on exit ramps? My members do a ton of work on these. Two, why are there only ten along the Thruway total? Will more come along after the pilot program? And who is going to perform the self-test on the day of use and annual calibration of this equipment. Will the union be provided copies of the certification calibration form? Will they be transported to and from the work zone and by whom and with different types of weather all over the state, shouldn't the calibrations be done more often than annually? That's all I have for today. Again, thank you for your time and Jen nice hat rack.

Jennifer Givner: Hey I'm a Mets fan what can I say. Thanks Ron we do appreciate your time today. Everybody we've had a great participation so far and we really do appreciate it. Our next speaker signed up for today is Kendra Hems. She's the President of the Trucking Association of New York. Kendra your line is open you can go ahead.

Kendra Hems: Hi, and good evening. Thank you for the opportunity to be here. My name is Kendra Hems and I am President of the Trucking Association of New York, we are a not-for-profit trade association which represents the interests of the trucking industry in New York and I appreciate the opportunity to be here. Safety is a top priority for the trucking industry, safety of our drivers as well as though who we share the highways with. We support programs that keep our men and women who conduct necessary and critical maintenance and repairs to our highways safe and over the years, the association has been a strong advocate and partner in promoting work zone safety. We provide training and education to our members about work zone safety and propose important initiatives such as Operation Hard Hat and National Work Zone Awareness Week. Overall, we are in support of the intents of the pilot program however we have concerns that the program may not consider commercial motor vehicle operations. First, as far as I can tell it indicates that two photos of the rear of the vehicle will be taken. For our members this is problematic as in a tractor-trailer combination the trailer being hauled may not actually be owned by the operator of the tractor. It will be an administrative burden for carriers that receive or the owners of those trailers that receive these violations in the mail to

check on who was actually hauling that trailer at that time as there are many interchange agreements within the industry. Additionally, the operator of the vehicle is frequently not the owner. While there does provide for a transfer of liability in the cases of vehicles that are being leased, the language of the legislation indicates that in the case of an operator not being the same as the owner it typically will assume unless it can be proven otherwise that the operator was driving that vehicle with consent. So there is a concern for our motor carriers will they will they be able to transfer liability of those violations to their drivers? Aside from those two primary concerns, as I said, we are supportive of the initiative as an industry we take safety on our highways seriously, it is our workplace and we want to ensure the safety of everyone that utilizes those highways with us so we can address the concerns to ensure that the program is fair to the motor carriers in order to transfer liability when these tickets occur that's really the primary concern that we have. I appreciate the time thank you.

Jennifer Givner: Thank you Kendra, we appreciate you participating today. The last speaker that we have signed up for today we still go until six o'clock so our phone is open for anyone to call and get the link to the WebEx. Phone number is 518-471-5300. Please give us a call if you would like to speak. Additionally you can just send us an e-mail at workzonespeedviolation@thruway.ny.gov. But our last speaker for this evening that has signed up so far is John Evers. John your line is open and so you can begin.

John Evers: Okay thank you very much I appreciate it. I had a little difficulty getting onto this.

Jennifer Givner: Sorry about that. John can you speak up a little for everyone. I know I can barely hear you so I assume the same for everybody.

John Evers: Okay is this better.

Jennifer Givner: Great thank you.

John Evers: Okay well good afternoon ladies and gentleman I'm honored to participate in the Thruway Authority's virtual public hearing on the recently signed law. We're very pleased to support this. ACC New York is a proactive coalition representing nearly 300 member firms who engage in every discipline of engineering related to the belt environment and that includes civil, structural, mechanical, electrical, environment and geotech. Incidentally, 2021 marks our 100th anniversary. So we've been on New York roads for a long time. Collectively we employ over 30,000 New Yorkers and nearly 10 times of that worldwide. We shared our concerns about such projects in the past and it's usually been overly supportive. The new law takes a measured approach and we're very happy that it establishes a firm footing on the roll out of the program. It's consultative in that it requires a multiagency agreement while establishing a 5-year work zone camera demonstration project and it targets up to 20 DOT projects and ten Thruway and controlled access highways. So the selection of criteria takes into account the historical, the speed, the road geography and other factors. Operators of the monitoring system shall be specifically trained establishing and operating the systems, and the camera systems will be annually tested and certified. So the law has taken into account many factors that have gone into

previous studies on this. This bill, like many of these bills, has a study and the report is required and it will ensure statistical data compiled and shared with both the industry and lawmakers for possible future permanent programs. The bill memo I note having read it before in the past we've seen this states the State of Maryland and it has resulted in a 10 percent mean reduction in driver speed and likewise about a 59 percent to almost 45 percent in reduction of likelihood of fatalities. New York State ACEC was proud to be at the unavailing of the Highway Worker memorial just recently by the Governor and we have seen over the years with operations like Operation Hard Hat the impact this has on humans and the workers in New York State engineers included. So we think this is a fantastic first step. We support it and we look forward to a more permanent roll out on this to ensure safety for those who are ensuring the safety of the roadways. So I appreciated very much being here Director Driscoll and members and happy to support this law as it's unrolled.

Jennifer Givner: Thank you so much for participating today. As I said, this concludes those who have signed up to speak today for the public hearing. We still are available and ready to listen to any comments that come in over the next hour or so. Please give us a call 518-4710-5300 and we'll get you signed up and get you queued up so you can speak to the panelists. But right now we'll take another break. I'll be back in say 10, 15 minutes and we'll go from there if we have anyone else signed up. So thank you. Appreciate your time everyone.

Jennifer Givner: At this time its 6 p.m. for some reason we're just having a technical difficulty where my video won't start back up but I just wanted to let everyone know and say thank you for joining us this evening. We had great participation from so many individuals about a really important topic. We were happy to hear from all of you and we will be back in touch with some more information when we have it coming soon. but thank you again for participating and have a good night everyone.