



**Testimony on the FY 2021-22
Executive Budget Proposal**

Transportation

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Testimony submitted by:

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Chairs Krueger, Weinstein, Kennedy, and Magnarelli, thank you for the opportunity to submit testimony on Governor Cuomo's FY2021-22 Executive Budget proposal as it relates to transportation.

CSEA proudly represents 300,000 public and private sector employees and retirees across the state. Many of these members serve in roles essential to transportation networks across the state. CSEA members work for the State at the Department of Transportation (DOT), Department of Motor Vehicles (DMV), and Thruway Authority, at local highway departments and public transit agencies, at school districts, and at any number of other State, local government, and private sector employers.

CSEA members maintain our roads, drive our kids to school, provide the public face of many services, and wake up while everyone else is sleeping to ensure that snow is plowed and the rest of us can get to work.

While the FY22 budget includes many proposals impacting CSEA members throughout New York, our testimony today focuses on the need to better protect workers in the transportation sector.

Working on or near roads and highways is one of the most dangerous environments CSEA members face. Every day, workers across the state deal with heavy equipment, the elements, and hazardous materials to keep our roadways clean and safe. In addition to the number of hazards of the job itself, road workers are forced to dodge distracted and unsafe drivers.

In 2018, the most recent year with data available, there were an estimated 123,000 work zone crashes, which resulted in 45,000 injuries and 755 deaths of motorists and workers nationwide.ⁱ In New York, on state roads and bridges alone there were 701 crashes resulting in 329 injuries and 13 fatalities.ⁱⁱ

Over the years, dozens of CSEA members have been killed in work zone crashes, with countless others injured. In 2019, two CSEA members lost their lives in work zones.

This problem is only getting worse.

According to an analysis of Federal Highway Administration data, work zone crashes and fatalities actually spiked in a number of states during the Coronavirus pandemic, despite traffic being largely reduced.ⁱⁱⁱ In recent months, videos of drivers intentionally striking highway workers with their vehicles and even driving away with the worker on the hood of the car have been widely shared across social media.^{iv}

Something must be done – now – to better protect these workers.

CSEA applauds the Executive Budget's inclusion of a proposal (contained in Part B of S.2508 / A.3008) to enhance protections for highway and other transportation workers.

Specifically, this proposal would:

- Increase penalties for assaulting a highway worker, motor vehicle inspector or motor carrier inspector, or an employee of the DMV or a county clerk performing motor transactions on behalf of the DMV;
- Create the new crime of menacing a highway worker, a class E felony;
- Require a mandatory license suspension for menacing a highway worker;
- Establish the new crime of intrusion into an active work zone, a class B misdemeanor; and
- Direct the Governor’s Traffic Safety Committee (GTSC) to increase public outreach and educational awareness of work zone safety.

These proposals are all positive steps that would show that the State is taking seriously the risks faced by transportation workers.

However, all of these proposals are reactionary. Regardless of whether a driver is punished for injuring a highway worker, at the end of the day a highway worker is still injured. The driver that killed Dennis “Matt” Howe, a CSEA member killed when a vehicle collided with a DOT truck in an active work zone in 2019, was rightly found guilty of criminally negligent homicide. Nonetheless, that conviction will not bring Matt back to his wife and children.

What we really need is a pro-active effort to better protect workers **before** another tragedy strikes.

New York’s “Operation Hardhat” is an acknowledgement of how serious the issue of work zone safety is. We have reached the point where State Troopers are going undercover as highway maintenance workers in work zones to crackdown on violations. From July through November 2020, the State Police issued 1,779 tickets under this program, with 618 (35%) of those violations being for speeding.^v

In neighboring Pennsylvania, the state launched a program where speed cameras were installed in work zones to automatically issue violations to drivers speeding through the zones. From the program’s launch in March to September 9, 2020, 60,000 violations were issued for speeding 11mph or more over the speed limit in a work zone with workers present.^{vi}

Experience shows that unsafe speeds are a major factor in unsafe work zones. Therefore, in addition to supporting the measures proposed in the Executive Budget, CSEA is actively supporting efforts [A.485 – Magnarelli (2021); S.5223B – Kennedy (2020, not yet introduced in 2021)] to establish a program for the use of automatic speed cameras in work zones.

This is what is really needed to make work zones safer – a change in driver behavior that will prevent more injuries, not just punish offenders after the fact.

While a speed camera program may, at first glance, seem that it would not have a significant impact on work zone safety, there is an abundance of data that shows the efficacy of such programs.

Work zone speed cameras have a proven record of success in the states where they have been implemented. Maryland saw an 80% reduction in speeding violations and a 50% drop in fatalities after implementing speed cameras.^{vii} 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.^{viii} In Oregon, the mean speed of vehicles in work zones dropped by 10.5 mph when cameras were in use.^{ix}

A work zone speed camera program makes sense for New York as a way to make our roads safer for workers and drivers alike, and to ensure that the dedicated CSEA members that make our roads safe for travel get to go home safe at the end of the day.

Thank you for the opportunity to submit testimony to today's hearing. CSEA strongly supports the worker protections included in Part B of S.2508 / A.3008, and urges the legislature's additional consideration of a program for speed cameras in work zones.

ⁱ https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/10/06/work-zone-crashes-climb-during-pandemic-even-as-traffic-ebbs?utm_source=National+Conference+of+State+Legislatures&utm_campaign=e40869d204-06_OCTOBER_2020_NCSL_TODAY&utm_medium=email&utm_term=0_1716623089-e40869d204-377913484

ⁱⁱ <https://www.ny.gov/programs/work-zone-safety-awareness#:~:text=Motorists%20are%20required%20to%20slow,blue%2C%20amber%20or%20green%20lights.>

ⁱⁱⁱ https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/10/06/work-zone-crashes-climb-during-pandemic-even-as-traffic-ebbs?utm_source=National+Conference+of+State+Legislatures&utm_campaign=e40869d204-06_OCTOBER_2020_NCSL_TODAY&utm_medium=email&utm_term=0_1716623089-e40869d204-377913484

^{iv} <https://twitter.com/nysdot/status/1320795621880713223?s=21>

^v <https://www.governor.ny.gov/news/governor-cuomo-announces-1779-tickets-issued-state-police-during-operation-hardhat-surpassing>

^{vi} https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/10/06/work-zone-crashes-climb-during-pandemic-even-as-traffic-ebbs?utm_source=National+Conference+of+State+Legislatures&utm_campaign=e40869d204-06_OCTOBER_2020_NCSL_TODAY&utm_medium=email&utm_term=0_1716623089-e40869d204-377913484

^{vii} <https://cluballiance.aaa.com/public-affairs/press-release/?rdl=midatlantic.aaa.com&ld=5758f27d-de31-46a4-b70d-81b12624c98b>

^{viii} <https://www.talkpatransportation.com/assets/TAC/Cameras%20In%20Work%20Zones%20-%20November%202012%20-%20Final%20Report.pdf>

^{ix} <https://www.talkpatransportation.com/assets/TAC/Cameras%20In%20Work%20Zones%20-%20November%202012%20-%20Final%20Report.pdf>