



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 135

April 30, 2015

Good morning, and thank you for the opportunity to speak today on Senate Bill 135, a bill to prohibit the use of cellphones in work zones. This issue was brought to my attention by one of my constituents, Jim Griesbach, Marathon County Highway Commissioner, who will also be testifying today.

As you may know, in 2009 the Legislature passed Act 220, which prohibits a person from composing or sending text messages or emails while driving. Similarly, 2011 Act 164 was passed to prohibit a beginning driver – a probationary licensee or instruction permittee – from using a cellphone while driving, except to report an emergency. While we have come a long way, I believe there is more we can do to ensure the safety of our public roadways and help to curb the prevalence of distracted driving. Although there are obvious difficulties with the enforcement of these laws, they do serve as an excellent educational tool to teach and reinforce the idea that the safest drivers are those that pay full attention to the road.

Information from the AAA Foundation indicates that more than half of all drivers admit to using a cellphone while driving at least occasionally, despite the fact that many studies have shown that doing so is associated with roughly a quadrupling of the crash risk. In addition, crash data from DOT has shown that, from 2006 through 2013, there have been 83 fatalities in Wisconsin construction zones over that period. On average, over 1,500 crashes occur in construction zones statewide every year.

Across the nation, talking on a handheld cellphone while driving is currently banned in 12 states (California, Connecticut, Delaware, Hawaii, Illinois, Maryland, Nevada, New Jersey, New York, Oregon, Washington, and West Virginia), as well as the District of Columbia, Guam, and the U.S. Virgin Islands. In addition to these states, Arkansas, Illinois, and Vermont have enacted laws that prohibit a driver from talking on a hand-held cellphone while driving in a construction zone.

This bill will prohibit the use of a handheld cellphone while driving in a construction zone when workers are present. Drivers who violate this provision may be required to pay not less than \$20 nor more than \$40 for a first offense, and not less than \$50 nor more than \$100 for a second or subsequent offense within one year. The bill also incorporates two amendments introduced last session to clarify that: 1) a handheld cellphone may be used in a construction zone to report an emergency and 2) a driver may use a voice-operated or hands-free device to operate a cellphone.

Thank you again for the opportunity to speak on this bill. I would be happy to answer any questions you may have.

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Winnebago County
Highway Commission
The Wave of the Future

Wisconsin Senate Committee on Transportation & Veterans Affairs

Written Comments - Senate Bill 135

Ernest Winters, Winnebago County Highway Commissioner

My name is Ernest Winters and for the last 4 years I've been the Winnebago County Highway Commissioner. From 1994 to 2007, I was the Fond du Lac County Highway Commissioner.

In 2003, in Fond du Lac County, Dennis Roeseler, a Highway Department employee, was struck by a vehicle and killed while in a work zone on USH 41.

In 2006, Marc Nuemeyer and Dan Melhorn, two Winnebago County employees were struck and killed by a car while working on the shoulder of 41.

In the fall of 2014, a Winnebago County highway truck was struck by a semi traveling over 50 mph on 41. The employee survived but still isn't fully recovered.

This past Monday, a Calumet County highway employee was struck by a vehicle while working in a small broom truck and was very seriously injured.

These accidents happen all too often. The State of Wisconsin average is 8 fatalities each year in construction work zones. Many of these fatalities and injured are the drivers of the vehicles involved.

Distracted driving is a huge, growing problem. The use of cell phones is obviously, one of the primary reasons for drivers to be distracted while operating their vehicles. Our roadways are not getting any safer for those of us who have to work in and around them.

Drivers treat work zones as annoyances which slow them down and make their travel more difficult. We need to do a better job in public education regarding work zone safety and the need to slow down and respond appropriately when driving through a work zone. It's for the safety of the motoring public, as well as worker safety.

This is not an issue that affects only highway or construction employees. Police and Sheriffs Officers and State Troopers, Fire/EMS personnel, tow truck drivers, private construction workers and highway employees all work in and around heavy traffic. Usually, that traffic is moving faster than it should be and often times, the drivers aren't focused totally on what they're doing.

When a law enforcement officer or a highway employee stops on the shoulder to help a driver or fix a sign, they are at risk. We train them to keep their head on swivel and use good judgment and safe protocols when near live traffic but it's not enough. That driver approaching them 500 feet away traveling 70 mph may have just picked up a call.

I'm very proud to be serving as Chairman of the Statewide Traffic Incident Management Coalition. This group involves, law enforcement, fire/Ems, highway folks, DOT, and numerous others involved in responding to incidents.

How we all handle and respond to incidents on our highways is an issue for traffic safety as well as responder safety. The Coalition was formed and is supported by WisDOT in order to seek consistency, efficiencies and improved safety practices in incident management statewide.

The issues of distracted driving, cell phone use while driving and texting while driving are very high on our TIME Coalition radar screen.

We hope very much that the Senate Committee on Transportation and Veterans Affairs will pursue the passage of Senate Bill 135, prohibiting the use of cell phones or other wireless telephone devices in work zones. I'd ask you to keep in mind that this affects many, many public employees doing the work on public roadways on behalf of the motoring public. Something I think we tend to forget sometimes.

I'm happy to try and answer any questions you may have and thank you very much for the opportunity to discuss this very important legislation.

Ernest Winters, Commissioner
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To: Senate Transportation Committee

**From: Bill Skewes, Executive Director
Wisconsin Utilities Association**

Re: Support for “Cell Phones in Work Zones” Bill – SB 135

Date: April 30, 2015

Good morning Mr. Chairman and members of the Committee. Thank you for the opportunity to testify. My name is Bill Skewes and I am the Executive Director of the Wisconsin Utilities Association (WUA).

On behalf of Wisconsin’s investor-owned gas and electric utilities, WUA supports SB 135 relating to the use of cell phones in work zones and we appreciate the chairman’s leadership in bringing this proposal for consideration by the Committee.

We support this bill because it will improve the safety of our workers.

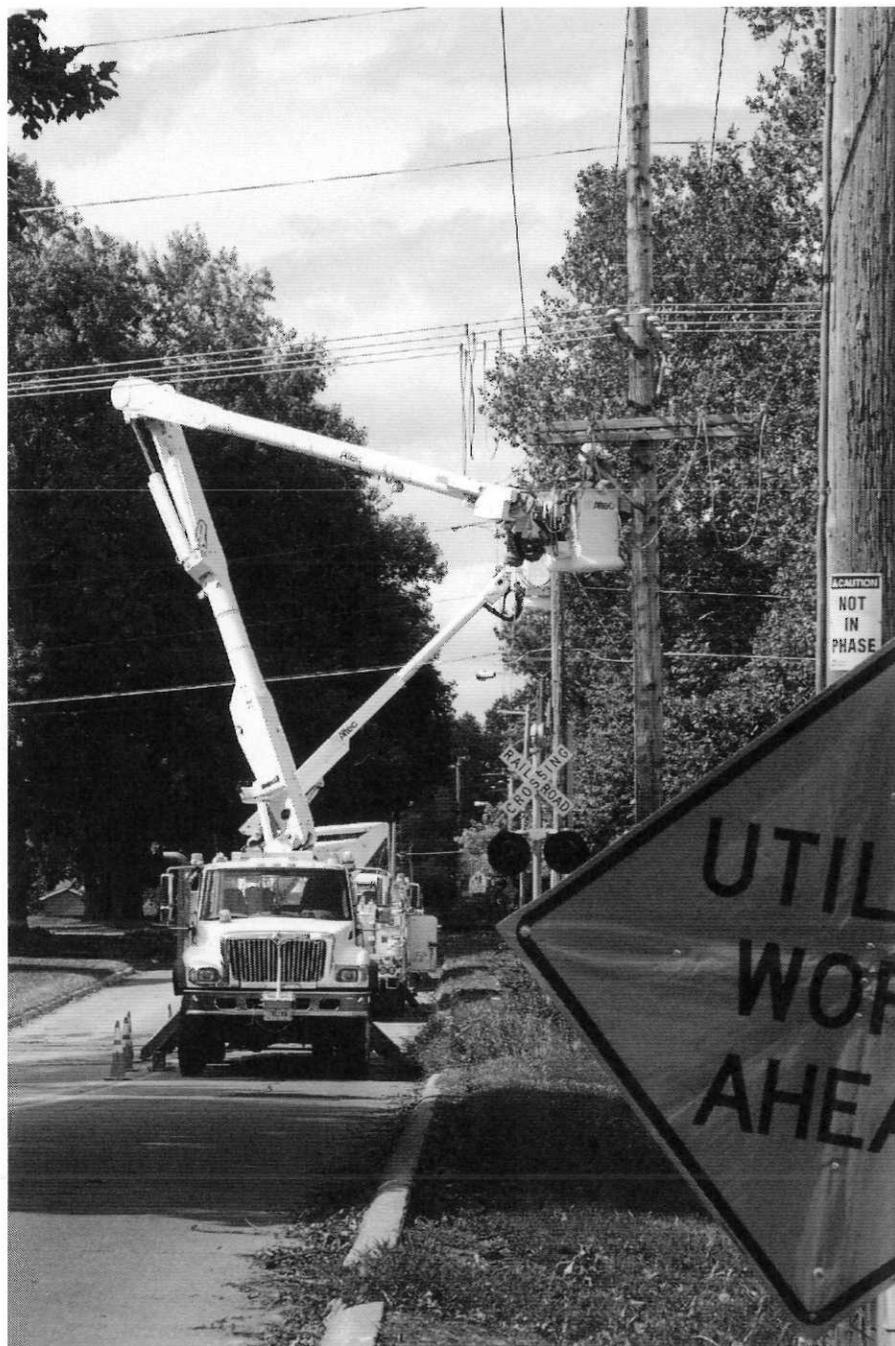
Under the bill, motorists would be prohibited from using a cellphone or other wireless telephone while driving in a construction zone when workers are present. Specifically, the bill states, “...where persons engaged in working in a highway maintenance or construction area or in a utility work area are at risk from traffic...”

With the proliferation of hand-held devices and with the onset of construction season, the risk of hazardous contact between motorists and work crews, including utility crews, will only increase. For example, as recently as February of this year, a utility worker in Florence, KY died after he was hit by a car and pinned between the vehicle and a utility truck. Indeed, according to National Safety Council, in 2014 over 25% of motor vehicle deaths resulted from distracted driving*.

Due to the nature of utility rights-of-way, our utility crews often have no other option than to work from or near a road, and their safety is partly in the hands of passing motorists.

While we’re thankful that the law clearly requires motorists to move over or slow down while driving near utility work zones, we think it’s important that drivers also not be distracted by talking on a cell phone. As our linemen and women work to get power restored, in many instances they can literally look down from their bucket trucks and see drivers passing by while talking on cell phones. That behavior unnecessarily puts their safety at risk.

By drawing attention to the issue of distracted driving, creating penalties and limiting its application to work zones when workers are present, the Legislature is taking a reasonable step to improve highway safety. Thus, WUA supports SB 135 as another common-sense way to protect utility workers and we urge you to support it, as well. Thank you.



- <http://www.nsc.org/learn/NSC-Initiatives/Pages/distracted-driving-awareness-month.aspx>;
- <http://www.wesh.com/news/3-pedestrians-killed-in-lake-county-crash/32155198>;
- <http://www.wlwt.com/news/construction-workers-struck-by-vehicle-in-west-chester/32512018>



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April 29, 2015

Transportation & Veterans Affairs
123 South, State Capital
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Dear Honorable Members of the Transportation and Veterans Affairs:

My name is Ronald Chamberlain and for the last 4 years I've been serving in the position of La Crosse County Highway Commissioner. Previous to that, from 1998 to 2011, I served as the Adams County Highway Commissioner.

In my seventeen years of service as a Highway Commissioner, I have seen several times where drivers have entered the working area of a work zone damaging their vehicles, equipment in the work zone and causing injuries to themselves and highway workers. In all instances, the cause of the incident was inattentive driving.

The most recent incident in La Crosse County occurred in April of this year. In that incident an elderly driver in a car was rear-ended by a pick-up towing a goose neck trailer in a work zone on I90. The driver of the car was slowing for the work zone, the driver of the pickup was not and as a result rear ended the car sending it toward our personnel and equipment at highway speeds. The car ended up wrapped around the rear end of one of our trailers and the driver was transported to the hospital. Thankfully, our employees were aware enough that they were all able to get out of the way so none of them were hurt.

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These accidents happen all too often. The State of Wisconsin average is 8 fatalities each year in construction work zones. Many of these fatalities and injured are the drivers of the vehicles involved.

Distracted driving continues to be a growing problem. The use of cell phones is obviously, one of the primary reasons for drivers to be distracted while operating their vehicles. Our roadways are not getting any safer for those of us who have to work in and around them.

Drivers treat work zones as annoyances which slow them down and make their travel more difficult. We need to do a better job in public education regarding work zone safety and the need to slow down and respond appropriately when driving through a work zone. It's for the safety of the motoring public, as well as worker safety.

This is not an issue that impacts only highway or construction employees. Law enforcement officials, Fire/EMS personnel, tow truck drivers, private construction workers and highway employees all work in and around heavy traffic. Usually, that traffic is moving faster than it should be and often times, the drivers aren't focused totally on what they're doing.

When a law enforcement officer or a highway employee stops on the shoulder to help a driver or fix a sign, they are at risk. We train them to keep a state of heightened awareness at all times and use good judgment and safe protocols when near live traffic but it's not enough. The driver of the vehicle approaching them 500 feet away traveling 70 mph may have just picked up a call.

I respectfully request that the Senate Committee on Transportation and Veterans Affairs will support the passage of Senate Bill 135, the use of cell phones or other wireless telephone devices in work zones. I'd ask you to keep in mind that this affects many, many public and private employees performing the necessary work on public roadways on behalf of the motoring public. Something I think we tend to forget sometimes.

Thank you for your time, consideration and continuing efforts to keep Wisconsin an excellent place to live, work and play.

Sincerely,



Ronald Chamberlain
Highway Commissioner

cc: file