



# JOHN SPIROS

State Representative • 86th Assembly District

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## *Assembly Bill 198*

May 12, 2015

Good afternoon and thank you for allowing me to have the opportunity to talk to you today regarding Assembly Bill 198, a bill to prohibit the use of cellphones in work zones. This issue was brought to myself and Senator Petrowski by my constituent Jim Griesbach, the Marathon County Highway Commissioner.

The AAA Foundation indicates that more than half of all drivers admit to using a cellphone while driving despite the fact that many studies have shown your risk of having a car crash is four times higher. In the last 7 years there have been 83 fatalities in Wisconsin construction zones. On average over 1,500 crashes occur in construction zones statewide every year.

Over 12 states have laws that ban talking on a handheld cellphone while driving, 3 states 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.

We should do all we can to ensure the safety of those who are working in construction zones. By reducing another distraction, like talking on a cell phone, drivers can be more vigilant to construction workers.

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



*Highway Department*  
*County of La Crosse, Wisconsin*

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May 11, 2015

Assembly Committee on Transportation  
State Capitol 223N  
P.O. Box 8953  
Madison, WI 53708

Dear Honorable Members of the Assembly Committee on Transportation:

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.

In April of 2015, a Calumet County highway employee was struck by a vehicle while working in a small broom truck, was very seriously injured and ultimately passed away.

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 Assembly Committee on Transportation will support the passage of Assembly Bill 198, 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

## 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: Assembly Transportation Committee**

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

**Re: Support for “Cell Phones in Work Zones” Bill – AB 198**

**Date: May 12, 2015**

Good afternoon 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 AB 198 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.**

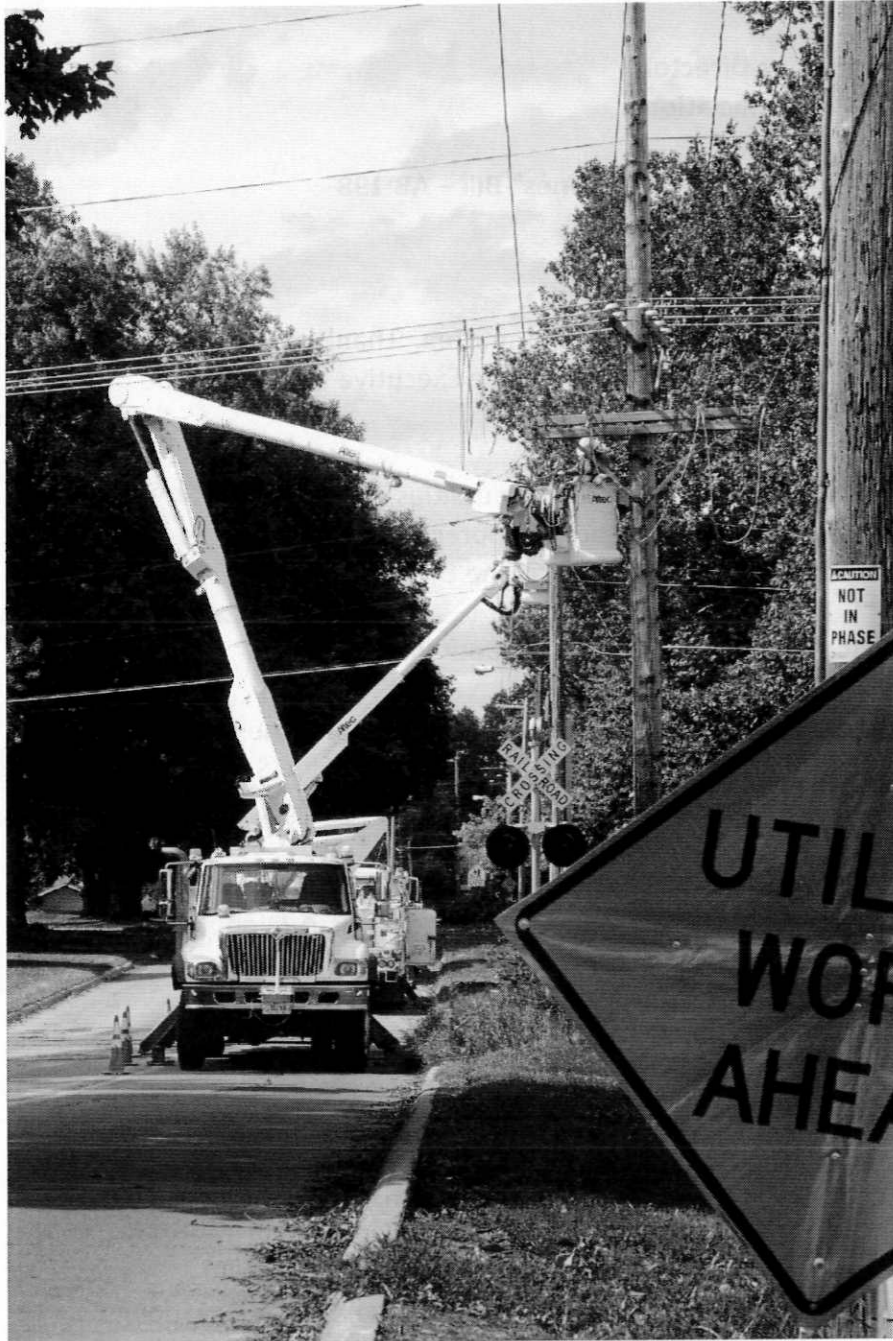
Under the bill, motorists would be prohibited from using a cellphone or other wireless telephone while driving in a construction zone when workers are present. Specifically, the bill states, “...where persons engaged in working in a highway maintenance or construction area or in a utility work area are 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 AB 198 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-westchester/32512018>