

August 18, 2005

John F. Guinan
Assistant Commissioner, NYSDOT
50 Wolf Road
Albany NY 12232

Dear Assistant Commissioner Guinan,

The AGC would like to thank NYSDOT and Jack Guinan for the Department's response to the AGC white paper and respectfully request a continued dialogue between NYSDOT, the New York State Police, the contracting community and others on this important issue.

Our goal as an industry is to keep work zone safety — for both the industry's employees and the traveling public — at the forefront when it comes to policy, planning and public relations. Specifically, we are looking for statewide policy and criteria for use of various engineering and safety controls. We are also looking for specified criteria of education for designers, use of State Police during M&PT set-up and take-down, and during actual work.

As per the Work Zone Safety Act of 2005, we seek to work with NYSDOT and others to define "MAJOR ACTIVE WORK ZONES," and to help develop a "system for reviewing work zone safety and design." We also would like to work with the Department to coordinate industry and government efforts for public relations efforts, especially critical in light of the Work Zone Safety Act's implementation of a \$50 mandatory surcharge on all work zone infractions that "will be used to fund a public education campaign."

In regards to the rapidly changing available technology, we would like to take part in more experimentation and pilot programs so that all the latest technology is thoroughly investigated for its feasibility in New York State.

We would like to respectfully resubmit our questions about state police enforcement; with the request that the State Police play a greater cooperative role in work zone safety issues.

On the following pages, we have outlined our responses, questions and concerns to NYSDOT's response to our initial white paper dated November 23, 2004. We look forward to future discussions on how we can jointly make New York State's construction work zones safer and more efficient for the industry and the state's drivers and visitors.

Sincerely

AJ Castelbuono
President & CEO

ENGINEERING

1. Educate Designers: Junior designers, traffic and safety engineers should all be required to spend one to two seasons in the construction field before going to design inside. Designers should be required to visit jobs in the field. Costs should not be the overriding factor in design. Joint meetings with the construction industry should be held during the design process. All scenarios – closures, head-to-head-traffic, beefed-up shoulders, concrete median barrier, etc. – should be run during the design process. Jobs should be bid in the alternate.

2. Road Closures: This has proven to be a viable solution and must be considered and researched during the design process. What gets weighed into the formula used to determine whether the road gets closed – traffic volume, costs to announce to public, etc.? Closing a road makes the project safer (70% of those injured in work zone accidents are the traveling public), less expensive and faster to complete; and much of the additional barrier, glare-screens, M&PT set-up and take-down costs can be eliminated through closures.

3. Protective Screening: Screens should be mandated everywhere and paid for by the state, included under Section 619.01.

4. Temporary Concrete Barrier: Barrier should be made mandatory on long-term interstate closures.

5. Head-to-Head Traffic: This option should not be limited to low-volume projects.

6. M&PT Supervisors: Appropriate for all projects and should be required on all projects with qualified, trained supervisors and paid for by the state.

7. Heavy-Duty Shoulders: Beefed-up shoulders are always desirable for all new construction and reconstruction projects. Its practicality and cost-effectiveness should always be investigated, especially as weighed against the use and cost of light plants and night work.

8. Geometrics: These devices, such as the narrowing of lanes or shifting traffic, should always be explored during the design process.

9. Time Restrictions: Compromises safety to put up and take down M&PT every day. Slower speeds protect motorists and construction workers under the ever-changing conditions of a work zone. The issue of public desensitization needs to be addressed as part of an overall education process.

10. Signs: NYSDOT requires 22 signs for a single-lane closure; this is too many. Drivers can't read that many and get desensitized to the message, believing they have longer to merge than they do. NYSDOT should look at other states' practices (some use the FHWA minimum of 4 signs for a lane closure). It would save money to align New York State's MUTCD with the Federal Highway Administration's MUTCD. NYSDOT should also explore the use of flashing speed signs similar to those used in school zones that proclaim the speed to be lower when lights are flashing, which would decrease worker exposure to traffic.

11. Rumble Strips: NYSDOT does use these successfully, but we would like a consistent directive on their use.



ENFORCEMENT

1. State Police Presence: Any work zone on a highway where lanes are reduced for work should have police presence. State Police should work with contractors and the EICs to increase their presence in the most effective manner. State Police should give an annual report to the NYSDOT about their presence and effectiveness in work zones. The recently enacted Work Zone Safety Act of 2005 requires the use of police presence at “ALL MAJOR ACTIVE WORK ZONES,” which has yet to be defined.

2. Increased Penalties: The construction industry will continue to work with NYSDOT to increase penalties to modify driver behavior to improve safety.

3. M&PT: Under what circumstances would police protection be specified for M&PT protection? At a minimum, all night-time deployment should have police protection.

4. Use of Radar: The recently enacted Work Zone Safety Act of 2005 requires the use of radar speed display signs at “ALL MAJOR ACTIVE WORK ZONES,” which has yet to be defined.

5. Photo Enforcement: AGC and the NYS Laborers have a positive position on the use of photo enforcement and is willing to work with NYSDOT on legislation.

6. EIC Authority to Work with Police: There needs to be statewide consistency and education on the parameters. Contractors should be given more authority to work with police on enforcement.



EDUCATION

1. Work Zone Safety Campaign: A comprehensive annual work zone safety campaign should be designed before the construction season starts in the spring, and coordinated with the construction community. The ITS system should be used for work zone awareness at the beginning of the construction season. What is NYSDOT's current budget, strategy and projected audience for work zone awareness public relations?

2. Future-Driver Education: NYSDOT should work with its sister agency, the Department of Motor Vehicles, to coordinate a statewide program aimed at educating future drivers about driving safely in work zones, as many other states already have done. Also public relations efforts should be focused on new and soon-to-be drivers.

3. Governor's Traffic Safety Committee: NYSDOT should use its influence to ensure that information on work zone safety is included on the GTSC website. AGC appreciates the public service announcements the GTSC is running this year and would like NYSDOT to work with GTSC to ensure the committee includes work zone safety public service announcements in its annual roster.

4. NYS Driver's Manual/Defensive Driving: NYSDOT should work with its sister agency, the Department of Motor Vehicles, to coordinate a component in the NYS Driver's Education curriculum on work zone safety, as other states have done.

5. Websites: AGC appreciates DOT's efforts to include work zone awareness on its web pages and would like to see DOT work to produce similar pages on both the Governor's Traffic Safety Committee website and the New York State Police websites to include work zone safety pages. We are curious about the public response to the travelinfony site, specifically the work zone portion and video game portion of the site. Further, is there any research/collaboration with wireless companies to use that technology get real-time information to drivers.

