



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Senate Bill 509

October 14, 2021

Good morning, Mr. Chairman and members of the committee, and thank you for the opportunity to speak today on Senate Bill 509. This issue was brought to my attention by the County Highway Association, members of which are present here today.

Each day, the men and women working in our highway construction zones are exposed to danger. Even at the best of times, those working in construction zones are only feet away from vehicles often traveling over 55 miles per hour. Careless, inattentive, and reckless behavior of drivers further places these workers at significant risk of great bodily harm and even death.

This risk is compounded when construction equipment and vehicles are being moved in and out of the construction site, or where traffic is reduced to one lane. In these cases, the local authority often employs the use of a flagman to regulate and alternate the flow of traffic. Yet, our county highway commissioners report numerous incidents where drivers – either intentionally or inadvertently – fail to yield to the flagman’s signal, or to vehicles or workers in the construction zone.

In practice, enforcement of the failure to yield statute currently on the books is difficult, as it would require posting an officer at the entrance of the construction zone. To fix this issue, this bill would allow the flagman to report failure to yield violations directly to law enforcement with, among other requirements, video of the incident required. In turn, the law enforcement officer has the discretion to investigate and issue a citation to the registered owner of the vehicle. This statute is modeled after similar reporting statutes related to crossing guards and school bus drivers, such as s. 346.485, under which school bus drivers have the authority to report drivers who do not yield to the flashing lights or stop signal of the school bus.

In closing, Senate Bill 509 is common sense legislation that would allow those working in our highway construction zones the ability to enforce the laws we have on the books and hopefully reduce the number of preventable collisions and near-misses that occur far too often.

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

29TH SENATE DISTRICT

STATE CAPITOL: P.O. BOX 7882 • MADISON, WISCONSIN 53707-7882
SEN.PETROWSKI@LEGIS.WISCONSIN.GOV • TELEPHONE: (608) 266-2502 • FAX: (608) 282-3569



CALVIN CALLAHAN

STATE REPRESENTATIVE • ASSEMBLY DISTRICT 35

Office: (608) 266-7694
Toll Free: (888) 534-0035

Rep.Callahan@legis.wi.gov
P.O. Box 8952
Madison, WI 53708-8952

Testimony in Support of Senate Bill 509

Senate Committee on Judiciary & Public Safety

October 14, 2021

Mr. Chairman and members of the committee, thank you for holding a public hearing on Senate Bill (SB) 509. I'd like to thank Sen. Petrowski for working with me on this important legislation that we hope will decrease the number of collisions in highway construction zones that could have been prevented.

In Wisconsin, motorists are required to stop for a school bus that has its flashing lights on and stop signal arm extended. Under Wisconsin State Statute s. 346.485, school bus drivers are able to report those drivers who do not yield to these warnings. We have a proposal before you today that would extend this kind of reporting system to our highway flagman who risk their safety trying to regulate the flow of traffic coming in and leaving highway construction zones.

Currently, the way we are able to enforce the failure to yield statute requires a law enforcement officer being posted at the entrance to a construction zone. SB 509 would instead allow the flagman to report the failure to yield violations directly to law enforcement with video of the incident. This legislation would increase safety throughout construction zones throughout the state.

Members of the committee, thank you again for this opportunity to submit testimony in favor of SB 509. I hope to see the support for this legislation continue to grow in the days ahead.



22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

KEEPING OUR HIGHWAYS SAFE: COUNTY WORK ZONE SAFETY PACKAGE

In recent years, one of the top priorities of county highway departments has been work zone safety. Due to fatalities among county highway workers, many changes have been proposed to make work zones safer for vulnerable county employees. Fortunately, the Wisconsin State Legislature and Governor have adopted new laws to encourage reduced speed in work zones and more attentive driving. Recently, a new law was enacted prohibiting the use of cell phones in work zones.

Flagger Reporting Requirements

Per current Wisconsin law, the operator of a vehicle shall yield the right-of-way to persons engaged in "maintenance" or "construction work" on a highway whenever the operator is notified of their presence by flagmen or by a warning sign.

Under this proposal, a flagman who is employed by a political subdivision and who observes a violation may report the violation to a traffic officer in the jurisdiction where the violation occurred. The traffic officer, subject to several exceptions, may issue a citation to the vehicle owner.

CURRENT STATUS: Under current law, only a law enforcement officer may issue a citation for violation of right-of-way that occurs in their presence. SB 509/AB 507 would grant a flagman the ability to report an instance of egregious driving in the work zone to a traffic officer who may issue a citation without being present in the work zone.

REQUESTED ACTION: The Wisconsin Counties Association respectfully requests the legislature act on SB 509/AB 507.

Contact: Daniel Bahr, WCA Government Affairs Associate
608.663.7188
bahr@wicounties.org