

February 22, 2024

The Honorable Senator William C. Smith, Jr., Chair
The Honorable Jeff Walderstreicher, Vice Chair
Judicial Proceedings Committee

Written Testimony of James McNelis on SB 479 - Maryland Road Worker Protection Act
Position: In Support

Thank you Chair William C. Smith and Vice Chair Walderstreicher for the opportunity to submit written testimony in support of SB 479.

My name is James McNelis, Executive Vice President of S&B USA Construction. S&B USA Construction is the parent company of Joseph B. Fay Company (Fay). Fay has been a successful general contractor operating in the Mid-Atlantic region for over 75 years. Our organization regularly employes over 400 highway workers. We opened our Maryland office in 1998, and one of our core values is "Work Safely: Our culture exemplifies hard work conducted safely." Like every construction firm, we work hard to provide a safe workplace for our employees, subcontractors, and the general public, and we strive for the highest safety standards on our jobsites.

We advocate on behalf of our dedicated employees and others who travel through highway work zones daily, requesting your endorsement of Senate Bill 479. This bill will enhance the efficacy of existing safety regulations significantly. By instituting additional safeguards, SB 479 aims to shield our workforce and the public from the grave risks posed by indifferent drivers who often overlook the legal speed limit within work zones. Your support is crucial in fostering a safer workplace for our highway workers, ensuring their protection against preventable tragedies.

Our appeal is partly in response to the six construction workers recently killed in a work zone accident on I-695: Mahlon Simmons III, Mahlon Simmons II, Rolando Ruiz, Carlos Orlando Villatoro Escobar, Jose Armando Escobar and Sybil Lee Dimaggio. The two drivers involved were recorded driving aggressively at speeds exceeding 120 mph, over double the 55 mph speed limit.

This issue is also deeply personal to Fay. In 2007, a tragic incident occurred on the same highway near I-695 and York Road, roughly ten miles east of a recent accident. Mike Ruffin lost his life to a reckless driver who barreled through the work zone at speeds between 80 and 90 mph. The loss devastated our company, leading to the reassignment of several workers and a palpable reluctance among many to undertake projects along high-speed interstate routes. The emotional toll on our team, and likely on those in other companies similarly impacted, has been profound.

In response, Fay has been at the forefront of advocating for enhanced safety measures. Our commitment to our core values played a pivotal role in the enactment of significant legislation aimed at protecting highway and maintenance workers. This includes the 2007 'Protection of Highway Workers and Maintenance Works' act and the 2009 legislation authorizing 'Automated Speed Enforcement in Work Zones'. Our efforts are a testament to our dedication to ensuring the safety and well-being of workers in these potentially hazardous environments.

Currently, the citation amount for automated speed enforcement in a work zone is \$40, which is the lowest in the country. With Senate Bill 479, this fine would increase to \$290 for first the first two offences

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and \$1,000 for a third offence, which is the same as the fine for a live officer stop for the same offense. The legislation would also remove outdated restrictions limiting enforcement in work zones, allowing more flexibility in installing cameras. This includes the requirement that all speed cameras have a physical operator present and allows drivers to be immediately cited for violations in a work zone, and it eliminates the prohibition of citations issued during a 30-day “warning period” following the initial installation of a work zone camera. Fay is in full support of these improvements to the legislation.

It is vital that we take action to combat this preventable loss of life—we must protect our workers and their families from the consequences of reckless drivers. Everyone in an unprotected work zone puts their lives in the hands of motorists. Because of this, it is important that we do everything we can to ensure Maryland’s roads are safe not only for drivers, but also for those who make roads safer for those drivers.

Speed cameras change driver behavior and have proven successful in increasing driving safety. Maryland was one of the early adopters of speed cameras, and it is still considered a national leader. Let’s continue this trend in honor of construction workers everywhere by strengthening the legislation. Speed cameras have been shown to reduce fatal crashes and injuries by up to 20 to 37%. Combined with steepened fines, this will help encourage motorists to slow down and pay attention as they travel through Maryland’s work zones. It is our responsibility to ensure that legislation will provide improved safety for workers and motorists alike. Work zone traffic accidents and fatalities are not inevitable; they are avoidable. You have the authority to make things better and we fully support you doing so.

Statistics:

As of [November 15th](#), Maryland saw over 1,105 work zone crashes in 2023, averaging around 3.5 crashes per day—a volume we haven’t seen [since 2007](#).

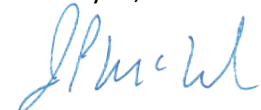
Additionally, an [AGC survey](#) of road crew workers found that nearly half of all Maryland roadway workers have experienced a crash in a work zone they have been working in, and all but 4% of those reported that their work zones experienced upwards of five crashes.

In response to these statistics, Maryland Lt. Gov. Aruna Miller put together a Work Zone Safety Work group, which has been [conducting surveys](#) of over 2,200 individuals to gather public feedback on ways to improve the safety of both highway workers and commuters alike. The survey found that 65% of respondents would be likely to slow down if fines increased, and 67% are in favor of installing more than one speed camera to ticket those in violation of the work zone speed limits.

We thank you for this opportunity to share insights on this vital topic. Our workers’ lives are at stake, along with their families’ well-beings, as fatalities affect many more than just those injured/killed.

On behalf of S&B USA Construction and the Joseph B. Fay Company, I urge the committee to pass SB 479 and take action to enhance safety measures in work zones.

Thank you,



James McNelis
EVP, S&B USA Construction

