

COMMONWEALTH OF PENNSYLVANIA  
HOUSE OF REPRESENTATIVES

TRANSPORTATION COMMITTEE HEARING

STATE CAPITOL  
HARRISBURG, PA

MAIN CAPITOL BUILDING  
ROOM 140

THURSDAY, SEPTEMBER 20, 2012  
10:09 A.M.

PRESENTATION ON  
CROSSWALKS AND SCHOOL ZONES

BEFORE:

HONORABLE RICHARD A. GEIST, MAJORITY CHAIRMAN  
HONORABLE KATE HARPER  
HONORABLE C. ADAM HARRIS  
HONORABLE DICK L. HESS  
HONORABLE MARK K. KELLER  
HONORABLE JERRY KNOWLES  
HONORABLE RON MARSICO  
HONORABLE MICHAEL P. MCGEEHAN, DEMOCRATIC CHAIRMAN  
HONORABLE PAUL COSTA  
HONORABLE MARK LONGIETTI

\* \* \* \* \*

*Pennsylvania House of Representatives  
Commonwealth of Pennsylvania*

COMMITTEE STAFF PRESENT:

ERIC C. BUGAILE

MAJORITY EXECUTIVE DIRECTOR

MEREDITH M. BIGGICA

DEMOCRATIC EXECUTIVE DIRECTOR

I N D E X

TESTIFIERS

\* \* \*

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## 1 P R O C E E D I N G S

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3 MAJORITY CHAIRMAN GEIST: Good morning, and thank  
4 you all for coming.5 I just want to alert everyone to the fact that  
6 this is being recorded and will probably be on television  
7 at a later time.8 Today, at the request of Representative Marsico,  
9 a longtime Member of this committee, better known to the  
10 insiders as "Go-To," we're having this hearing today and  
11 looking for a lot of good input from Ron.12 To my right is Representative McGeehan, who is  
13 the Democratic Chairman, and do you have any remarks?

14 MINORITY CHAIRMAN MCGEEHAN: No, Mr. Chairman.

15 MAJORITY CHAIRMAN GEIST: And really neither do  
16 I, because I think we really just need to get to the meat  
17 of this.18 And Ron, why don't you kick it off and lead us  
19 from there?20 REPRESENTATIVE MARSICO: Well, thank you,  
21 Mr. Chairman, Chairman Geist and Chairman McGeehan, for  
22 holding this hearing today. I really appreciate you doing  
23 that.24 I decided to introduce HB 2614 following the  
25 tragic death of Owen Brezitski in a crosswalk outside of my

1 alma mater, Bishop McDevitt, here in Harrisburg.

2 Owen's mother, Karen, came to me -- in fact,  
3 Karen is here, and her husband, Mark, is here -- came to me  
4 last February, I think it was, and gave me an emotional, a  
5 very emotional explanation of what took place and indicated  
6 that she wanted to do something good to come out of the  
7 tragedy, and I completely agreed with her.

8 House bill -- well, actually, current law says  
9 that all vehicles are required to yield the right-of-way to  
10 pedestrians in crosswalks. My bill, HB 2614, would amend  
11 the Vehicle Code, specifically Section 3542, by adding  
12 language which would require motor vehicle drivers to both  
13 stop and yield to pedestrians in a crosswalk when traffic  
14 control signals are not in place or in operation. In fact,  
15 there's a typo in my testimony that you all received, so  
16 just make note of that, if you would. This is a change  
17 that New Jersey successfully implemented recently.

18 Additionally, my legislation would add language  
19 amending Title 75, Section 3327, which would increase the  
20 fine from \$50 to \$200 if the offense occurs within a school  
21 zone.

22 Crosswalks are designed to allow pedestrians to  
23 cross the road safely. Therefore, I feel I have introduced  
24 a very vital piece of legislation to help protect our  
25 pedestrians. I would hope to see the legislation move

1 forward quickly.

2 I appreciate, once again, the opportunity to  
3 present this legislation to the committee, and I will be  
4 here then of course to ask questions and respond to  
5 anything that needs to be responded to, Mr. Chairman.

6 MAJORITY CHAIRMAN GEIST: Thank you very much.

7 Our first testifier this morning is a fellow who  
8 started at the bottom and worked his way all the way up to  
9 the top at PENNDOT, and Steve Grimme is Chief of Highway  
10 Safety and Traffic Operations, and best of all, he's from  
11 Altoona, Pennsylvania.

12 MR. GRIMME: Thank you, Mr. Chairman, and good  
13 morning all.

14 My name, as Representative Geist indicated, is  
15 Steve Grimme. I am the Chief of the Highway Safety and  
16 Traffic Operations Division at PENNDOT, and I'm here today  
17 to provide just a few details regarding the crash history  
18 involving pedestrians and some of the law and regulations  
19 pertaining to motorists and pedestrians in crosswalks or  
20 school zones.

21 From crash report data from the last 10 years,  
22 and that covers the years from 2002 up until 2011, there  
23 have been 1,498 fatalities and 43,718 injuries of  
24 pedestrians in Pennsylvania. These, of course, if you  
25 break that down per year, equate to an average of

1 approximately 150 fatalities and 4,372 injuries of  
2 pedestrians.

3 Now, if we break those pedestrians down into,  
4 say, school-age group children, and that would be from ages  
5 5 to 18, those 10-year numbers indicate that there have  
6 been 157 fatalities and 14,268 injuries for that age group  
7 of 5 to 18 for that same 10-year period, and of course that  
8 equates to yearly numbers of 16 fatalities and 1,427  
9 injuries per year.

10 Now, as a subset of that, if we look at those  
11 pedestrian injuries and fatalities just in crosswalks, for  
12 that same 10-year timeframe, there have been 176 fatalities  
13 within crosswalks, 14 of which were in that 5 to 18 age  
14 group. So again, that would be 14 out of those 176 were in  
15 the age group of 5 to 18 years old. And there have been  
16 7,146 injuries within crosswalks, and again, within our  
17 targeted age group of school students of 5 to 18, that  
18 equates to 1,646 injuries within those crosswalks.

19 During that same period of time, there have been  
20 11 fatalities within school zones, 9 of which were within  
21 that targeted group of between the ages of 5 and 18. And  
22 there have been 1,089 injuries. Again, 787 of those are  
23 within that age group of 5- to 18-year-old people.

24 Obviously, as Representative Marsico had  
25 indicated, there are several laws in the Pennsylvania Code,

1 in Title 75, and in our regulations that refer back to  
2 Title 75 regarding pedestrians and motorists as related to  
3 pedestrian crossings and school zones. In the law, there  
4 are Sections 3541, 3542, 3543, 3547, 3552, and 3367 that  
5 refer to these topics specifically. And of course in our  
6 regulations, Section 212.501 of the regulations addresses  
7 school zones.

8 Now, I have provided by attachment references to  
9 all those laws and those regulations, which I'm not going  
10 to sit here and read to you, but I just wanted to kind of  
11 highlight what some of those sections are all about to give  
12 you an understanding of what they pertain to.

13 Section 3541 addresses the obedience of  
14 pedestrians to traffic control devices and regulations. So  
15 in other words, it provides that pedestrians shall obey  
16 police officers or other people that are uniformed in an  
17 appropriate attire to control traffic, that they are to  
18 abide by traffic control signals, and the local governments  
19 may require by ordinance that pedestrians obey traffic and  
20 pedestrian control signals.

21 Section 3542 addresses the right-of-way of  
22 pedestrians in crosswalks. In general, when traffic  
23 control signals are not in place, motorists shall yield the  
24 right-of-way to a pedestrian crossing a roadway within a  
25 marked crosswalk or within any unmarked crosswalk within an



1 intersection. So that covers both marked and unmarked in  
2 intersections.

3           However, no pedestrian shall suddenly leave a  
4 curb or other place of safety and walk or run into the path  
5 of a vehicle which is so close as to constitute a hazard  
6 for a motorist or for themselves. This section further  
7 defines that any motorist who violates this subsection  
8 commits a summary offense and shall be sentenced to a fine  
9 of \$50 if convicted.

10           Section 3543 addresses pedestrians crossing  
11 roadways other than at crosswalks. In general, crossing a  
12 roadway at any other point than a crosswalk at an  
13 intersection or a marked crosswalk, a pedestrian shall  
14 yield the right-of-way to all vehicles.

15           Section 3547 addresses the right-of-way of  
16 pedestrians on sidewalks. It stipulates that motorists  
17 entering or emerging from an alley or a building, a private  
18 road or a driveway, shall yield the right-of-way to any  
19 pedestrian on the sidewalk extending across those  
20 locations.

21           Section 3552 addresses penalties for violations  
22 of Subchapter C, which includes all the sections that I had  
23 just mentioned in Chapter 35 of the Vehicle Code, and it  
24 relates to the rights and duties of pedestrians. It  
25 stipulates that unless otherwise noted in the subchapter,

1 any pedestrian violating any of the provisions noted above  
2 is guilty of a summary offense and shall be sentenced to a  
3 \$5 fine if convicted.

4 Section 3365(b) addresses special speed  
5 limitations as they relate to school zones, and this is the  
6 section, by the way, that outlines our lighted school zones  
7 with the 15-mile-an-hour flashing wigwag lights and the  
8 15-mile-an-hour lighted speed zone signs. And this  
9 subsection indicates that penalties stipulate a fine of  
10 \$35 for anyone who exceeds the maximum speed limit.  
11 However, if the person exceeds that maximum speed limit by  
12 more than 11 miles per hour, a fine of not more than  
13 \$500 will be imposed. If that same person exceeded the  
14 maximum speed limit by more than 5 miles per hour, that  
15 person shall pay an additional fine of \$2 per mile per hour  
16 in excess of the 5 miles per hour over the excess speed  
17 limit.

18 And again, as I noted before, Chapter 212 of our  
19 regulations just stipulates all the ways that a township is  
20 to identify and sign those locations and how they are to be  
21 established, and that concludes my testimony.

22 MAJORITY CHAIRMAN GEIST: Steve, thank you.

23 MR. GRIMME: You're welcome.

24 MAJORITY CHAIRMAN GEIST: Ron has some questions.

25 REPRESENTATIVE MARSICO: Actually, I just have

1 one question, Mr. Chair.

2 MAJORITY CHAIRMAN GEIST: Go.

3 REPRESENTATIVE MARSICO: Steve, thanks for being  
4 here. I appreciate you taking the time.

5 MR. GRIMME: You're very welcome.

6 REPRESENTATIVE MARSICO: What is PENNDOT doing as  
7 far as educating the public regarding crosswalks,  
8 pedestrian crosswalks in school zones and in general, as  
9 far as educating the public, bringing awareness to the  
10 safety issues regarding the crosswalks?

11 MR. GRIMME: That's a good question, and we do  
12 have moneys that we acquire through the National Highway  
13 Transportation Safety Administration that come through as  
14 grants to us, and we provide then those grants to local  
15 governments to implement all types of safety arenas,  
16 whether it is DUI, you know, anything related to  
17 pedestrians. And so they will apply for those grants and  
18 then apply that grant money to those specific areas.

19 REPRESENTATIVE MARSICO: Those grants, is that  
20 then just local governments or is that also school  
21 districts and schools?

22 MR. GRIMME: School districts may apply, but it  
23 typically comes through the local governments in  
24 particular.

25 But your question is a good one, and I can say

1 that there maybe hasn't been enough effort, even from maybe  
2 the school districts. And I'm not throwing anybody under a  
3 bus here. It's just in terms of---

4 REPRESENTATIVE MARSICO: Right.

5 MR. GRIMME: But there can always be more effort  
6 made from a highway safety standpoint or a pedestrian  
7 safety standpoint when it comes to certainly looking after  
8 excessive speed in our school zones and certainly  
9 crossing---

10 REPRESENTATIVE MARSICO: So school districts  
11 would have to apply to the local governments for a grant or  
12 for -- yeah, for grants to educate the public? Is that  
13 what you're saying?

14 MR. GRIMME: I'm not sure whether it has to come  
15 through a local government. They might be able to apply  
16 directly, but I can certainly find that information out for  
17 you---

18 REPRESENTATIVE MARSICO: Okay. I'd appreciate if  
19 you would do that.

20 MR. GRIMME: ---and I'll get back to you on that.

21 REPRESENTATIVE MARSICO: Okay. Thanks.

22 Thank you very much.

23 MR. GRIMME: You're welcome.

24 REPRESENTATIVE MARSICO: Thanks, Mr. Chairman.

25 MAJORITY CHAIRMAN GEIST: Steve, I know that

1 you're an Altoona boy, but this committee can get pretty  
2 rough, so I just want you to be ready.

3 Representative Longietti has some questions, and  
4 I will turn it over to him. And if he goes too long, we'll  
5 call him for delay of committee.

6 MR. GRIMME: Okay. Thank you.

7 REPRESENTATIVE LONGIETTI: I won't go too long.  
8 Thank you, Mr. Chairman.

9 Could you just explain, because I'm not familiar,  
10 what is an "unmarked crosswalk"?

11 MR. GRIMME: I could probably show you one right  
12 out here, say at the corner of Forster and Commonwealth  
13 Avenue. There is a signalized intersection there. You  
14 know, there's a traffic signal light. There is actually  
15 the indications for pedestrians of either the stop hand or,  
16 you know, there's a countdown of how many seconds you have  
17 to cross there. There's no painted marking there. It's  
18 just two lines going across the street. So that's really  
19 like an unmarked versus right out as literally we walk  
20 across the street, say from the Keystone Building over to  
21 the Capitol Building here, there's a hatched painted  
22 marking, and it's lined and you actually see the little  
23 green signs out there, the fluorescent signs that indicate  
24 it's a crosswalk, so motorists are to yield to them. So  
25 it's really if there's a truly marked indication, but I'm

1 going to say even for more rural zones where there's not  
2 even maybe much more than the stop line at a signal or even  
3 at a stop sign.

4 If you project an imaginary line from one curb to  
5 the other, that is considered an unmarked crosswalk. So by  
6 rights, anybody that's walking across the street at a  
7 curbed intersection, they're in an unmarked crosswalk.

8 REPRESENTATIVE LONGIETTI: Okay. So all that's  
9 required is an intersection. It doesn't necessarily have  
10 to have crosswalk lights.

11 MR. GRIMME: Correct.

12 REPRESENTATIVE LONGIETTI: Just either a stop  
13 sign intersection or a traffic control intersection in that  
14 area is the criteria.

15 Why don't they paint those lines? Do you know?

16 MR. GRIMME: It could come down to dollars and  
17 cents. I hate to say that, but it's true. And more likely  
18 than not, it's like I-95 with traffic, you know, 180,000  
19 cars. It probably depends if there's a lot of crossing  
20 along that area in pedestrian terms. Like down in the city  
21 of Philadelphia, they probably very heavily mark those so  
22 that they're very apparent to the drivers.

23 That's, again, not to exclude that any one  
24 situation is more important than another, but it happens.  
25 You know, when there's maybe 15 people that cross a road in

1 a certain day, they just might not expend the funds to put  
2 out the painting there, so to speak.

3 REPRESENTATIVE LONGIETTI: Okay. Thank you.

4 MR. GRIMME: You're welcome.

5 MAJORITY CHAIRMAN GEIST: Representative Costa.

6 REPRESENTATIVE COSTA: Thank you, Mr. Chairman.

7 Mr. Grimme, your report, the crash report data---

8 MR. GRIMME: Yes.

9 REPRESENTATIVE COSTA: ---only goes to 2011. It  
10 just seems like every day when I read in the paper, there's  
11 another pedestrian that has been hit or killed. Do you  
12 have the 2012 numbers, and if so, has there been an  
13 increase recently?

14 MR. GRIMME: Well, as you can imagine with crash  
15 data -- and you're right; it comes in, unfortunately, every  
16 hour of every day -- we do have the numbers and we keep  
17 those, but we don't publish them until the year is  
18 completed. So I can certainly -- I don't have those  
19 numbers in front of me for 2012, but I can gather those and  
20 let you know if there has been an increase in this current  
21 year.

22 REPRESENTATIVE COSTA: Okay. Maybe like I'm  
23 noticing it more, but it seems like every day there's  
24 something in there.

25 And can you clear something up for me, because I

1 always get confused. If there's the crosswalk and there's  
2 a sign that says "Yield to Pedestrians," and if I'm driving  
3 and I see someone on the sidewalk, I stop and let them go.  
4 Is that the proper thing, or are they supposed to start  
5 walking and then I have to stop?

6 MR. GRIMME: That's an interesting question. I  
7 kind of asked something myself of that to what I consider  
8 the experts. And I'm somewhat new in my arena here, but I  
9 asked that same question, and I think that goes back to the  
10 one section in the law that says a pedestrian is not  
11 supposed to step off of their safety area and create more  
12 of a hazard. So in other words, you know, and we've  
13 probably all seen it, there are some pedestrians that  
14 think, "Hey, I have the right-of-way here," and I start  
15 crossing. I guess I'm not personally -- I don't feel as  
16 comfortable as other people to just go ahead and do that,  
17 and I always like to check and make sure if traffic is  
18 coming. But some people think they have the right, so they  
19 step out. Actually, in that situation, they could be fined  
20 for doing that. That's an unsafe situation they're  
21 creating.

22 And to answer your question, I do the same thing.  
23 I kind of see it as kind of like not passing the school  
24 bus. You know, if I'm not sure, I'm going to stop and let  
25 them pass. But by rights, if they're standing on the



1 corner, I always see it if they're almost right at the curb  
2 and they're ready to cross, that means they're crossing, so  
3 that means I'm going to stop and let them go. By rights,  
4 though, if they're kind of hanging back and you're not  
5 exactly sure if they're going to go, then you as a driver  
6 really can't put other traffic in harm's way as well as  
7 yourself from maybe a rear-end accident, that, you know,  
8 you're going to slam on your brakes and check and see  
9 whether they're ready to cross the road or not.

10 So there's some judgment involved there, but, you  
11 know, your observation is correct in terms of how that  
12 plays out.

13 REPRESENTATIVE COSTA: Thank you very much.

14 Thank you, Mr. Chairman.

15 MAJORITY CHAIRMAN GEIST: Kate Harper,  
16 Representative Harper, who was a bulldog for us when we  
17 wrote the DUI law, and I always think about public safety  
18 and people, there are an awful lot of people alive today  
19 who have no idea because of what was done with .08.

20 Kate.

21 REPRESENTATIVE HARPER: Right. We did a good job  
22 on that one, Mr. Chairman.

23 But my question relates to, this bill enhances  
24 penalties when someone violates the crosswalk law  
25 generally, but it enhances the penalty in a school zone.

1 MR. GRIMME: Correct.

2 REPRESENTATIVE HARPER: Now, in the area that I  
3 represent, which is suburban -- okay? -- there are a lot of  
4 crosswalks or what you referred to as an "unmarked  
5 crosswalk" -- it looks like a crosswalk but it might not  
6 have all the bells and whistles -- and they are not at  
7 intersections. Is that an issue with the way the bill is  
8 drafted?

9 In other words, I have schools where they run the  
10 crosswalk right to the school from whatever is on the other  
11 side of the street, and it's not an intersection.

12 MR. GRIMME: Yeah; I don't believe that causes a  
13 problem, particularly -- and now, again, we get into the  
14 marked and unmarked. I'm hoping that in those situations,  
15 if it's in the middle of the block, they do have them  
16 marked, you know, with some kind of lines, even if it's two  
17 lines either way. That creates the crosswalk. And then---

18 REPRESENTATIVE HARPER: Whether or not there's an  
19 intersection nearby?

20 MR. GRIMME: Correct.

21 Now, where it comes into play, if you're in  
22 either a suburban or urban area where there are  
23 intersections at either end of a block, let's say, it's  
24 actually a violation of a pedestrian to cross between those  
25 two intersections, because then they're creating a hazard

1 to the motorist.

2 REPRESENTATIVE HARPER: Right. They're  
3 jaywalking.

4 MR. GRIMME: Right.

5 REPRESENTATIVE HARPER: Basically they're just  
6 going into traffic.

7 I guess I'm thinking in the boroughs and in the  
8 more developed areas, you commonly see the crosswalks at an  
9 intersection and that little green man, you know---

10 MR. GRIMME: Yes.

11 REPRESENTATIVE HARPER: ---warning you that this  
12 is a crosswalk and pedestrians have the right-of-way. But  
13 the schools are not located there, at least not in my  
14 district. They're out on some country road basically, and  
15 then you've got this crosswalk right in the middle of  
16 nowhere basically. But this bill would still cover that  
17 situation.

18 MR. GRIMME: Yeah. And we just received the bill  
19 to look at here in the last couple of days. We haven't  
20 finalized our total review. But from what I've seen, I  
21 would say that's correct, that it does not hinder any  
22 indication of a crosswalk between two intersections so long  
23 as it's marked as a crosswalk.

24 REPRESENTATIVE HARPER: Yeah. I think maybe we  
25 need to do a better job of educating people.

1           MR. GRIMME: That's always an excellent  
2 opportunity for us.

3           REPRESENTATIVE HARPER: Thank you, Mr. Chairman.

4           MAJORITY CHAIRMAN GEIST: Thank you very much.

5           The next person has an awful lot of knowledge in  
6 this area, because before he came to the General Assembly,  
7 he was a school-crossing guard -- Jerry Knowles.

8           REPRESENTATIVE KNOWLES: You are a delight,  
9 Mr. Chairman.

10           I was going to, basically what Representative  
11 Harper had indicated, and I commend you, Representative  
12 Marsico, for introducing this legislation.

13           It seems to me that there is a genuine  
14 misunderstanding as to exactly what the law is. I mean,  
15 I've had people who have come to me and they actually  
16 believe that when that light turns green, they have the  
17 right to go. Now, there are most of us who recognize that  
18 the person that is looking to cross within the, you know,  
19 that they should be given the right-of-way.

20           I guess my question is, do we need to be looking  
21 in the legislation at educating people so there's a clear  
22 understanding of the law?

23           MR. GRIMME: Well, I guess being not a Legislator  
24 myself, I'm not sure how that plays out. But as a, I'm  
25 going to say a traffic safety professional, so to speak, I

1 would say there's always the opportunity. And whether that  
2 comes through the legislation or whether that comes to  
3 where, you know, PENNDOT or schools or however, that we get  
4 an outreach going to better educate anybody to understand  
5 what a "crosswalk" means.

6           And again, I'm not trying to throw anybody under  
7 a moving vehicle here, so to speak, but I would say in  
8 Pennsylvania maybe we've all recognized that maybe we don't  
9 take crosswalks as seriously as other States. I know in  
10 some States, if you see somebody step off the curb, if  
11 you're not on the brakes and letting them cross, you're in  
12 serious trouble as a motorist. And I think it has always  
13 been in the law for Pennsylvania, but I can say for myself,  
14 it just never seemed like that's an educated piece for a  
15 lot of our drivers to understand what that means.

16           REPRESENTATIVE KNOWLES: And maybe a part of it  
17 is that people have to have a better understanding of  
18 exactly what the law is. And I don't know how we drive  
19 that message, whether it be through existing mailings that  
20 go out to people who are renewing their registrations or  
21 their driver's licenses or whatever. But I certainly think  
22 that there is an indication to me that there are people who  
23 don't understand the current laws that exist.

24           So thank you very much for your testimony, and  
25 thank you very much, Mr. Chairman.

1 MR. GRIMME: Thank you.

2 MAJORITY CHAIRMAN GEIST: Steve, does PENNDOT  
3 still do the information notices of the back of envelopes?

4 MR. GRIMME: I can't say I've seen them on the  
5 back of envelopes, but I know we do stuffers.

6 MAJORITY CHAIRMAN GEIST: Yeah, we do the  
7 stuffers, but have we done anything on the back of printed  
8 envelopes?

9 MR. GRIMME: I'm not aware of any, but I can  
10 certainly check on that and see what the status of that is.

11 MAJORITY CHAIRMAN GEIST: Well, it would be nice  
12 if we did have something prepared, I mean, for the  
13 education part of this, and it's very cheap to do.

14 MR. GRIMME: Right.

15 MAJORITY CHAIRMAN GEIST: And the question that  
16 was just whispered in my ear is, would you explain the  
17 Safe Routes to School?

18 MR. GRIMME: Well, that area is not exactly my  
19 area of expertise.

20 MAJORITY CHAIRMAN GEIST: Well, you can take a  
21 whack at it. Go ahead.

22 MR. GRIMME: The Safe Routes to School. I guess  
23 in general that was a program established with some Federal  
24 dollars, and the whole concept is that, you know, there are  
25 some of those children that have to travel to school on

1 their feet. You know, they don't get the chance to travel  
2 on a bus. And the idea of the Safe Routes to School was in  
3 those indications, and probably more likely in, I shouldn't  
4 say typically urban, but it could be urban or even  
5 suburban, where the routes that a child has to walk to  
6 school is not the best, and the Safe Routes to School  
7 program provides that opportunity for someone to apply for  
8 those funds and create a project to make that route safer.

9 MR. BUGAILE: We had a request then to have  
10 PENNDOT give us some data on the Safe Routes to School and  
11 maybe just a short report on its effectiveness.

12 MR. GRIMME: We will do that.

13 MR. BUGAILE: Thank you.

14 MAJORITY CHAIRMAN GEIST: Steve, thank you very  
15 much. You did a good job in your first time at bat.

16 MR. GRIMME: Thank you, sir.

17 MAJORITY CHAIRMAN GEIST: And next up is  
18 Dr. Peter Hecht, the Pennsylvania Pedalcycle and Pedestrian  
19 Advisory Committee, which a long time ago was a huge  
20 interest of mine and still is.

21 And while you're getting situated, everybody  
22 should wish Cindy happy birthday. Today is her birthday.

23 DR. HECHT: Good morning. Thank you for allowing  
24 me to address the committee.

25 A brief introduction of myself. I am a member of

1 the Pennsylvania Pedalcycle and Pedestrian Advisory  
2 Committee. I have been a prior member of the PENNDOT  
3 Education and Enforcement Task Force, and prior to that, a  
4 member of the Technical Advisory Committee for the 1996  
5 Bicycle and Pedestrian Master Plan. I have served as a  
6 volunteer pedestrian advisor resource to the State of  
7 Pennsylvania for the past 18 years. By training, I am an  
8 environmental psychologist, which means that I deal with  
9 the fits and misfits between what people are trying to do  
10 and what the physical setting supports.

11 To address today's issue, the issue of crosswalks  
12 is really whether drivers are aware of pedestrians, that  
13 they expect to see a pedestrian -- I won't say "run into";  
14 it would be a bad pun -- and see pedestrians and bicyclists  
15 as equal users of the streets and roadways. Unfortunately  
16 what we find is that the research tells us that that's  
17 rarely the case, that motorists failing to yield on through  
18 movements represent a large percentage of pedestrian  
19 crashes in marked crosswalks, 41.5 percent, and unmarked  
20 crosswalks, 31.7 percent. This is not Pennsylvania data;  
21 this is national data. Likewise, vehicle turn and merge  
22 crashes, also generally the fault of the driver, accounted  
23 for 19.2 percent of marked crosswalk crashes and  
24 12.2 percent of unmarked crosswalk.

25 A recent analysis done by PENNDOT staff on



1 crashes involving child pedestrians in this State shows  
2 that if you add up, it's roughly 25 percent of those  
3 crashes involve trips somewhere to and from school.  
4 Seventy percent of those, the major injuries occurred  
5 during daylight hours, and only 52 percent of young  
6 pedestrian fatalities occur during daylight hours.

7           So the question to ask is, what can effectively  
8 heighten the attention of drivers to other types of users  
9 and improve yielding compliance at crosswalks? The  
10 available research shows that marked crosswalks alone do  
11 not reduce vehicle-pedestrian crashes. Similarly studies  
12 that look at intersections before and after placement of  
13 marked crosswalks at those intersections do not show  
14 increased compliance of drivers in terms of yielding to  
15 pedestrians.

16           Enforcement and education are effective  
17 components of improving traffic safety, but neither by  
18 itself is going to be particularly effective.

19           Education is an important tool, not only for  
20 youth but also for adult drivers and others.  
21 Unquestionably, education of youth is important, but adult  
22 drivers who have probably taken the road test, the driver's  
23 test once when they were about 16, 17, 18, are not likely  
24 aware of changes in law or changes in technology, and they  
25 may not ever have to take that test again, depending on

1 what the law states.

2 Fines at the same time may serve to improve  
3 awareness and compliance, but their efficacy depends upon  
4 the expectation of enforcement.

5 Experience with that. Police need to see that  
6 the law has teeth before they're going to consider whether  
7 to expend precious and usually constrained resources to  
8 enforce it. One question is, what I did not see in the  
9 proposed legislation is whether this is a points offense.  
10 That would be one question I would have and certainly one  
11 that I think police officers would want to know about.

12 Even then, enforcement will be weighed against  
13 competing demands on police time, and given my experience  
14 in Philadelphia and other places, there are a lot of  
15 competing demands upon them. And oftentimes I will say  
16 that these things are not seen as "important" police  
17 business.

18 Distraction. Well, let me go to the proposed  
19 legislation.

20 To require the stop and yield is extremely  
21 laudable, and that's a great improvement in the law. Part  
22 of the problem from the last time is that the way the law  
23 is written -- and we have had this discussion in the PPAC  
24 Committee a number of times -- a pedestrian really needs to  
25 step into the street, into the crosswalk, in order for that

1 law, the yielding law, to take effect. In other States,  
2 that is not the case that anyone approaching the crosswalk  
3 triggers the yield. And some of the confusion becomes, as  
4 was raised by Members of the committee, in terms of marked  
5 and unmarked crosswalks. Any intersection is an unmarked  
6 crosswalk. A "T," a "foursquare," they're all crosswalks  
7 of the virtual type. That does not appear apparent to many  
8 drivers.

9           Distraction, both of drivers and pedestrians, is  
10 an increasing problem. As of 2010, 72 percent of teens and  
11 tweens own cell phones. Fifty-four percent of that group  
12 sent text messages, and 38 percent called daily on their  
13 cell phones, some of whom up to hundreds of text messages  
14 and numerous phone calls. We can find on the Internet any  
15 number of videos of adults walking their way into mall  
16 fountains, running into barriers, and other things while on  
17 their devices.

18           This is an age group, when we talk about teens  
19 and tweens, that's not noted for its recognition of things  
20 outside of their own personal sphere of interest. These  
21 technologies do not always serve them well. Drivers'  
22 issues with distraction by technology is already very well  
23 documented, but regulation of it is very spotty across the  
24 country, and it's limited within Pennsylvania.

25           At the same time, there is no research to date

1 that shows that multitasking is a documented human  
2 capacity. The research and most of the experts looking at  
3 pedestrian behavior and pedestrian safety suggest that what  
4 is needed realistically to improve compliance is not only  
5 changes to regulation and to education but also to setting  
6 modifications -- design of those intersections.

7           Researchers have found, interestingly enough,  
8 that the more walking and the more bicycling that occurs  
9 ends up with reduced crash rates across several studies  
10 which are listed in my printed testimony. A recent article  
11 in the Inquirer gives anecdotal evidence of advocates who,  
12 over the past 10 years, have seen, as I have, that  
13 motorists have become more aware of bicyclists and  
14 pedestrians, but it's still not enough.

15           One program by PENNDOT that is, I think,  
16 successful is the pedestrian-yield sandwich signs, which  
17 are distributed free of charge by PENNDOT to municipalities  
18 and I presume school districts who might want them. These  
19 are sandwich signs that are placed within the crosswalk  
20 that improve the visibility of the crosswalk as well as  
21 reinforce what the law actually is. If the law was  
22 changed, as Representative Marsico prefers, we could change  
23 the text on those signs to improve that as well.

24           A note that this program was implemented by the  
25 late Dave Bachman of PENNDOT. We have given out, the State

1 has given out I can't even think how many thousands of  
2 units, and it is an ongoing program and it is one that  
3 preferably school districts should participate in and be  
4 aware of. I am not sure how much information actually gets  
5 to them.

6 Pedestrian crossing signs prior to crosswalks is  
7 helpful. There are some new technologies that have been  
8 approved by FHWA as experimental because they didn't make  
9 it into the last Manual on Uniform Traffic Control Devices  
10 -- a mouthful. It will be in the next one, which are  
11 strobe lights that are activated when people wish to cross  
12 and are far more visible at a distance than the typical  
13 flashing lights that are used, as well as the sort of lime,  
14 yellowish-green signs are far more visible than the  
15 standard yellow ones.

16 Crossing guards are another good way of improving  
17 the safety of crosswalks at school crossing zones. They  
18 provide an active and visible presence. On the other hand,  
19 one of the problems that we do have in this State as in  
20 elsewhere is the location of schools. Many public schools  
21 outside of urban centers are being located outside of the  
22 towns they serve on roads with higher average speeds and  
23 lower volumes of pedestrian traffic and would be  
24 encountered within those towns.

25 A significant factor in this is the minimum

1 acreage requirements that come from many -- 23 at last  
2 report -- State Departments of Education, not from the  
3 Federal Government, including Pennsylvania's. Relocation  
4 outside of population centers increases the amount of  
5 busing for students as well, decreasing further their  
6 walking activity and their physical activity.

7 In conclusion, while the proposed fines and  
8 regulatory changes are laudable and appear to demand little  
9 in the way of resources, I feel they are by themselves  
10 insufficient to improve the safety situation dramatically.  
11 Additional physical and policy changes are needed to  
12 improve the safety of young and all other pedestrians.  
13 These will require investment of resources of various types  
14 to attain the level of safety that we all desire.

15 Thank you.

16 MAJORITY CHAIRMAN GEIST: Thank you very much,  
17 Peter. Very well done.

18 Any questions? Ron?

19 REPRESENTATIVE MARSICO: Thank you, Mr. Chair.

20 Peter, you had mentioned that there were not  
21 points with the legislation, a points offense. Actually,  
22 it doesn't change current law that does state there is a  
23 two-point offense, just so you're aware of that.

24 DR. HECHT: Yes.

25 REPRESENTATIVE MARSICO: You're close to

1 New Jersey. You live down in Philly. They implemented a  
2 law, as I mentioned earlier. How has that been received,  
3 and do you have any comment on that that you're aware?

4 DR. HECHT: I don't really have a knowledge of  
5 the outcome of the New Jersey implementation. I have  
6 experience with New Jersey drivers.

7 REPRESENTATIVE MARSICO: We all have.

8 DR. HECHT: And having lived all over the  
9 country, I've seen drivers all over the place.

10 Let me just add that one of the issues that comes  
11 up with PENNDOT and this State is that the enabling  
12 legislation for PENNDOT only goes from curb to curb, so  
13 that there has always been a gap between PENNDOT's purview,  
14 which is the roadway, and the full right-of-way that  
15 includes all different types of users.

16 REPRESENTATIVE MARSICO: The legislation doesn't  
17 mention bicycles or pedalcycles. Would you recommend that  
18 it does in crosswalks?

19 DR. HECHT: Well, that's a tricky issue.  
20 Bicycles on sidewalks is not a desirable thing, and---

21 REPRESENTATIVE MARSICO: As far as crosswalks.

22 DR. HECHT: As far as crosswalks, bicycles should  
23 be yielding to pedestrians in crosswalks, and that is an  
24 issue in and of itself.

25 REPRESENTATIVE MARSICO. What about---

1 DR. HECHT: The other way around?

2 REPRESENTATIVE MARSICO: The other way around,  
3 yes.

4 DR. HECHT: Because you do have bicyclists,  
5 particularly ones under the age of 12, using the sidewalk  
6 and crosswalks, it might be a good idea to include them in  
7 there, because even more so, if you do not yield, bicycles  
8 move a lot faster than pedestrians.

9 REPRESENTATIVE MARSICO. Okay. Thank you.

10 Thank you, Mr. Chair.

11 MAJORITY CHAIRMAN GEIST: Representative Harper.

12 REPRESENTATIVE HARPER: Thanks.

13 You cited a study that showed that when there  
14 were more people walking, there are less accidents. Did I  
15 get that right?

16 DR. HECHT: Yes.

17 REPRESENTATIVE HARPER: And would you attribute  
18 that to the fact that motorists who are used to seeing a  
19 lot of pedestrians in an area are sort of looking for them?

20 DR. HECHT: Yes; exactly. You know, familiarity  
21 breeds awareness.

22 REPRESENTATIVE HARPER: Okay. So it's actually  
23 -- because we are in other spheres encouraging walkers.

24 DR. HECHT: Yes.

25 REPRESENTATIVE HARPER: You know, we have the



1 Safe Routes to School. We have, you know, the walkable  
2 communities in the land-planning area and things like that.  
3 So I guess what you're saying is, once again, that's an  
4 education thing. When people know to be expecting  
5 pedestrians, they are more likely to yield to them.

6 DR. HECHT: So any improvements that increase  
7 people being able to choose to walk, whether that's  
8 continuous sidewalk networks, other improvements such as  
9 bulb-outs at corners that reduce the distance in crossing  
10 that make it easier, A, for drivers to see that there's a  
11 pedestrian about to cross or waiting to cross, and  
12 pedestrians to see oncoming cars. All of those things, as  
13 they increase people walking, increase awareness. So there  
14 has been, as I mentioned, a greater awareness from most  
15 drivers.

16 REPRESENTATIVE HARPER: All right. It's  
17 counterintuitive, actually. It's the opposite of what I  
18 would have expected.

19 DR. HECHT: Yes.

20 REPRESENTATIVE HARPER: Thank you.

21 DR. HECHT: You're welcome.

22 MAJORITY CHAIRMAN GEIST: Representative Hess.

23 REPRESENTATIVE HESS: Peter, I think education  
24 comes into play here a lot, because I walk downtown quite  
25 often, and we have the crosswalks in front of the Capitol.

1 They have the orangish-yellow signs sitting in the middle  
2 of the street. Probably I'm thinking half the time that I  
3 walk into the crosswalk, I step into the street, whoosh,  
4 they fly by; they don't stop. So what part is education  
5 and what part is enforcement? You know, I have never seen  
6 anybody being pulled over by an officer and being ticketed  
7 for not stopping in a crosswalk.

8 DR. HECHT: You've answered your own question.

9 REPRESENTATIVE HESS: Yeah. They don't honor  
10 them at all.

11 And the other part of my question is or statement  
12 is that we have a crosswalk in my district that I've been  
13 fighting with my local council chairman and also the  
14 council engineer -- borough engineer, excuse me -- about  
15 putting a crosswalk in a particular place, and he's  
16 fighting me on it. He said, let them go to the red light  
17 and cross. Well, it's a half a block away, and people are  
18 used to crossing there and going through the park and  
19 shortcut downtown. So it's a matter of education, not only  
20 for the driver but some of our city or town leaders to  
21 realize that this is a problem.

22 And I think enforcement, you know, that gets  
23 around. If you ticket somebody and he tells somebody else  
24 and he tells somebody else, you know, they're going to be  
25 more aware if they travel that particular area more than

1 one time a week or twice a month or whatever.

2 DR. HECHT: Yes. And signs are part of that  
3 education process, but you can also change some of the  
4 behavior of the drivers by changing the radius of the curb  
5 so it's not so easy to make a fast turn.

6 REPRESENTATIVE HESS: Okay.

7 DR. HECHT: And you don't have as wide a lane, so  
8 they're paying more attention to staying in the lane.  
9 There are many places you will see, I'm thinking of some in  
10 Philadelphia in particular, where the lanes are probably  
11 14 to 20 feet wide. I'll tell you, if I'm making that  
12 turn, my foot's going down on the accelerator. That would  
13 be natural, and that's sort of the behavioral thing that  
14 I'm talking about. But if it's narrow and I'm worried  
15 about staying in the lane and not getting hit by the guy  
16 next to me, I'm not going to go that quickly.

17 REPRESENTATIVE HESS: You know, on the other  
18 hand, too, as I said before, in front of the Capitol, both  
19 directions, north and south, they can see for 300 yards or  
20 more.

21 DR. HECHT: Right; yes.

22 REPRESENTATIVE HESS: It isn't a sight problem  
23 there.

24 DR. HECHT: Oh, yeah. I almost got taken out by  
25 somebody last night.

1 REPRESENTATIVE HESS: It's a driver problem.

2 DR. HECHT: Yes. They are used to, the  
3 expectation is, they're in a 3,000-pound vehicle;  
4 everything else is getting out of their way, unless it's  
5 the same type of thing.

6 REPRESENTATIVE HESS: Okay. Thank you for your  
7 testimony, sir.

8 DR. HECHT: Sure.

9 MAJORITY CHAIRMAN GEIST: Peter, thank you very  
10 much.

11 DR. HECHT: My pleasure.

12 MAJORITY CHAIRMAN GEIST: You did an excellent  
13 job.

14 Next up is the Pennsylvania AAA Federation --  
15 Dorie Weik or Weik.

16 MS. WEIK: Weik.

17 MAJORITY CHAIRMAN GEIST: Weik. Good. Nobody  
18 uses the "v" down here in a "w"?

19 MS. WEIK: No, but that's your Pennsylvania  
20 Dutch.

21 Good morning, Mr. Chairman and Members of the  
22 House Transportation Committee. My name is Dorie Weik, and  
23 I am the Public Affairs Coordinator for AAA Central Penn.

24 I have been involved in developing and teaching  
25 programs on pedestrian, bicycle, and school bus safety

1 primarily in the schools for more than 30 years. I thank  
2 you for giving AAA the opportunity to provide input about  
3 the issue of crosswalks, particularly in school zones.

4 Pedestrian safety issues have been a concern  
5 since the early 1900s. The Chicago Motor Club president in  
6 the early 1920s deemed traffic so hazardous that it was  
7 unsafe for children to cross streets safely to and from  
8 school. Imagine, the 1920s.

9 With no availability of additional police  
10 officers, Charles Hayes then proposed one of the first  
11 steps of an educational component for pedestrian safety,  
12 which has become known as the AAA School Safety Patrol.  
13 This program, which has grown nationwide to over 650,000  
14 safety patrollers assisting in various capacities,  
15 including crossing streets safely to and from school, has  
16 contributed to reducing pedestrian fatalities by  
17 87 percent.

18 Pennsylvania pedestrian-related crashes represent  
19 3.6 percent of the total reported traffic crashes.  
20 However, they account for 11.6 percent of all traffic crash  
21 deaths. Reported crashes in Pennsylvania involving  
22 pedestrians have increased 2 out of the last 5 years.

23 Since this bill has been introduced, two  
24 pedestrian accidents have taken place in our area. Out of  
25 149 pedestrian fatalities last year in Pennsylvania,

1 70 transpired while entering a crossing or in a specified  
2 location. While the majority of pedestrian injuries occur  
3 in cities, higher speeds in townships produce higher  
4 percentages in those areas.

5 More than half of pedestrian injuries were on a  
6 local road, and the majority of pedestrian deaths occur on  
7 a noninterstate State roadway. Therefore, these injuries  
8 and fatalities are taking place in our communities.

9 Crosswalks are crucial to maintain safe passage for our  
10 pedestrians, and educating the motoring public and the  
11 pedestrians will always be essential.

12 The American Automobile Association has long  
13 since recognized value in accident prevention through  
14 education. The "School's Open" posters are distributed  
15 throughout communities to warn the motorists to slow down  
16 and be observant to children walking to and from school and  
17 to bus stops. Pedestrian, bicycle, and school bus programs  
18 are offered to schools to educate the youths in their  
19 respective fields. And if I may add, the lack of driver  
20 education is the lack of educating awareness to our new  
21 drivers on our roads.

22 It is a known fact that the motoring public  
23 continues to need education on the terminology "yield," and  
24 clarifying "stop and yield" supports a decisive instruction  
25 on what to do.

1           We thank Representative Marsico and support the  
2 sponsors of this legislation amending Title 75,  
3 specifically Section 3327 and Section 3542. We would  
4 encourage the Members of the General Assembly to pass this  
5 bill and endorse these components to ensure the safety of  
6 Pennsylvania's pedestrians.

7           Thank you.

8           MAJORITY CHAIRMAN GEIST: Thank you very much.

9           Any questions?

10          Thank you.

11          The next speaker: Selina Pittenger, the  
12 Executive Director for the Pennsylvania School Bus  
13 Association and a good friend of this committee.

14          MS. PITTENGER: Thank you.

15          Good morning, Chairman Geist, Chairman McGeehan,  
16 and Members of the House Transportation Committee. My name  
17 is Selina Pittenger. I'm the Executive Director with the  
18 Pennsylvania School Bus Association.

19          The School Bus Association represents  
20 Pennsylvania's school bus contractors who provide pupil  
21 transportation service for more than 85 percent of the  
22 school districts in Pennsylvania. As an association, our  
23 focus is to promote and foster the highest degree of safety  
24 in the transportation of schoolchildren.

25          Thank you for allowing me to testify before you

1 today about the school transportation industry and pupil  
2 transportation safety. School bus safety and pupil  
3 transportation safety involve two similar but different  
4 concepts. School bus safety concerns only those children  
5 on school buses; pupil transportation safety relates to all  
6 children going to and from school and school-related  
7 activities, no matter what mode of transportation used.

8 I'm here today to talk about the latter, about  
9 the pupil transportation safety. The PSBA applauds  
10 Representative Marsico's efforts to strengthen the safety  
11 in the school zones and crosswalks. Our industry is very  
12 proud of our safety record for pupils riding to and from  
13 school on school buses. We do share the same concerns for  
14 pupils that are walking to the school bus stops and for  
15 those who are not eligible for school bus transportation as  
16 they are walking to and from school.

17 For many of us in the room today, when we were  
18 young and going to school, it was normal to walk far  
19 distances or further distances to get to the school bus  
20 stops or even walking to school, and with an increased  
21 number of vehicles on the roads and other possible threats  
22 such as child predators, parents are concerned about  
23 letting their children walk long distances in neighborhoods  
24 that they're not familiar.

25 In recent years, school districts have cut their



1 budgets in many areas, including transportation, causing  
2 more students to walk further distances to their school bus  
3 stops, and in some cases they're walking to school now  
4 instead of being transported on a school bus. It's, you  
5 know, cuts that they reviewed and that they've had to look  
6 at in order to stay within their budgets.

7           In many cases, the School Code will reimburse or  
8 offers a reimbursement formula to school districts for  
9 pupil transportation, but it has a limitation that it will  
10 not reimburse the schools for providing transportation to  
11 students within a mile walking distance of a school that  
12 they're located. So in many instances, really young  
13 children are walking to school now.

14           Each year, the Pennsylvania Department of  
15 Transportation partners with the Pennsylvania State Police,  
16 local law enforcement, school districts, and school bus  
17 contractors and conducts Operation Safe Stop. This is an  
18 annual awareness campaign that targets motorists that  
19 illegally pass a stopped school bus while loading or  
20 unloading.

21           Annually in Pennsylvania, approximately 1,000  
22 motorists are cited for not obeying the school bus stopping  
23 laws. Many more motorists are violating the law but are  
24 not cited due to the lack of information able to be  
25 obtained in the few seconds a school bus driver is able to

1 capture the information to report a violator.

2           There is technology available out there to camera  
3 systems that can be put on the outside of the school buses  
4 that can help the driver be able to capture the information  
5 in order to make more reports on the passing motorists.

6 However, you know, the technology, there's a wide variety  
7 of different things. Some of it partners, you know, the  
8 same capability as the red light enforcement cameras. Some  
9 of them are just being able to capture a picture or a short  
10 video that they can submit into the local law enforcement  
11 with their report. And I'm not sure, you know, what the  
12 price range is for those systems, but it would be an  
13 additional cost into the transportation, for the cost of  
14 pupil transportation.

15           I do believe that Altoona School District just  
16 recently added that type of technology to their buses and  
17 have captured three violators within the first few weeks  
18 that they've installed them. So it is, you know, good  
19 technology to help with the cause. However, you know, we  
20 have a lot of buses across the country -- across the State  
21 and the country.

22           School districts do make every effort to ensure  
23 that the routes that students use to walk to school and to  
24 school bus stops are safe and free of hazards. Students  
25 are taught proper safety measures when walking to the

1 school bus stop and while waiting for the school bus. But  
2 in spite of every effort to make the public aware about  
3 safety in the school zones and around school bus loading  
4 zones, students are getting injured and killed. It's time  
5 for Pennsylvania to be more stringent on the violators of  
6 the traffic laws.

7           In the few short weeks since school has opened,  
8 there have been reports already of students being injured  
9 getting on or off the school bus. On September 12, last  
10 week, a 5-year-old in the Lehigh Valley area was injured  
11 while crossing to get onto their school bus. The motorist  
12 didn't obey the flashing light systems and the stop sign  
13 that was actuated to alert the traffic to stop and allow  
14 the child to cross the street. Also last week, on  
15 September 10, two students in the York County area, a  
16 7-year-old and an 8-year-old, were injured by a motorist  
17 who ran the stoplight and sign because she was late for a  
18 doctor's appointment. These three students have suffered  
19 not only physical injuries but, more importantly,  
20 psychological and emotional injury as well.

21           A more tragic story is from last December when a  
22 13-year-old in Erie County was boarding her school bus in  
23 the morning and just days before Christmas was killed by a  
24 motorist who didn't obey the law, and another student at  
25 that time was also injured in the incident.

1           The PSBA would support HB 2614 and any  
2 legislation that would increase the penalties for motorists  
3 violating the pedestrian crosswalk and school zone laws.  
4 We encourage you to consider including school bus stops in  
5 the definition of a "school zone" and increase the  
6 penalties for illegally passing a stopped school bus. We  
7 believe that this will help curtail the drivers from this  
8 very dangerous practice.

9           Thank you for allowing me to come and speak to  
10 you today. If you have any questions, I would be happy to  
11 answer them.

12           MAJORITY CHAIRMAN GEIST: Selina, thank you very  
13 much. Very, very good testimony. There are no questions.

14           Next up, I guess in politics we all are privy to  
15 insider information, and while our next speaker, Ed, is  
16 coming up here, I have it on good source that Ron Marsico  
17 got all the brains and Ed got all the looks. And Ron's  
18 nickname, of course, is "Go-To." So I'd like to have  
19 Ed Marsico, who supposedly has a room temperature IQ, but I  
20 don't believe it, who will be our next speaker.

21           DISTRICT ATTORNEY MARSICO: Thank you, Chairman  
22 Geist.

23           It's a pleasure being before a committee other  
24 than the Judiciary Committee up here with an excellent  
25 Chairman like yourself instead of the Judiciary Committee

1 which I'm usually sentenced to come before when I'm up here  
2 at the House, and it's an honor to appear before the  
3 Transportation Committee here today. Again, a little  
4 change of scenery for me. Yesterday I was before the  
5 Education Committee, and I'm so used to the Judiciary  
6 Committee that it's good to see some familiar faces but  
7 some other faces here.

8           On the basis of family privilege, I won't answer  
9 any questions about Ron or else I'll have to pay for that  
10 the rest of my life. And he is my godfather, so I will  
11 behave and keep quiet with regard to him.

12           With regard to this legislation, I want to thank  
13 you for giving me the opportunity. Eric invited me up here  
14 to testify today in favor of this legislation that would  
15 strengthen penalties for drivers who disregard pedestrians  
16 in school zones and require the drivers not just to yield  
17 but stop for pedestrians in crosswalks.

18           As you've heard, in March of 2011, young  
19 Owen Brezitski was struck and killed outside of Bishop  
20 McDevitt High School while he was lawfully crossing the  
21 street in a marked crosswalk. The driver was distracted, a  
22 teen driver. She was driving in excess of the speed limit.  
23 She struck, hit Owen, continued on. There was a crowd  
24 there, and she eventually stopped.

25           You know, this is an unthinkable yet entirely

1 preventable tragedy that has led to the introduction of the  
2 legislation by Ron here today. And both Karen and Mark,  
3 who are here, and their daughters, have vowed that  
4 something good would come out of this tragedy to continue  
5 the good work that Owen was doing while he was here with  
6 us.

7           You know, you've heard the statistics. I don't  
8 want to rehash what you heard from PENNDOT. And that only  
9 tells part of the story. Families like the Brezitskis tell  
10 us a whole nother part of these stories. You know, too  
11 often today, drivers are in a hurry. They're distracted.  
12 They're simply inattentive. This legislation will have, I  
13 think, a real impact in letting Pennsylvania drivers know  
14 that they must take extra care around pedestrians or face  
15 strict penalties.

16           Mr. Roxbury was filming here. I don't know if  
17 he's still in here. He and I were talking a few minutes  
18 ago, and his news organization is right across the street  
19 from the Capitol. And those of you that cross Third Street  
20 right here, I know we were saying earlier, it's difficult  
21 getting across Third Street here. The courthouse where  
22 I've worked for the last 20 some years, a few blocks from  
23 here, we've had two pedestrians killed within the last  
24 several years, one right in front of the courthouse, one at  
25 Second and Market Streets. The guy at Second and Market

1 Streets was at noontime, you know, crossing to go get  
2 lunch. It's a tragedy, again.

3           And I consider these crashes, not accidents,  
4 because these are preventable. The drivers must take more  
5 care, and unfortunately, you know, when we're not seeing  
6 that type of result, I think you in the Legislature have a  
7 duty to act, as Representative Harper, Representative  
8 Geist, you guys spearheaded changes in our driving under  
9 the influence laws.

10           But I do want to say this: I think this bill on  
11 its own won't do enough, and there has been discussion here  
12 today that we've heard about education and awareness, and I  
13 think that's an important component. How you do that in  
14 the General Assembly, I'm not quite sure, but I think you  
15 really need to. Passing this legislation is a good first  
16 step, but I think there needs to be awareness.

17           The Brezitskis have done an outstanding job with  
18 their public awareness campaign here locally in central  
19 Pennsylvania about the dangers of distracted driving. You  
20 can see they're wearing orange. I broke out an orange tie  
21 today. You know, their foundation that they have is called  
22 Orange 4 Owen, and I would urge you to take a look at their  
23 Website, that it is just a great resource. And again, the  
24 public awareness that the Brezitskis have done for us here  
25 in central Pennsylvania has been outstanding, but I think

1 we need to go further. You know, that effort has to go  
2 along with this bill.

3 My hope is that no one is ever prosecuted under  
4 this bill; you pass this law and I'm never called upon to  
5 use it, that rather we prevent drivers from engaging in  
6 this type of behavior that harms or kills pedestrians, as  
7 too often has happened. If one driver stops at a crosswalk  
8 because of this legislation, then this bill will have had  
9 its intended effect.

10 I think there's a lot of confusion about  
11 crosswalks, as some of you were asking questions earlier,  
12 you know, what do you do? If you see somebody on the  
13 sidewalk, do you have to stop? Do you have to wait for the  
14 person to get into the crosswalk? There's a lot of  
15 confusion about that, and I think a lot of that is going to  
16 be public awareness whether this law passes or not.

17 So I want to commend all of you who have worked  
18 to bring this bill to fruition -- the Brezitskis; Ron;  
19 Members of the committee -- and I would urge the Members of  
20 the committee to swiftly pass this legislation.

21 Again, thank you for the opportunity today.  
22 Chairman McGeehan, I'd be happy to answer any questions.

23 REPRESENTATIVE MARSICO: Well, thank you.

24 Chairman Geist asked me to take over.

25 Chairman McGeehan, did you have a statement or a



1 question?

2 MINORITY CHAIRMAN MCGEEHAN: No.

3 REPRESENTATIVE MARSICO: Ed, I noticed that under  
4 the bright lights, that your hair is getting a little  
5 grayer.

6 DISTRICT ATTORNEY MARSICO: That's too many times  
7 coming up here to testify before the Legislature trying to  
8 get you guys to pass some bills, I think.

9 REPRESENTATIVE MARSICO: Well, we thank you very  
10 much for your input. It's always welcome and valuable.  
11 Chairman Geist.

12 MAJORITY CHAIRMAN GEIST: I want to thank  
13 everybody for coming today.

14 In closing, Owen's mom is going to come up and  
15 say a few words, which I think is only appropriate, and  
16 when she is done, we will be adjourned. And I know that  
17 both Chairman McGeehan and I certainly appreciated  
18 everybody who came forward today, and we'd like to turn it  
19 over to you to close the hearing. Thank you.

20 MRS. BREZITSKI: Thank you. Thank you so much  
21 for the opportunity to speak before you all. I appreciate  
22 that. I know it's difficult for Mark to do this, so I will  
23 take one for the team here.

24 Just before I even start, I think the big  
25 takeaway that I've heard this morning is, and this is my

1 big thing that we came up with, I think there's a huge  
2 confusion out there in the general public about the word  
3 "yield." I think they're not sure what that means. We've  
4 heard everybody ask questions, what does that mean? Do I  
5 yield when the pedestrian is inside the crosswalk? when  
6 they're on the curb? Stop means stop, and I think that's  
7 more universal than a yield. I think a stop is so visible,  
8 and I think even our young people and the tweens and the  
9 teens that are driving know what that means. So that's  
10 just my little bit out there, that I think that would be  
11 easier and more universal for them to know that.

12 I know when I was in New Jersey several times  
13 this summer, it is strictly enforced. You are being  
14 watched. You have to stop at that crosswalk. There are  
15 signs everywhere. You talked about PENNDOT; we heard about  
16 PENNDOT bringing the sandwich signs and offering those free  
17 throughout Pennsylvania, which I think is fantastic. All  
18 we need to do is slap a stop sign on there, you know? We  
19 want you to stop for pedestrians within the crosswalk, not  
20 just yield to them. We're stopping and then we're yielding  
21 to them.

22 But anyway, I wanted to tell you our story,  
23 because I think it's important that you know our story. I  
24 gave the beautiful lady over there a little article about  
25 Owen, and I just wanted you to hear from us exactly what

1 happened that night that has forever changed us.

2           It was a typical day. It was a normal day, you  
3 know? It was busy. I was getting three kids out the door,  
4 my husband out to work, and then I was going to a part-time  
5 job myself.

6           I picked up Owen at 3:30 at choir at Holy Name,  
7 and he was so excited; he was so happy that day. He had  
8 just received treats from the choir teacher, and he was  
9 ecstatic because one of his friends that was sick actually  
10 came into school that day for the Saint Patrick's Day  
11 party, and he said he was the luckiest boy ever, and he was  
12 just so talkative. And I said, well, you know, "Why were  
13 you so lucky?" and he said, "The teacher gave me a shamrock  
14 pin." And I said fantastic, great, Saint Patrick's Day.  
15 He said, yeah, but I'm the luckiest mom; he's like, "It was  
16 the only one that had three leaves on it." And I thought  
17 okay; I just smiled and went on driving home.

18           And then later that night, the girls had a band  
19 concert that was scheduled at Bishop McDevitt High School,  
20 so it was a rushed dinner. We had pizza, and the girls  
21 were getting ready. And Owen and I were sitting at the bar  
22 just eating pizza in the kitchen, and he said, "Is Lauren  
23 going to be singing tonight?" And Lauren is one of our  
24 good friends. And I said, "Oh, no, honey. It's not a  
25 singing concert. It's a band concert. The girls" --

1 Makenna and Kyla -- "will be playing their instruments  
2 tonight," and he was really disappointed. He said, "Lauren  
3 has such a beautiful voice," and I agreed, and I said, "She  
4 certainly does." And I said, "That's one of her gifts,"  
5 and from that point on, I just started talking to Owen  
6 about all his gifts. I told him all his wonderful  
7 attributes: how polite he was, how well mannered he was,  
8 what a smart little boy he was, and just on and on and on.  
9 And when I was doing that, Mark walked in the door, and as  
10 soon as Mark walked in the front door, you know, the huge  
11 greeting between a father and his only son commenced, and  
12 it was, you know, every day was that. Daddy was home, so  
13 it was a great magical encounter for them. And as they  
14 were embracing, I told Mark what was happening, and without  
15 missing a beat, Mark stepped in and just said, "Did you  
16 tell him about..." this? "Did you tell him about..." that?  
17 Did you tell him that he is a great baseball player and  
18 what a great soccer player he is and all this and that? So  
19 by the end of the conversation, Owen's head was this big.  
20 He was just so proud of himself and beaming from ear to  
21 ear.

22           And then a few minutes later, Owen and I and the  
23 girls were out the door on our way to Bishop McDevitt High  
24 School and Mark was on his way to referee a basketball  
25 game. My parents also attended the concert; they're local

1 as well. And after the concert, my dad, who suffered a  
2 stroke 20 years ago, can't really communicate very well,  
3 but he reached in his pocket and gave the girls a 5-dollar  
4 bill each for a good performance and then he looked over at  
5 Owen and gave him a dollar bill for good behavior during  
6 the concert.

7 And as was tradition, we were just trying to  
8 decide where we should go for an after-concert treat, so  
9 went back and forth, back and forth. My kids would always  
10 pick Friendly's, and I thought, it's already 8 o'clock;  
11 it's a school night; there's no way we can do Friendly's;  
12 we've got to get home and get ready for the next day.

13 So long story short, Owen decided that we should  
14 go to McDonald's for shamrock shakes, because it was, after  
15 all, Saint Patrick's Day. So that was our plan. We headed  
16 out of the gym, down the long hallway. We stopped to help  
17 a little boy who was struggling with three music stands to  
18 help him down to the band room. We went out that door by  
19 the band room. And back and forth, Owen and I were going  
20 on and on because he insisted that he wanted to buy  
21 everybody shamrock shakes. And I kept saying no, no, no,  
22 it's Mommy's treat; it's not a problem. We'll go, we'll  
23 have shamrock shakes, and then we'll go home, Grandma and  
24 Grandpop will go home, and he kept saying no, but I want to  
25 pay for them. He was really insistent, and I didn't have

1 the heart to say, honey, you only have a dollar; you know,  
2 they're going to be more than a dollar.

3 But in the end, we just kept bantering back and  
4 forth, back and forth, and we got to the curb. And my  
5 parents were the leaders, and my mom, I distinctly remember  
6 my mom saying, "Okay, guys, it's clear. Let's go." And  
7 that was after we all checked three times, back and forth,  
8 back and forth. And mind you, there were so many people  
9 coming out of Bishop McDevitt. It was a concert that had  
10 just let out. We were getting into the crosswalk so we  
11 could cross to the other side of the street where our cars  
12 were parked and then we were going to head down to  
13 McDonald's.

14 So Owen and I are still bantering back and forth,  
15 and we're now moving across the crosswalk, and all of a  
16 sudden my life changed before my eyes in an instant.  
17 Headlights came rushing at us, chaos erupted and screaming  
18 ensued, and I yelled "Owen" in this horrible voice that I  
19 could never, ever reproduce. He was only an arm's length  
20 from me. I heard a horrible thud, and I knew instantly  
21 that death had come. And I ran over to him. He was  
22 dragged out of the crosswalk, because the driver did not  
23 stop immediately. I ran over to him. He was face down. I  
24 was screaming, of course, for people to call 9-1-1. My  
25 girls, Makenna and Kyla, are now hysterically screaming.

1           I remember a nurse came over, thankfully, and  
2 helped me. We rolled Owen's body and we started CPR.  
3 Horrible, horrible scene, blood everywhere. Owen never  
4 said anything. It's a scene I play over and over in my  
5 head every day. I see it every day. I see it crystal  
6 clearly. I can tell you every detail and everything that I  
7 said and everything I did to help save his life, but I knew  
8 instantly in my heart that he was dead. And as soon as I  
9 went over there and blood was coming out, brain matter was  
10 coming out, I knew there was no hope, so I began to pray.  
11 I prayed and prayed out loud. I said the Hail Mary I don't  
12 know how many times, and 45 minutes later, Owen was  
13 pronounced dead at Harrisburg Hospital.

14           And like I said, I relive that moment, those  
15 moments, every day of my life. I don't think that will  
16 ever go away. But my passion right now is to make sure  
17 that this tragedy does not touch anybody else, that there  
18 are things that we can put in place to prevent things like  
19 this from happening. Yes, the driver was distracted; yes,  
20 she was a teen and inexperienced. Had there been a sign  
21 there that said "Stop," maybe that would have triggered  
22 something. I don't know. But that's my hope and my  
23 prayer, and I really, really think that things could be  
24 different if people are made to stop at a crosswalk and not  
25 just yield.

1           Again, I think it comes back to semantics. I'm  
2 not sure that they know what the word "yield" means. I  
3 think stop is stop, yield is a grey area. So I think it  
4 would behoove us all to protect all of our citizens of  
5 Pennsylvania and all of our pedestrians, our bicyclists,  
6 everybody who's using those crosswalks, not just in school  
7 zones, particularly in school zones. My push with that is,  
8 the schools that I attend are open almost 24/7. I mean,  
9 there are activities going on at schools not just during  
10 the school hours, but you have football teams, you have all  
11 kinds of sporting teams that are using the facilities day  
12 in and day out. You have meetings that are being held  
13 there. You have other people using the facilities for  
14 taekwondo classes or whatever. But throughout the week,  
15 people are in and out of those schools, not just during  
16 school hours. So I think having a stiffer penalty in a  
17 school zone -- whether school is in session or not, it's a  
18 school zone -- would be mandated and would be beneficial to  
19 everybody just to make sure that people are aware that  
20 people could be crossing at any time and just to make sure  
21 that that ensures our safety of our citizens.

22           Owen was struck, dragged, and killed by a  
23 distracted teen driver who did not stop at a clearly marked  
24 crosswalk that fateful night. And Owen was such a mature,  
25 unusually mature little boy. He was only 8, but boy, he



1 was wise. He was wise beyond his years. He was a leader  
2 in his classroom, his second grade classroom. He showed  
3 much self control and was not impulsive or rambunctious.  
4 He had wonderful manners and a bright, beautiful,  
5 contagious smile. He was funny and made us all laugh so  
6 much, and he was my precious son. He was my Big O, my  
7 Little O, my Oboe, my O-meister, and just my O, and he was  
8 the best Owen ever.

9           And today I take so much comfort knowing that  
10 he's in heaven with our Lord and that one day we will all  
11 be reunited. And Mark and I were given so many graces that  
12 night. We were able to tell him just how special he was  
13 hours before he died, and I actually have still pictures as  
14 well as video moments before he died. I was testing out a  
15 new camcorder that Mark had just bought that week, and he  
16 wanted me to test it out. I'm not the camera person; I'm  
17 not the photographer of the family, so I never have a  
18 camera. So it's odd that I had that and that I actually  
19 used it, and I got a lot of footage 15 minutes before he  
20 was killed.

21           In the days that followed, Mark and I planned our  
22 son's funeral while Makenna and Kyla created Owen's  
23 Foundation. Our family decided that no other should have  
24 to go through and endure what we did, and so Owen's  
25 Foundation was borne out of this tragedy of ours. Owen's

1 Foundation was created to honor Owen and to promote  
2 pedestrian, traffic, driver, and childhood safety as well  
3 as raise awareness of the consequences of distracted  
4 driving practices.

5           And our story is a clear reason why we need to  
6 change people's mindset when it comes to crosswalks and  
7 pedestrians. We must protect everyone, and by making these  
8 changes, we would indeed be doing that, and I really  
9 believe that lives would be saved if HB 2614 were passed.

10           So much has happened in the past year and a half,  
11 and so many lives have been touched by our Owen. I have  
12 had numerous opportunities to share Owen's story so that  
13 others may understand the dangers that are present on our  
14 nation's roads and to help discover ways to eliminate them.

15           I know some people have changed their behavior  
16 behind the wheel and I applaud them, and I'm so happy to  
17 hear that. Each and every time that I hear stories like  
18 that, it warms my heart. But while I'm here today, I have  
19 to tell you that I must implore you all to look at your own  
20 driving behavior behind the wheel. Look at what you do  
21 behind the wheel. I know I've changed things that I do; I  
22 know Mark has as well, and I really, really want all of you  
23 to slow down, be alert, and save a life.

24           Owen was full of promise and had great potential,  
25 and to know that his death could have been prevented is

1 simply heartbreaking. We know we cannot change yesterday,  
2 but we can make a difference today and tomorrow. And it is  
3 our hope that our continued efforts to help improve our  
4 laws will help eliminate distracted driving and keep our  
5 drivers as well as our pedestrians safe so that no other  
6 family suffers a loss like ours.

7 Thank you for your time and for listening.

8 MAJORITY CHAIRMAN GEIST: On behalf of the  
9 committee, let me thank you. I think your testimony was  
10 wonderful, and I love your Christian celebration of his  
11 life.

12 MRS. BREZITSKI: Thank you.

13 MAJORITY CHAIRMAN GEIST: With that, we're  
14 adjourned.

15

16 (The hearing concluded at 11:30 a.m.)

1           I hereby certify that the foregoing proceedings  
2 are a true and accurate transcription produced from audio  
3 on the said proceedings and that this is a correct  
4 transcript of the same.

5  
6  
7           Debra B. Miller

8           Committee Hearing Coordinator/

9           Legislative Reporter

10          Notary Public

11  
12          Keisha C. Wright

13          Transcriptionist