



HIGHLIGHTS OF OCTOBER 4, 2012 MEETING

NOTE:

- All presentations and related meeting handouts are located on the RSTF website.
<http://www.dvrpc.org/transportation/safety/presentations/>

1. Welcome & Introductions

Zoe Neaderland, Manager of the Office of Transportation Safety and Congestion Management at DVRPC, welcomed everyone. Introductions followed. The following are a few items discussed.

- Hard copies of folders for RSTF meetings are being replaced with electronic copies of material posted a week before meetings. Ms. Neaderland asked if anyone had any problems downloading the handouts from the website. A couple of people had an issue with the links to access the handouts. DVRPC will make sure that this problem is handled before the next meeting.
- Ms. Neaderland introduced Jenny Robinson, Manager of Public and Government Affairs at AAA Mid-Atlantic Philadelphia Office, as the new RSTF co-chair. Ms. Robinson will co-chair the RSTF with Violet Marrero, Manager of Special Projects at New Jersey Division of Highway Safety (NJDHHS).
- Sgt. Michael Rann of the Cherry Hill Township Police Department Traffic Safety Unit and former RSTF co-chair, was recently transferred. Officer Jim Philbin, Cherry Hill Township Police Department Traffic Safety Unit, will continue to attend and provide enforcement updates. The co-chairs and DVRPC staff expressed their appreciation for Sgt. Rann's many contributions.
- The **next RSTF meeting will be held on Tuesday, December 4, 2012**. The emphasis area to be discussed is Keep Vehicles on the Roadway and Minimize the Consequences of Leaving the Roadway.

2. Safety Action Plan Update

Ms. Neaderland announced the publication of the *2012 Transportation Safety Action Plan* and set of seven emphasis area summary cards. Members were encouraged to take copies. Both publications are available at www.dvrpc.org/asp/publicationsearch.

3. June 2012 Meeting Recap

The meeting highlights from June 19, 2012 were approved. Regina Moore, Transportation Engineer at DVRPC, provided a brief summary of the following items:

- *Status of Measures* – The table was reformatted to more clearly show which targets are being met and which are running behind. Attendance dropped at the last meeting (38 people) compared to the one before (47 people) but that was at the first off-site meeting. The RSTF continues to have at least two agencies from the education, enforcement, engineering, and policy/legislative communities attend and participate at meetings, however

there is a continued need to bring in the emergency services community – help is requested from participants. DVRPC and the Center City District are conducting a before-and-after analysis of an effort to reduce crash congestion and improve safety for all modes between Broad Street and 23rd Street in Philadelphia.

- *Volunteer Updates on Action Items* – Follow-up actions included the following:
 - DRPA is not able to publicize safety plans of other organizations on their website, because their website is strictly to inform the public about their facilities, traffic reports, and board actions.
 - Pat Ott, Managing Member, MBO Engineering LLC has partnered with Rutgers University's Center for Advanced Infrastructure and Transportation (CAIT) to conduct a survey for the Region II University Transportation Research Center. The purpose of this survey is to gather opinions on the New Jersey cell phone law. Ms. Ott reported that the survey was delayed. She expects to have preliminary results to share at the October meeting.
 - Mike Dennis, Managing Member, ProVuncular LLC, mentioned that he was successful in summarizing existing messaging campaigns for reducing impaired and distracted driving. He hopes to share more results on this effort at the October meeting.
 - No one from the Philadelphia Streets Department was available at the meeting to provide their update on determining the effectiveness of road diets in the City of Philadelphia. An update is expected at the December 2012 meeting.
- *Quarterly Crash Trends* – A data comparison of state and county crash data from April to June 2011 and 2012 revealed fatalities in the five-county Pennsylvania region dropped by 12 percent, however crashes and injuries increased by 30 and 43 percent, respectively. During the same time period, crashes, injuries, and fatalities dropped in the four-county New Jersey region.

There was discussion concerning differences among the fatality data used in the spreadsheet as compared to some other sources. Below are highlights:

- Ms. Marrero said that the Fatality Analysis Reporting System (FARS) is a more solid source for fatalities than Plan4Safety but their data doesn't get finalized until six months after the end of the year. The NJ State Police post-crash fatalities within a few days on their web site and perhaps the spreadsheet should use that data. She noted that there had been crash fatalities in Camden during the period but none showed in the table.
- Pennsylvania gathers fatality data from various sources, so this is less of an issue.
- Additional issues in New Jersey are that there are 44 days to report TR-1 forms rather than the faster electronic process in Pennsylvania. At least in New Jersey, suicides are coded as incapacitating injuries.

There was also discussion about how to prepare the analysis, including the following points:

- Larry Bucci, Traffic Safety Engineer, PennDOT District 6, reiterated that this is only a snapshot and said he believed fatalities will end up higher at the end of the year in Pennsylvania.
- Shannon Purdy, Program Manager, NHTSA Region 2, also said to use caution in looking at a six-month crash comparison. At least nationally, there were more vehicle-miles-traveled and other factors that impacted the year-to-year movement.

She suggested instead using a comparison to average the last five years for the three-month time period.

- There was discussion of whether to change the way that the crash data is being reported and whether this quarterly reporting exercise is worthwhile. Thoughts were mixed. There is the option is to wait for the final numbers that come out approximately six months after the end of the year. However, then there is no feedback on effectiveness or trends for 18 months.
- More detailed explanation to explain and cautions about how to use of the numbers will be added on the quarterly crash data table.

4. Update from the Enforcement Community

Cpl. Preston Forchion of the Washington Township (NJ) Police Department, shared information about the multi-municipal Data Driven Approach to Crime and Traffic Safety (DDACTS) enforcement effort along the Cross Keys Road corridor. DDACTS combines crash and crime analysis; it made sense in this corridor where speeding is a problem, there are various local crime issues, and the road is used to leave after burglaries. The municipalities did this effort from May, 2011 to June 2012. It involved 3,913 man hours but the costs were low as they covered it while on scheduled patrols. It resulted in approximately 3,000 summonses and 414 arrests. One discovery was the high number of violators driving while using prescription and illegal drugs. Cpl. Forchion felt the DDACTS results numbers didn't show the full story of the effect and potential of this approach. The departments didn't have the manpower they needed to fully carry it out. There was a learning curve on this first application for officers to catch up on both the traffic and crime codes, and to know minor legal reasons to stop vehicles. Also the numbers didn't reflect positive intangibles, such as the compliments from the public about seeing stepped-up policing in a troubled area. They did find trouble-makers and crime moving away from that corridor to other locations, highlighting that the approach has to stay flexible to change with circumstances, but it still helps to unsettle criminal elements.

- The question was raised of whether more Drug Recognition Officers (DREs) would help. Cpl. Forchion is a certified DRE but has experienced judges and prosecutors not taking drugged driving seriously. He wrote 100 tickets for driving under the influence of drugs and only one was upheld, and that was for reckless driving. He sees this as significantly undercutting the ability of police to do their jobs.
- Officer Philbin praised the coordinated effort, as they have seen people stopped in three adjoining municipalities, but the officers don't know and the driver gets away with disregarding laws. He noted that a surprising number of people are running the red light with a camera despite clear signage. He said it may take the financial hit of upheld tickets to make people pay attention. He also said that the pedestrian ticket fines fund pedestrian safety grants, so they should not be dismissed either.
- Ray Reeves, Senior Highway Safety Specialist at NJDHTS, said they involve judges and prosecutors when planning a pedestrian decoy event to prepare them for the numbers and so they won't dismiss the tickets.
- Sgt. Tom Gross, NJ State Police, raised the idea of making aggressive driving tickets not subject to downgrading. It has been effective to make teen driving offenses not subject to plea bargaining.

Additional updates included the following:

- New Jersey State Police is looking at ways to address the recent increase in crashes in Burlington and Camden counties, including seat belt and DUI details.

- Cherry Hill Township continues to see a surge in pedestrian fatalities, specifically along Route 70. The Township recently held a roundtable discussion on pedestrian safety and is working with NJ Transit to evaluate whether to relocate or remove any transit stops along high pedestrian crash corridors.

5. Legislative Update

New Jersey

- In New Jersey, a bill (S-69) was proposed to increase fines and impose license suspension for talking or texting on a hand-held device while driving.
- Another bill (A-2199-Kulesh, Kubert, and Bolis Law) established the violation of hands-free cell phone law as reckless under vehicular homicide and assault by auto statutes.
- New Jersey's Supreme Court has upheld C.39:3-13.2a – Kyleigh's Law, which requires teen drivers to display a sticker on their license plates to indicate they are driving with a restricted license.

Pennsylvania

- In July, legislation passed allowing red light cameras in parts of counties around Philadelphia. Under the new law, a municipality would need to pass an ordinance authorizing a red light camera intersection, and submit the request to PennDOT. The following is a list of eligible locations in the Philadelphia region:
 - **Bucks County** – Falls, Middletown, and Warminster Townships
 - **Delaware County** – Springfield Township
 - **Montgomery County** – Norristown Borough and Abington, Horsham, Lower Merion, Lower Providence, Montgomery, Upper Dublin, and Upper Merion Townships
- The legislature approved a bill for testing of octane levels of gasoline. Pennsylvania is currently one of only three states left that do not test it.

6. Making Tickets More Effective

When tickets are plea bargained or downgraded on a regular basis, it can undermine their purpose. Ms. Neaderland led the discussion of a draft handout, "Why Outreach to Judges and Prosecutors is Important to Improve Traffic Safety," prepared in consultation with RSTF members in Pennsylvania and New Jersey. There is a need for more even-handed follow-through on aggressive driving and impaired driving tickets according to analysis and officer experience. In Pennsylvania, more than half of those convicted for impaired driving in 2011 were repeat offenders. A New Jersey study found that repeat offenders are not equally found in the population; for example, male teen-age drivers had recidivism rates 800 percent to 2,100 percent higher than other driver subgroups.

The discussion, which focused on next steps, included the following points:

- Some potential next steps were to better define the research gathered into a brochure that could be shared as an education tool for prosecutors and judges. The RSTF could also volunteer more support, and perform more data analysis, particularly in areas where there are higher rates of plea bargaining.
- Ray Rauanheimo, Montgomery County Volunteer Coordinator/MPO representative from AARP, recommended that DUI and DWI should not be subject to plea bargaining anywhere. He said the points system leads to meaningful changes in behavior and should be fully used.

- Ryan McNary, Assistant Manager of Alcohol Highway Safety Program at PennDOT Central Office, suggested DVRPC could help do outreach in conjunction with enforcement waves using a brochure based on the handout. He said it should clarify that police officers already had opportunity to reduce charges at the scene based on mitigating circumstances.
- Officer Philbin said that this is a legislative issue. Police write the tickets, but unless laws are in place to uphold the ticket, then problems will continue to occur with charges being downgraded by judges. For example, the law could be changed that offenses subject to points can't be plea bargained down to fines.
- It was noted that in New Jersey, a person can be a prosecutor in one county and a DUI defense attorney in another, leading to potentially questionable relationships.
- Ms. Marrero said this is a big issue, and perhaps it would help to focus on specific issues such as respect for DREs and the risk of aggressive driving. She said that traffic violations aren't as sexy as crime even though they impact more people. Part of judge's response depends on their knowledge and experience.
- Max Little, Traffic Safety Resource Prosecutor, Pennsylvania District Attorney's Association, said to some extent this is trying to squeeze social problems into an enforcement setting. For example, he noted that a wealthy person can hire an aggressive lawyer and take an inordinate amount of a judge's and officer's time.
- Gordon Beck, Law Enforcement Liaison for Buckle Up PA, shared his previous experience as an officer. He was told by judges to use five miles over the speed limit (a fine) instead of failure to obey traffic control devices (points). He expressed frustration on behalf of people who pay tickets seeing people who can hire lawyers to protest tickets and get off with much lower penalties. He also said there is no tracking of plea bargaining by person this can be done repeatedly.
- Bill Beans, Program Manager at MBO Engineering, said that the NJ Motor Vehicles Commission is talking about updating the points system and that would be a productive time to be involved. He also recommended a version of the brochure for judges and prosecutors that understands their viewpoints but asks them to take a hard look and temper plea bargaining. It should emphasize that repeat offenders are proven to cause crashes.
- Other ways to proceed included public education (for example regarding how it changed attitudes toward drinking and driving), and the impact of cost of tickets.
- Kevin Murphy, Principle Planner at DVRPC, added recognition of the impact of having to take a day off from work for a summons.

7. Emphasis Area Focus – CURB AGGRESSIVE DRIVING

Mr. Murphy provided a quick review of the DVRPC *Transportation Safety Action Plan* and its products, including analysis and priority strategies Curbing Aggressive Driving. On average, aggressive driving was a contributing factor for 50 percent of the annual traffic fatalities in the Delaware Valley, for the period 2008 through 2010. This is the most significant emphasis area to address to improve safety.

Mr. Little provided the prosecutorial and legal perspective on aggressive driving cases. Below are highlights from his presentation:

- Most of the time, Pennsylvania prosecutors are not involved in traffic citations. Traffic citations are between the lawyer, offender, and the magistrate district judge. Prosecutors get involved if there is an appeal and in summary cases (for example, leaving the scene of a crash).

- Prosecutors can only enforce laws as written. There does, though, remain a perception that traffic enforcement is not legitimate, that it is just a way for municipalities to make money even though that is not true.
- He clarified that structure can influence how prosecutors do their jobs. In New Jersey, they are appointed. In Pennsylvania, they are elected every four years. He thinks that makes them more approachable.
- Plea bargaining happens in part because many people can't risk losing their license as that could result in losing their jobs.
- In homicide by vehicle cases, one must prove gross negligence. It is easier to defend the driver in such a case than to prosecute them successfully.
- There is need to get out among the public and educate potential jurors about how many cases are gross deviations from what is acceptable.
- Another important step is to track repeat offenders.

Dr. Jim Haugh, Associate Professor, Department of Psychology at Rowan University, shared information on Rowan University's Aggressive Driving Project. Below are main points from his presentation:

- This project was a partnership between the education and psychology departments on how to treat aggressive driving behavior.
- The approach used was to test six participants; three who were self-identified aggressive drivers and three who were court-referred aggressive drivers. There were pre- and post-treatment measures gathered among the participants to determine their behaviors and the attitudes behind why they drive aggressively.
- This treatment program consisted of six weekly meetings ranging between 1.5 to 2 hours. The focus was on:
 - Raising awareness about the impact of aggressive driving.
 - Understanding what leads to aggressive driving.
 - Developing skills and attitudes conducive to changing aggressive driving.
 - Monitoring of aggressive driving and change attempts.
- There were positive results from this program, which varied by individuals.
- Dr. Haugh concluded that there are hurdles to overcome in identifying people and the process taken to refer them to the program. He hopes to reach a larger audience and wants to tailor treatment to specific people and their circumstances.

8. Developing Action Items to Reduce Aggressive Driving

A set of actions were generated from the curbing aggressive driving discussion and the strategies in the Safety Action Plan. See the 2011 Tracking Safety Actions Table for list of volunteers. The actions are:

- Draft a public information brochure based on the handout on why outreach to judges and prosecutors is important; it will be oriented to potential future jury members, and also available in Spanish.
- Draft a letter to legislators to share the Safety Action Plan cards, and also the public brochure
- Draft a checklist for prosecutors and judges to use as a reference when handling aggressive driving related cases, to be distributed with a letter and the public brochure.
- Explore the idea of distributing aggressive driving information (i.e. posters or brochures) at PA magistrate district judges' offices and NJ municipal court judges' offices. Check if

NJDOT or other agencies already have an appropriate poster, such as “do you do two or more of these activities?”

- Publicize enforcement activities on agency websites. DVRPC to ask enforcement agencies for activities planned in near future and distribute for posting
- Gather existing aggressive driving messaging campaigns and explore how RSTF partners can use fewer different messages in order to be more effective.
- Develop a one-page summary on who to reach and ideas on how to go about conveying the importance of filling out crash reports to officers when reporting aggressive driving related incidents.

9. Member Updates and Open Forum

- Mr. Reeve noted the following:
 - A pedestrian decoy survey was sent out to over 900 police officers, and over 250 officers responded. The purpose of the survey was to determine a baseline on who is conducting these events and where they are being performed.
 - There were pedestrian decoy training classes held in August and September.
 - In September the first pedestrian roundtable was held in New Jersey to expand upon and get more of an assessment on what is going on in the state.
 - A pedestrian decoy training video for police officers was developed. The video will be distributed to every police department in the state.
 - October 10th is “Put the Brakes on Fatalities”. For more information visit <http://www.brakesonfatalities.org/>.
- Mr. McNary said PennDOT helped to develop an ad campaign on pedestrian safety, which is expected to launch in late winter/early spring.
- Ms. Ott announced that the South Jersey American Society of Highway Engineers (ASHE) is having a half-day workshop on designing for pedestrians. This event will be held on April 17, 2013 at The College of New Jersey (TCNJ).
- Janet Hansen, Program Coordinator at Rutgers University – CAIT, announced the 8th Annual Safety Forum will be held on October 24, 2012 at the Mercer County College. The focus is for pedestrian safety. For more information visit: <http://cait.rutgers.edu/tsrc/safety-forum-2012>.

Attendees:

Aguilera, Lori	Chester County Highway Safety
Amway, Lauren	Street Smarts – Delaware County
Bartels, Stacy	Delaware Valley Regional Planning Commission
Beans, Bill	MBO Engineering, LLC
Beck, Gordon	Buckle Up PA
Bucci, Larry	Pennsylvania Department of Transportation – District 6
Buerk, Jesse	Delaware Valley Regional Planning Commission
Chelius, Tim	South Jersey Transportation Planning Organization
Dennis, Mike	PROVuncular, LLC
Ferraro, Donna	Public Health Management Corp.
Forchion, Cpl. Preston	Washington Township Police Department
Getz, Bradley	Pennsylvania State Police

Gross, Sgt. Tom
Hansen, Janet
Haugh PhD., Jim
Little, Max
MacCarrigan, Lisa
MacKavanagh, Kelvin
Marrero, Violet
McNary, Ryan
Moore, Regina
Murphy, Kevin
Neaderland, Zoe
Noble, Tracy
Oaks, Sarah
Ott, Pat
Philbin, Officer James
Purdy, Shannon
Rauanheimo, Ray
Reeve, Ray
Robinson, Jenny
Schmidt, Peggy
Schmidt, Nicholas
Trimbell, Shayne
Vilotti, Charles
Ward, John

New Jersey State Police
Rutgers University – CAIT
Rowan University
Pennsylvania District Attorney's Association
Delaware Valley Regional Planning Commission
DVRPC – Goods Movement Committee Task Force
New Jersey Division of Highway Traffic Safety
PennDOT – Bureau of Maintenance and Operations
Delaware Valley Regional Planning Commission
Delaware Valley Regional Planning Commission
Delaware Valley Regional Planning Commission
AAA Mid-Atlantic
Delaware Valley Regional Planning Commission
MBO Engineering, LLC
Cherry Hill Township Police Department
NHTSA – Region 2
AARP Montgomery County
New Jersey Division of Highway Traffic Safety
AAA Mid-Atlantic
Partnership TMA Montgomery County
Washington Township Police Department
Greater Valley Forge TMA
Chester County Highway Safety
Delaware Valley Regional Planning Commission