

Testimony of Brandon J. Hickey
2791 Albany Avenue
(Route 44)
West Hartford, CT
Before the
Judiciary Committee
February 27, 2006

Raised Bill No. 5210

AN ACT CONCERNING ENFORCEMENT OF SPEEDING AND TRAFFIC
CONTROL SIGNAL VIOLATIONS

Mister Co-chairmen and members of the Judiciary Committee This is the 40th year that my wife and I have lived on Route 44 on the side of Avon Mountain about 3/8 of a mile west of Mountain Road. I am here to testify in support of Raised Bill No. 5210.

On February 10, 2003, I wrote to the Co-chairs of this Committee "to use your good offices to raise Bill 6282", an Act Authorizing the Use of Automated Traffic Enforcement Devices, stating the CRCOG had reported in its final design report as early as 2000 that if the Devices "are legalized in Connecticut, they should be considered as an enforcement tool for Avon Mountain", concluding that "Conceivably, it could be a matter of life or death". To this committee's credit it raised bill No. 872 on the same date. In preparing for testimony before the Planning and Development Commission, I discovered that Bill No 872 was flawed, but that its flaws could be remedied by decriminalizing the process of sanctioning owners through the utilization of inferences. Representative Farr and I corresponded on the matter, following which a different approach evolved as witnessed by HB 5744 (2005) and the present Raised Bill 5210. Every one knows what has transpired in the intervening period: Six people have died traversing Route 44 over the Mountain.

In response to the difficulties of enforcement of speed laws on the mountain and the fact of multiple fatalities, CRCOG drafted a legislative proposal which would permit the use of the Devices by West Hartford and Avon, following which West Hartford passed a supportive Resolution while Avon's town manager said the town would be in favor of a pilot bill. I urge the members of this Committee to consider this: Route 44 as it traverses the mountain is hazardous to motorists. It is also hazardous for the police who must patrol it. The police did not create the hazard and should not bear the risk of any design, maintenance and construction deficiencies in what I trust is not a turf war.

There are eight state highways traversing West Hartford, a typical "sandwich community" located between an urban area and a number of outer burbs. The Department is dedicated to transportation, and it is not its function to enforce the speed limits which it imposes. If local police are required to enforce speed laws imposed by the Department on state highways traversing their communities, why should the local police

be denied 21st century techniques and procedures in undertaking such enforcement? It is unrealistic to assume that the Department will use this bill to apprehend aggressively those who ignore the speed limits set by that very Department. The dominant concern of the Department is Transportation is transportation. The local authorities are left with the task of restricting the transportation of motor vehicles at speeds in excess of the posted limits. Sometime the two charges conflict.

Some suggested considerations:

- Require uniform standards for certification of the Devices by the Motor Vehicles Commissioner and reduce the inaccurate calculations of speed or identity and claims of unfairness.
- Prohibit payment to the vendor of the equipment on a percentage basis to reduce public reaction to the new ticketron in town.
- Who decides on tolerance levels, if any, without police monitoring?
- What will be the qualifications of the hearing officer?
- Prohibit the installation or application of material making the license plates unreadable by the camera even though otherwise visible.
- Include leased or rented vehicles but provide for the dismissal of the lessor upon identification of the lessee within thirty (30) days to prevent the charge of inequities when some 20% of the vehicles are not subject to this law. The dynamics change when one arrests the vehicle not the operator
- Permit the owner to identify the user and thereby avoid the penalty.

The real problem here is that the Department of Transportation, should be proposing a mature, refined bill based on FHWA Study Tour for Speed Management and Enforcement Technology, December 1995 (69 Pages): Photo Radar Literature Search prepared by John N. Ivan, Associate Director of the Connecticut Transportation Institute 1988-2002 (56 pages) and Traffic Calming of State Highways: Application New England, 2002, Professors Ivan and Jianhe Du , both of the University of Connecticut; and, Highways for Life, FHWA, September , 2005. After all, the first decade of the 21st century is more than half over.

Very respectfully yours,


Brandon J. Hickey