

**Statement of Michael J. Riley
President**

**MICHAEL J. RILEY
PRESIDENT**

**Motor Transport Association of Connecticut
Before
The Joint Committee on the Judiciary
March 19, 2007**

Re: Raised Bill No. 1443 AN ACT AUTHORIZING A PILOT PROGRAM CONCERNING AUTOMATED SPEED ENFORCEMENT DEVICES ON ROUTE 44 IN AVON AND WEST HARTFORD

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 1,000 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

MTAC was founded in 1920 and over the past 87 years has fought long and hard to improve the safety of the highway and road systems and the vehicles which use them. We supported the establishment of mandatory drug testing for truck drivers, creation of the Commercial Drivers License, tough safety standards for vehicles and we have always advocated for strict enforcement of traffic laws. We opposed the increase in the speed limit from 55 mph to 65 mph. We have been strong proponents of the Motor Vehicle Department's Commercial Vehicle Safety Division and the State Police Truck Squads. We have supported the construction and operation of scale houses and safety inspections and moving vehicle enforcement programs. We have been working to expand the number and quality of truck rest areas throughout the state, so that tired truckers can get their needed rest. We have supported the Governor's campaign to deal with tailgating, the "Click it or Ticket" program and the Construction Zone Safety effort. We believe in safety. We stand for safety. And, we are committed to do all that we can to improve the safety of our transportation system in this state. Our record on safety speaks for itself.

It is not lightly that we have decided to oppose Senate Bill No. 1443 AN ACT AUTHORIZING A PILOT PROGRAM CONCERNING AUTOMATED SPEED ENFORCEMENT DEVICES ON ROUTE 44 IN AVON AND WEST HARTFORD

The proponents of this bill say that it will improve safety. However, a close look at the bill exposes several provisions, which raise serious questions which need to be considered, especially by the Judiciary Committee.



- One of the strongest objections we have to this bill is that it replaces law enforcement officers with cameras. There is no better deterrent to hazardous moving traffic violations than visible and consistent professional police presence. Real cops are the gold standard of effective law enforcement

We want more than pictures of speeding cars and trucks. We want the vehicle stopped. We want the driver given a ticket for speeding. We want the officer to talk to the driver and determine if he is under the influence of drugs or alcohol. We want the trained police officer to check the driver's credentials such as license, registration, hazardous materials shipping papers, permits for over size loads, bills of lading, and proof of up to date fuel tax status. We want the truck to be inspected for physical defects, including broken, worn out or malfunctioning equipment. We want the truck to be weighed and we want to make sure that there is no contraband or improper cargo on board. You cannot get these things from a camera.

All you get from a camera is - a picture of truck driven by someone breaking the law - a \$100 fine for the owner (not the driver) and a \$100 revenue item to one of the towns authorized in this bill. Depending on the arrangements, much of this fine may be sent to the company leasing the camera to the town. That is not improving safety. That is improving revenue.

- The bill would charge the owner of a motor vehicle for a moving violation. This is contrary to current and past procedure where the driver is the liable party when the vehicle is operated in an unlawful manner. Often, someone other than the owner of the vehicle is driving the vehicle. Drivers, not owners, commit moving violations. It is not fair to impose a fine on a party who may not have had anything to do with the violation. Additionally, the owner of the vehicle, contrary to the constitutionally guaranteed presumption of innocence, is presumed to be guilty unless he proves himself to be innocent. **This tampers with a fundamental concept of American justice.**
- One of our biggest problems with this bill is that it would, for the first time, allow municipalities to collect fines for moving violations and retain all the revenue generated in their jurisdiction. This is a major change in state policy and one which should not be implemented. Here-to-fore, all fines for traffic violations have been paid, through the Central Infractions Bureau, of the Judicial Department to the State Special Transportation Fund. Unfortunately, last year, the Legislature passed a bill which adds a \$10 surcharge to all traffic tickets, which goes to the town wherein the tickets are issued. It would be an unwise decision to allow municipalities to use traffic fines as an additional local revenue generator. **When the entity which issues the ticket gets the money for the fine, the table is set for pressure to be put on law enforcement to produce a steady, if not increasing stream of revenue for the local budget.**

- The cameras used to employ photo ticketing tactics can cost as much as \$60,000 each. They are sold on a promise that they are self-amortizing in a short period of “concentrated” enforcement and then begin to turn a profit.

We are concerned that some manufacturers of electronic traffic enforcement equipment receive a kickback on all tickets which their equipment issues. This arrangement permits them to offer preferential pricing to municipalities who later become “partners”. **Traffic enforcement should not be an entrepreneurial opportunity. If this bill proceeds, it should carry a provision which prohibits any “revenue sharing” with manufacturers or distributors of photo ticketing equipment.**

- The cameras are capable of being adjusted to certain thresholds of speed or time from a red light. **In the event that more revenue was needed from the cameras, these tolerances could be set to issue tickets for very minor violations such as two or three miles per hour over the posted speed limit.**
- **This bill recreates a type of Municipal Court, an anachronism which was eliminated in this state fifty years ago, because of its inherent abuses and corruption.** This court would be run by a hearing officer, a person with no particular qualifications or training, who is appointed by the Chief Executive Officer of the municipality. This hearing officer decides on appeals against tickets generated by the cameras. This person is authorized to conduct the hearings any way he deems fair and appropriate. This bill provides that the rules regarding the admissibility of evidence are not strictly applied.

A designated municipal official, again with no required training or experience, can represent the municipality at these hearings, as some sort of prosecutor. The hearing officer renders a decision and judgment and if payment is not made, the whole matter is referred to the Superior Court.

The bill requires the police officer who authorized the issuance of the citation to attend all hearings contesting photo tickets. We would prefer that that officer be out on patrol enforcing all traffic violations - not just speeding.

This bill creates a costly bureaucracy in order to justify the use of the cameras. This is money that can, and should be, used to hire professional policemen and to task them with dealing with traffic enforcement problems.

- The bill allows the two municipalities to establish ordinances “regulating the speed of vehicles or of section 14-218a or 14219”. Route 44 is one of the oldest state owned roads in Connecticut. It runs from the New York border to Rhode Island and passes through around 22 towns. Speed limits on state roads are, and should be, set by the State Traffic Commission. **Allowing municipalities to set speed limits on state roads could create confusion and discrimination against**

certain types of traffic. Speed limits need to be established with a state wide perspective and not just a local one.

- We also object to the bill in that it allows municipalities to install photo-ticketing devices wherever the town wants to put them. The State Traffic Commission is merely notified as to where the device is located. We believe that the State Traffic Commission should review the necessity and justification of installing any and all electronic traffic enforcement devices. **Towns and cities ought not be allowed to install these cameras without the STC reviewing the geometry, signage and possibility that the devices could actually cause more accidents than it prevents.**
- Section 3. of the bill, says that any violations "detected and recorded by electronic device shall not constitute a moving traffic violation, be reported to the Department of Motor Vehicles for inclusion on a person's driving record or cause the assessment of points against the operator's license of the person found to have violated section 14-218a or 14-219 of the general statutes." **This reinforces our opinion that this is more a revenue-raising scheme than a safety program. We want drivers who speed to be stopped and issued tickets, with all of the ramifications from their violation implicit.**
- Finally, on the face it seems logical that these devices would reduce accidents. **However, all across the country there have been reports of increased accident rates at intersections after installations.** Apparently, rear ending is more prevalent at intersections where photo-ticketing devices are installed.

Let me once again restate MTAC's absolute commitment to safety. If we believed that this would have a significant impact on public safety, without any other adverse impacts, we could support it. However, there are far too many problems with this bill to convince us that we could recommend its adoption.

As with many issues, you must weigh the pros and cons of this proposal. The proponents promise significant improvements which passage of this bill will provide. We believe that there is more to lose than to gain if this bill passes and we urge members of this committee to reject it.

Thank you.