



General Assembly

February Session, 2008

**Raised Bill No. 500**

LCO No. 2337

\*02337\_\_\_\_\_TRA\*

Referred to Committee on Transportation

Introduced by:  
(TRA)

**AN ACT CONCERNING HIGHWAY WORK ZONE SAFETY.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2008*) (a) There is established a  
2 Highway Work Zone Safety Advisory Council to make ongoing  
3 recommendations to improve highway work zone safety for workers,  
4 public safety officers and motorists. The ongoing areas of study and  
5 review by the council shall include: (1) Evaluation of current work  
6 zone design and safety protocols; (2) survey of effective highway work  
7 zone design and safety protocols in other states; (3) implementation of  
8 technology to improve highway work zone safety; (4) use of public  
9 safety officers to improve highway work zone safety; (5) availability of  
10 federal funding for work zone training and enforcement; and (6) other  
11 issues the council deems appropriate for improving highway work  
12 zone safety.

13 (b) The council shall be comprised of the following members: The  
14 Commissioners of Transportation, Public Safety and Motor Vehicles, or  
15 their designees; a representative from the state-wide union  
16 representing Department of Transportation highway maintainers; a  
17 representative from the state-wide union representing state police

18 officers; and a representative of private sector highway workers who  
19 perform work on state roads.

20 (c) The council shall meet quarterly, or more often as needed, and  
21 report its recommendations to the Commissioner of Transportation  
22 and the joint standing committee of the General Assembly having  
23 cognizance of matters relating to transportation.

24 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) As used in this section  
25 and section 1 of this act, "highway worker" means a person who is  
26 required to perform the duties of his or her job on state bridges, state  
27 roads or in highway work zones, including: (1) Persons who perform  
28 maintenance, repair or construction of state bridges, state roads,  
29 shoulders, medians and associated rights-of-way in highway work  
30 zones; (2) persons who operate trucks, loaders and other equipment on  
31 state bridges, state roads or in highway work zones; (3) persons who  
32 perform all other related maintenance work, as required, on state  
33 bridges, state roads or in highway work zones; (4) state and local public  
34 safety officers who enforce work zone related transportation  
35 management and traffic control; (5) state and local public safety  
36 officers who conduct traffic control or enforcement operations on state  
37 bridges, state roads, shoulders, medians and associated rights-of-way;  
38 and (6) state and local public safety officers, firefighters and  
39 emergency medical personnel or other authorized personnel who  
40 remove hazards from state bridges, state roadways, shoulders,  
41 medians and associated rights-of-way, or who respond to accidents  
42 and other incidents on state bridges, state roads, shoulders, medians,  
43 associated rights-of-way or in highway work zones; and "work zone"  
44 means an area of a state highway where construction, maintenance or  
45 utility work is being performed. Such work zone may be marked by  
46 signs, channeling devices, barriers, pavement markings or work  
47 vehicles, and extends from the first warning sign or high-intensity  
48 rotating, flashing, oscillating or strobe lights on a vehicle to the "END  
49 ROAD WORK" sign or the last temporary traffic control device.

50 (b) A person shall be deemed to commit the offense of  
51 "endangerment of a highway worker" upon conviction of any of the  
52 following while such person was within a work zone, as defined in  
53 section 1 of this act: (1) Exceeding the posted speed limit by fifteen  
54 miles per hour or more; (2) passing within the work zone; (3) failure to  
55 stop for a work zone flagperson or failure to obey traffic control  
56 devices erected in the construction zone or work zone for purposes of  
57 controlling the flow of motor vehicles through the zone; (4) driving  
58 through or around a work zone by any lane not clearly designated to  
59 motorists for the flow of traffic through or around the work zone; (5)  
60 physically assaulting, or attempting to assault, or threatening to  
61 assault a highway worker in a construction zone or work zone with a  
62 motor vehicle or other instrument; (6) intentionally striking, moving or  
63 altering barrels, barriers, signs or other devices erected to control the  
64 flow of traffic to protect workers and motorists in the work zone for a  
65 reason other than avoidance of an obstacle, an emergency, or to protect  
66 the health and safety of an occupant of the motor vehicle or of another  
67 person; or (6) committing any of the following offenses for which  
68 points may be assessed in accordance with regulations adopted by the  
69 commissioner pursuant to section 14-137a of the general statutes: (A)  
70 Leaving the scene of an accident; (B) careless and imprudent driving;  
71 (C) operating without a valid license; (D) operating with a suspended  
72 or revoked license; (E) driving while in an intoxicated condition or  
73 under the influence of controlled substances or drugs or driving with  
74 an excessive blood alcohol content; or (F) any felony involving the use  
75 of a motor vehicle.

76 (c) Upon conviction or a plea of guilty for committing the offense of  
77 endangerment of a highway worker under subsection (b) of this  
78 section, if no injury or death to a highway worker resulted from the  
79 offense, in addition to any other penalty authorized by law, the person  
80 shall be subject to a fine of not more than one thousand dollars and  
81 shall have four points assessed to his or her operator's license.

82 (d) A person shall be deemed to commit the offense of "aggravated

83 endangerment of a highway worker" upon conviction or a plea of  
84 guilty for any offense under subsection (b) of this section when such  
85 offense occurs in a work zone, as defined in subsection (a) of this  
86 section, and results in the injury or death of a highway worker. Upon  
87 conviction or a plea of guilty for committing the offense of aggravated  
88 endangerment of a highway worker, in addition to any other penalty  
89 authorized by law, the person shall be subject to a fine of not more  
90 than five thousand dollars if the offense resulted in injury to a highway  
91 worker and ten thousand dollars if the offense resulted in death to a  
92 highway worker. In addition, such person shall have twelve points  
93 assessed against their operator's license and shall be subject to the  
94 provisions of title 14 of the general statutes, regarding the revocation  
95 of an operator's license and driving privileges.

96 (e) No person shall be cited or convicted for endangerment of a  
97 highway worker unless the act or omission constituting the offense  
98 occurred when one or more highway workers were in the work zone.

99 (f) No person shall be cited or convicted for endangerment of a  
100 highway worker or aggravated endangerment of a highway worker,  
101 for any act or omission otherwise constituting an offense under this  
102 section if such act or omission resulted, in whole or in part, from  
103 mechanical failure of such person's vehicle or from the negligence of  
104 another person or a highway worker.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2008</i>	New section
Sec. 2	<i>October 1, 2008</i>	New section

**Statement of Purpose:**

To create a Highway Work Zone Safety Advisory Council to protect highway workers in work zones, and to establish the offenses of "endangerment of a highway worker" and "aggravated endangerment of a highway worker".

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*