



General Assembly

February Session, 2008

**Amendment**

LCO No. 5243

**\*SB0028505243SD0\***

Offered by:  
SEN. DEFRONZO, 6<sup>th</sup> Dist.

To: Senate Bill No. 285

File No. 71

Cal. No. 103

**"AN ACT CONCERNING THE DEPARTMENT OF  
TRANSPORTATION."**

1 Strike everything after the enacting clause and substitute the  
2 following in lieu thereof:

3 "Section 1. (NEW) (*Effective October 1, 2008*) (a) As used in this  
4 section and section 2 of this act: (1) "Highway work zone" means an  
5 area of a state highway where construction, maintenance or utility  
6 work is being performed. Such work zone shall be marked by signs,  
7 channeling devices, barriers, pavement markings or work vehicles, and  
8 extends from the first warning sign or high-intensity rotating, flashing,  
9 oscillating or strobe lights on a vehicle to the "END ROAD WORK"  
10 sign or the last temporary traffic control device; and (2) "highway  
11 worker" means a person who is required to perform the duties of such  
12 person's job on state bridges, state roads or in highway work zones,  
13 including: (A) A person who performs maintenance, repair or  
14 construction of state bridges, state roads, shoulders, medians and  
15 associated rights-of-way in highway work zones; (B) a person who

16 operates a truck, loader or other equipment on state bridges, state roads  
17 or in highway work zones; (C) a person who performs any other related  
18 maintenance work, as required, on state bridges, state roads or in  
19 highway work zones; (D) a state or local public safety officer who  
20 enforces work zone-related transportation management and traffic  
21 control; (E) a state or local public safety officer who conducts traffic  
22 control or enforcement operations on state bridges, state roads,  
23 shoulders, medians and associated rights-of-way; and (F) a state or  
24 local public safety officer or firefighter, an emergency medical services  
25 provider, or any other authorized person, who removes hazards from  
26 state bridges, state roadways, shoulders, medians and associated  
27 rights-of-way, or who responds to accidents and other incidents on  
28 state bridges, state roads, shoulders, medians, associated rights-of-way  
29 or in highway work zones.

30 (b) A person shall be deemed to commit the offense of  
31 "endangerment of a highway worker" if such person is operating a  
32 motor vehicle within a highway work zone, as defined in subsection  
33 (a) of this section, and commits any of the following: (1) Exceeding the  
34 posted speed limit by fifteen miles per hour or more; (2) failure to obey  
35 traffic control devices erected for purposes of controlling the flow of  
36 motor vehicles through such zone for any reason other than: (A) An  
37 emergency, (B) the avoidance of an obstacle, or (C) the protection of  
38 the health and safety of another person; (3) driving through or around  
39 such zone in any lane not clearly designated for use by motor vehicles  
40 traveling through or around such zone; or (4) physically assaulting,  
41 attempting to assault, or threatening to assault a highway worker with  
42 a motor vehicle or other instrument.

43 (c) No person shall be cited or convicted for endangerment of a  
44 highway worker unless the act or omission constituting the offense  
45 occurs when one or more highway workers are in the highway work  
46 zone and in proximity to the area where such act or omission occurs.

47 (d) Upon conviction or a plea of guilty for committing the offense of  
48 "endangerment of a highway worker", as defined in subsection (b) of

49 this section, a person shall be subject to a fine of not more than five  
50 hundred dollars if no physical injury, as defined in section 53a-3 of the  
51 general statutes, occurs and shall be subject to a fine of not more than  
52 one thousand dollars if any such physical injury occurs, in addition to  
53 any other penalty authorized by law.

54 (e) A person shall be deemed to commit the offense of "aggravated  
55 endangerment of a highway worker" upon conviction or a plea of  
56 guilty for any offense set forth in subsection (b) of this section while  
57 such person is operating a motor vehicle within a highway work zone,  
58 as defined in subsection (a) of this section, and which results in the  
59 serious physical injury, as defined in section 53a-3 of the general  
60 statutes, or death of a highway worker.

61 (f) Upon conviction or a plea of guilty for committing the offense of  
62 aggravated endangerment of a highway worker, a person shall be  
63 subject to a fine of (1) not more than five thousand dollars if such  
64 offense results in serious physical injury to a highway worker, or (2)  
65 ten thousand dollars if such offense results in the death of a highway  
66 worker, in addition to any other penalty authorized by law.

67 (g) No person shall be cited or convicted for endangerment of a  
68 highway worker or aggravated endangerment of a highway worker for  
69 any act or omission otherwise constituting an offense under this  
70 section if such act or omission results, in whole or in part, from  
71 mechanical failure of such person's motor vehicle or from the  
72 negligence of a highway worker or other person.

73 Sec. 2. (NEW) (*Effective October 1, 2008*) (a) There is established a  
74 Highway Work Zone Safety Advisory Council to make ongoing  
75 recommendations to improve safety for workers, public safety officers  
76 and motor vehicle operators in a "highway work zone", as defined in  
77 section 1 of this act. The ongoing areas of study and review by the  
78 council shall include: (1) Evaluation of current work design and safety  
79 protocols; (2) survey of effective highway work zone design and safety  
80 protocols in other states; (3) implementation of technology to improve

81 highway work zone safety; (4) use of public safety officers to improve  
 82 highway work zone safety; (5) availability of federal funding for  
 83 highway work zone training and enforcement; and (6) other issues the  
 84 council deems appropriate for improving highway work zone safety.

85 (b) The council shall be comprised of the following members: The  
 86 Commissioners of Transportation, Public Safety and Motor Vehicles, or  
 87 their designees; the president of the Connecticut Employees Union  
 88 Independent, or such person's designee; the president of the  
 89 Connecticut State Police Union, or such person's designee; and a  
 90 representative of the Connecticut Construction Industries Association,  
 91 designated by the president of said association. Appointees should be  
 92 persons with knowledge and experience concerning highway work  
 93 zones. Appointments to the council shall be made not later than  
 94 November 1, 2008. The chairperson of the council shall be appointed  
 95 by the Governor and shall convene the first meeting of the council not  
 96 later than December 1, 2008.

97 (c) The council shall meet quarterly, or more often as needed, and  
 98 report its recommendations to the Commissioner of Transportation  
 99 and the joint standing committee of the General Assembly having  
 100 cognizance of matters relating to transportation on or before January  
 101 fifteenth of each year."

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