MTAC MOTOR TRANSPORT ASSOCIATION OF CONNECTICUT, INC.

Statement of Michael J. Riley
President
Motor Transport Association of Connecticut
Before
The Joint Committee on Transportation
March 4, 2009

MICHAEL J. RILEY
PRESIDENT

Re: Raised Bill No. 150 AN ACT CONCERNING THE INSTALLATION OF SPEED DETECTING CAMERAS ON HIGHWAYS

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 OPPOSES THIS BILL

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. 150 AN ACT CONCERNING THE INSTALLATION OF SPEED DETECTING CAMERAS ON HIGHWAYS.

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 Transportation and Judiciary Committees.

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- 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 vehicles speeding. 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 vehicle 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 or car driven by someone breaking the law and a fine for the owner (not the driver). Depending on the arrangements, much of this fine may be sent to the company leasing the camera to the state. That is not improving safety. That is improving revenue.

- The bill would charge the owner of a motor vehicle for a serious 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. Without a stop, there may be some dispute, and no proof, as to who was actually driving the vehicle at the time of the alleged offense. 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.**

  Additionally, it is unclear how the bill would affect violations that occur in rental or leased vehicles. If the rental company is going to be charged with the violation, there is absolutely no motivation on the part of the renter to abide by the law. Owners of rented or leased vehicles should not be fined for violations which they did not commit.

- 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. Unless it is the intention of this bill that every vehicle passing a camera be photographed, there would have to be some pre-set tolerance for speed, at which a photo would be taken. **In the event that more revenue was needed from the cameras, these tolerances could be set to issue tickets for very minor violations.**

- We also object to the bill in that it allows the Department of Transportation and the Department of Public Safety to decide where to install the cameras. We believe that the State Traffic Commission should thoroughly review the necessity and justification of installing any and all electronic traffic enforcement devices on highways. **Cameras should not be installed without the STC reviewing the geometry, signage and possibility that the devices could actually cause more accidents than they prevent.**

- There are other major problems with this bill. It provides no procedure for a person accused of speeding to challenge the accuracy of the accusation. Is there an opportunity for the accused to see the photo before deciding how to plead? There are no provisions in this bill which limit how the pictures produced by these traffic cameras can be used. Are the pictures admissible in a criminal proceeding, a civil matter, a divorce case? What happens to the photos after they are recorded? Who besides the officer can see them? Are they obtainable through FOI requests? How many cameras are authorized? How much do they cost? How are they paid for?

- 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 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.