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February 14, 2010

Senator Andrew M. Maynard
Representative Antonio Guerrero
Members of the Transportation Committee
State of Connecticut General Assembly
2300 LOB
Hartford, CT 06106

**RE: IN SUPPORT of S.B. 720, AN ACT CREATING PENALTIES
FOR CAUSING HARM TO, OR THE DEATH OF, A
VULNERABLE USER OF A PUBLIC WAY.**

Dear Co-Chairs Maynard and Guerrero, and Committee members,

Bike Walk Connecticut is a statewide membership based organization committed to ensuring that bicycling and walking are attractive, safe, and reliable modes of everyday transportation in Connecticut.

We are in strong support of S.B. 720. Our members and affiliates have deliberated the elements of this bill, as well as those included in Raised Bill No. 5457 from the 2010 session. While we are not yet settled on the question of whether this bill should seek to either establish any new motor vehicle offenses and penalties, we have achieved definite consensus on some other issues.

One of them is that the intent and value of vulnerable users' law should be the driver re-education of the offending motorist. When you think about it, in a rational and prudent world, driver's education would be required continuing education for all motorists. Road conditions, signage, vehicles, and operators' skills and abilities are each and together in constant flux, yet the only requirement to remain a licensed driver is to pay the license renewal fee. That is a discussion, and hopefully a bill for discussion, on another day of another legislative session!

While a person who commits a violation of Connecticut's motor vehicle laws is a person *probably* in need of driver re-education, there is no doubt that a person who commits a violation of Connecticut's motor vehicle laws *and* injures or kills another while doing so is *definitely* in need of driver re-education. Your Passage of S.B. 720 will ensure that those offenders who injure or kill the most vulnerable users of our roadways, including as set forth in the bill: pedestrians, bicyclists, equestrians, farmers, highway workers, emergency responders, and persons in wheelchairs, that these offenders *shall be required* to attend, as set forth in the bill, a motorist's retraining program.

Connecticut statutes already provide for a motorists retraining program. It is located at section 14-111g. One concern we had about the prospect of this bill passing this session is whether it would cost the state any money to implement it. If S.B. 720

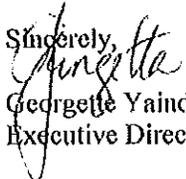
were to provide that the offender attend "the" established program and not merely "a" program, then we believe the bill would be revenue neutral because section 14-111g provides that the costs of attending the established operator's retraining program are borne by the offender, and the Department of Motor Vehicles already contracts with private vendors for delivery of the program.

Last, we agree with members of this committee that have expressed concern that motor vehicle operators, who through no fault of their own cause injury or death to a vulnerable user, should not be required to attend the retraining program. Our group proposes that the way to ensure our vulnerable users law shall apply only to offenders is to make it operative only when there has been a predicate finding by law enforcement of a motor vehicle offense. That is exactly how existing law that doubles the fines for motor vehicle violations that occur in school and highway work zones works. We have endeavored to amend S.B. 720 to make our vulnerable users law likewise be applicable only upon a person having committed one or more of the offenses enumerated in our state's motor vehicle code.

Bike Walk Connecticut also proposes that the bill clarify that certain key terms in the bill, for example, highway, highway worker, physical injury, and the operator's retraining program, are terms already provided for by statute. We hope that this will eviscerate any debate about what the application of vulnerable users law in Connecticut.

These proposed amendments respectfully are attached to this testimony.

On behalf of the Board and our membership, thank you truly for your attention to this letter and attachment. We respect the many demands on your time and energy, and are grateful for all that you are doing promoting the health and vitality of the people and State of Connecticut.

Sincerely,

Georgette Yaindl
Executive Director

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