

**Statement of Michael J. Riley  
President**

MICHAEL J. RILEY  
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**Motor Transport Association of Connecticut  
Before  
The Joint Committee on Transportation  
March 12, 2012**

**Re: Raised Bill No. 5458 AN ACT CONCERNING MUNICIPAL  
AUTOMATED TRAFFIC ENFORCEMENT SAFETY  
DEVICES AT CERTAIN INTERSECTIONS.**

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 800 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**

Since 2006, Motor Transport Association of Connecticut has opposed bills which would have allowed the installation of various renditions of photo ticketing bills. Most of those bills were proposed by municipalities who, in our opinion, were more interested in the lucrative alternative revenue stream that these automated devices would provide, than they were in any alleged safety improvements.

Over the years, we and others have raised legitimate objections to the inequities, potential abuses, constitutional violations and unfairness of the many renditions of this bill. This year, I believe that a serious effort has been made to address some of the issues we have raised. I acknowledge and appreciate the efforts made by the leadership of this committee and especially Senator Looney to craft a bill which accommodated some of our concerns.

While Bill No. 5458 is an improvement over previous drafts, in our opinion, it is still not a good bill, it is just less bad.



Some of the accommodations which have been made include the following:

- The maximum fine has been reduced from \$125 to a total of \$65.
- All citations must be approved by a sworn police officer and not just employees of the vendors.
- Persons choosing to appeal their tickets can request the presence of the police officer who authorized the issuance of the citation.
- Splitting of fines with a private non profit organization has been eliminated
- The authority to operate cameras expires in 2018. While we agree that the Legislature should take another look at this program after it has been implemented, we would liked to have seen the sunset earlier. Proponents should submit justification for continuing the program into the future.

However, the bill before the committee today does not address some of the most troubling provisions of previous renditions of this bill.

1. Our greatest concern is that this bill does not result in any action against the person who runs the light, but charges the owner of the vehicle. This bill provides that the "owner" of the vehicle receive a ticket. The person who committed the violation is the "driver" of the vehicle who may not be the owner of the vehicle. This allows the violator to avoid a fine for his own mistakes and lays the burden on the innocent owner of the vehicle.

Shippers who own their own trailers often, through third party brokers, arrange for transportation and delivery of their trailers by independent truckers who own their own tractors. The tractor operator is not an employee, nor does he typically have a lease with the owner of the trailer. He is providing a service arranged through a broker. The drivers of these vehicles are typically owner operators who pick up and deliver full trailers for a living. They are paid, by the broker, a negotiated fee based upon the nature of the load, loading or unloading services, and the distance of the haul.

Under this bill, because the photo is only taken from the back, the fine goes to the owner of the trailer. In order for the person who committed

the violation (the driver of the tractor) to be charged, the owner of the trailer has to get the broker to identify which driver may have moved which load, at what time, in what place, on what date. Then he has to get the broker, who has no dog in this fight, to finger the driver of the tractor and provide the driver's name and address. Then the innocent owner of the trailer has to send in the name and address of the tractor operator to the traffic authority, and accuse him of committing the violation. If anything goes wrong in this process, the broker ignores the request, or can't find the information, or provides inaccurate information, or the driver simply refuses to pay, the owner of the trailer is obligated to pay the fine. The trucker can run every light which has a camera associated with it, and never have to worry about being charged. This is just plain unfair and wrong.

2. This bill decreases the population of municipalities that can install these cameras from 60,000 to 48,000. This represents an increase from 13 to 19 towns. We believe that that is too many towns to start out with and think that even last year's numbers were too high. If one or two cities want to impose this upon their citizens, we should see how things go after a year or two before expanding the program. Allowing 19 towns to be eligible in the first year is too many.
3. Another concern is that the cameras will be capturing images of all kinds of vehicles traveling through the cities of the state. How long are these images going to be saved? Are they accessible through the Freedom of Information process? Can they be used in other criminal or civil proceedings? Could they be used in divorce proceedings? Could one company find out information about his competitor's customers, routes and volume by reviewing this information?

Elsewhere in this General Assembly there are other bills which are proposing the use of photo licensing equipment to find stolen or uninsured vehicles. The wondrous new technologies which have become available to government in recent years may help to identify and apprehend violators. However, there are serious concerns about the use of that information for other purposes.

This bill is silent as to the use and disposition of data collected and it is extremely important that this deficiency be addressed before this bill is acted upon.

4. This bill provides income to only two entities, the municipalities that allow them to be installed and the companies that install them. At least last year's bill provided that some of the revenue to go to the Special Transportation Fund. We believe that fines generated on state roads should provide income to the Special Transportation Fund.

And, we believe that the fines issued under this bill should not be subject to any of the surcharges for victims of crime, police training, municipal surcharge, infrastructure fees or any other add on charge in the statutes.

5. The hearing procedure set up in this bill allows a person, with no particular qualifications, to act as the hearing officer, another person, still with no particular qualifications to act a prosecutor, a police officer or designated employee of the vendor to offer testimony, the rules of evidence do not apply and a final decision is immediately rendered, with no provision for real judicial review appeal.
6. This bill will replace the best law enforcement tool we have, local policemen and women. Tickets written by police officers, for moving violations, are issued immediately after the violation and go to the violator, not the owner of the vehicle. They provide an instant opportunity to discuss the circumstances which created the violation. It allows a trained law enforcement officer to determine if the driver is any way impaired, if the vehicle is registered and insured under the law, if the vehicle is in operable condition or if any other state law was violated in the instant case. This bill produces a picture if a vehicle under a light at a point in time months previous to any proceeding to adjudicate it, and a fine. That's all ... a picture and a fine.

Once again, I want to thank the committee for trying to accommodate the concerns of those who have raised objections to this bill. I understand that the members of the General Assembly are under great pressure to pass this bill this year. However, after all of the doubts that have been raised and the continued objections of the Connecticut Civil Liberties Union and others I hope that this bill does not go forward this year. I believe that votes on this bill will be closely watched. The discussion and controversy over the installation of photo ticketing installations in Connecticut will continue even if this bill does pass.