Bill No.: HB-7140
Title: AN ACT CONCERNING RECOMMENDATIONS BY THE DEPARTMENT OF TRANSPORTATION REGARDING SEAT BELTS, MOTORCYCLE HELMETS, THE OPERATION LIFESAVER PROGRAM, MAINTENANCE VEHICLES AND TRANSPORTATION STATUTES.
Vote Date: 3/20/2019
Vote Action: Joint Favorable Substitute
PH Date: 2/25/2019
File No.: 

Disclaimer: The following JOINT FAVORABLE Report is prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and does not represent the intent of the General Assembly or either chamber thereof for any purpose.

SPONSORS OF BILL:
Transportation Committee
Rep. Lucy Dathan, 142nd Dist.
Sen. Will Haskell, 26th Dist.

REASONS FOR BILL:
The Department of Transportation’s agency request bill was drafted to address vehicle safety concerns, administrative processes, use of additional colors for vehicle lights, and outdated/inefficient requirements for the DOT. Raised in the bill are requirements for backseat passengers to wear a seatbelt and all motorcycle riders to wear a helmet when operating the motorcycle. Several national studies have shown the likely hood of surviving a crash increased dramatically when occupants in a motor vehicle are wearing seatbelts or motorcycle riders are using a helmet.

Allow DOT to use green flashing lights. Currently the department can use amber flashing lights, however amber lights are commonly used without permit and their efficacy has declined. Multicolored lights are significantly more effective at reducing accidents DOT request the ability to use both amber & green lights.

The removal of a one year fee waiver after the year has passed, rendering the statue obsolete.
Changes were made to the “operation lifesaver program” which would allow DOT to administer the program & appointees, as well as bring it in line with the federal version of the program, and allow for other entities to operate & maintain the program which should increase its efficacy and efficiency.

Other areas addressed in the bill include:

- Several CT rest areas have been closed or limited in hours of operation due to budgetary constraints in the past, this bill would direct DOT to study alternative fusing sources to keep the rest areas open 24 hours a day.

- With a call for more efficient traffic enforcement this bill would create a Task Force to study red light cameras, their impact and make recommendations to the transportation committee.

- Several proposals called for DOT to construct a Central CT loop trail connecting several existing trails and train stations, given the tenuous nature of the special transportation fund (STF) this was changed to a feasibility study partnering with DEEP.

- Currently, Transportation Network Companies (TNC) with drivers licensed in other states are allowed to pick up passengers from within Connecticut, this change would require TNC divers to be licensed in CT in order to provide the ride sharing service. This change mirrors the law in New York and should keep out of state drivers from taking rides from CT TNC drivers.

RESPONSE FROM ADMINISTRATION/AGENCY:

**Judeen Wrinn, Acting Commissioner- DMV**
DMV suggests that the statute be drafted to require the use of protective headgear that conforms to the FMVSS in section 571.218 (Federal Guidelines), and eliminate the DMV regulation requirement.

**Joe Giulietti, Commissioner-DOT**
Seat Belt Requirements- The single most effective way to reduce death and serious injury caused by a motor vehicle crash is the use of a seatbelt. Requiring all passengers in a motor vehicle, regardless of age or seating position, to wear seatbelts would inherently save more lives. Twenty-nine states, including the District of Columbia, already have laws requiring seatbelt use in all seating positions for all occupants. Connecticut, without such a law, is in the minority. According to the National Highway Traffic Safety Administration, in 2016, 48% of all people killed in motor vehicle crashes were not wearing seat belts. A recent study by the Insurance Institute for Highway Safety found that unbuckled rear-seat passengers are eight times as likely as buckled rear-seat passengers to be injured or killed in a crash. Unrestrained back seat riders also become a threat to other passengers, as they become projectiles during serious crashes because they are not buckled. A law requiring back seat passengers to wear their seat belt would reduce those killed and injured in such accidents.
Motorcycle Helmet Requirement—Motorcycle crashes are a major source of fatalities in CT, and helmets are a proven and effective tool for reducing fatalities, as well as traumatic brain injuries.

Current & Proposed Law—CT statutes only require motorcyclists under the age of eighteen to wear protective headgear while operating a motorcycle. This proposal requires all individuals, regardless of age, operating, or as a passenger of, a motorcycle or motor-driven cycle to wear protective headgear that conforms to the minimum specifications established by regulations.

CT Motorcycle Crash Data—Motorcyclists are at a much higher risk of death and injury in crashes than passenger car occupants. In 2017, a total of 57 motorcycle operators and passengers were killed on Connecticut roadways, representing 20 percent of the State’s total traffic fatalities. The most recent FARS data (2017) indicates that 57.9 percent of Connecticut motorcycle riders killed in a crash were un-helmeted. Nationally, the fatality rate per vehicle mile traveled for motorcyclists is 18 times that of a passenger car occupant. Head injury is the leading cause of death in motorcycle crashes and an un-helmeted motorcyclist is 40 percent more likely to suffer a fatal head injury than a helmeted motorcyclist. Helmets are 69 percent effective in preventing brain injuries and 42 percent of fatal injuries. Helmet use is estimated at 99 percent in states with universal helmet laws. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths, ranging from 15 percent to 37 percent, within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.

Most of Connecticut’s neighboring states – New York, Massachusetts, and Vermont require all riders, regardless of age, to wear protective headgear.

Streamlining Administration of the Operation Lifesaver Program—The National Operation Lifesaver Organization (OLI.org) sponsored by FRA, has defined a detailed volunteer based training program and system that States can adopt. This program was not in existence when the original 13b-376 statute was created, so this proposal seeks to better align with the current federally sponsored OLI Program, which is now more defined and streamlined. Further, it has been difficult to get committee appointees in place and in turn, the formal committee in place to meet the current requirements and activities outlined in statute for the Operation Lifesaver Program.

Lights on DOT Maintenance Vehicles—Amber lights were intended to alert motorists to certain vehicles and to cause motorists to use caution when approaching or passing vehicles using such lights. However, amber lights are now easily obtained, and often used without a permit, and CTDOT vehicles no longer stand out, and motorists rarely adjust their behavior when they see such lights. Studies nationwide have shown that motorists’ behavior does not often change when they see a single color light, and many states are moving towards multi-colored lights for their state maintenance vehicles. Statistics have shown a 50% reduction in accidents using multicolor warning light scheme. The states of Ohio, Michigan, Iowa and Minnesota, have moved to utilize such lights. New equipment will be programmed as it is purchased to utilize both amber and green flashing lights as it is purchased, and old equipment would continue to use only the amber light until replaced.
Deletion of outdated language in oversize/overweight vehicle statutes: CGS 14-270(2)(j) includes an obsolete fee waiver beginning July 1, 2016 and ending on June 30, 2017 and is no longer necessary.

NATURE AND SOURCES OF SUPPORT:

Joy Avallone, General Counsel of the Insurance Association of Connecticut (IAC-

According to the Centers for Disease Control and Prevention (“CDC”):
- "Motor vehicle crashes are a leading cause of death among those aged 1-54 in the U.S"
- More than half (range: 53%-62%) of teens (13-19 years) and adults aged 20-44 years who died in crashes in 2016 were not buckled up at the time of the crash.
- Seat belt use is one of the most effective ways to save lives and reduce injuries in crashes for adults and older children alike.

Due to the effectiveness of seat belt use, the IAC further supports the inclusion of an additional amendment to allow evidence relating to a party’s seat belt nonuse and failure to comply with the state’s seat belt law to be introduced into evidence for legal action.

Dr. Rebecca Beebe of Connecticut Children’s Medical Center
Helmets save lives. It is not a violation of my personal freedom to be required to wear a helmet.
I urge you to support Raised Bill 7140 and to demonstrate to Connecticut residents and visitors that we are a state that is concerned with public health.

Garry Lapidus, Dr. Kevin Borrup, Dr. Susie DiVietro,- Connecticut Children’s Medical Center-

There’s no doubt about it, seat belt use among drivers and passengers in vehicles saves lives. Twenty-nine states and the District of Columbia have made it mandatory for adult passengers riding in the back seat of vehicles to buckle up. Connecticut needs to join that group. Unbelted rear seat passengers are at increased risk compared to those wearing seat belts, as they are more likely to be ejected from vehicles during a motor vehicle crash and they are more likely to become a moving object that can cause serious harm or even death to others in a vehicle. According to The National Highway Traffic Safety Administration (NHTSA) 57% of those killed who were seated in the second row were unrestrained. It is inarguable that seat belts are effective, reducing fatal injuries by 45%, and reducing moderate to critical injury by 50%.

The average annual number of motorcycle crashes in our state = 1,138 involving 1,347 persons. Each year there are averages of 47 deaths, 250 hospital admissions, and 1700 emergency department visits in our state. The annual cost (medical and lost productivity) =
$157 million. In the event of a crash, helmets reduce the risk of death by 42% and head injury by 69%.

In states that have universal helmet laws, traumatic brain injuries and death rates go down. Here a few examples. In California, helmet use increased to 99% from about 50% before the law, and motorcyclist fatalities decreased 37% after the law. The opposite happens when you repeal the universal law. In states that repealed the law, fatal crashes and head injuries increase significantly. Florida experienced a 21% increase in fatal crashes when they repealed their universal helmet law in 2000. Michigan had a 14% increase in head injuries after repeal in 2012. The motorcycle death rate is 24% lower in the 19 states with universal helmet laws vs. the 31 states that have either a partial law (28 states) or no law (3 states).

**JOHN GAVALLAS WATERTOWN POLICE CHIEF**
Crashes involving un-helmeted riders often result in traumatic brain injury or death, having a lifelong impact on their loved ones or those left to care for the permanently injured. From a law enforcement prospective, any partial law requiring 16 or 17 year olds or 18, 19 and 20 year olds, poses significant problems of enforcement. It is difficult to ascertain the age of an operator riding a motorcycle at 30 or 40 miles per hour. A universal helmet law requiring all operators to wear a helmet is easily enforced. In states that require motorcycle riders to wear helmet, the compliance rate is in the upper 90%. The police officer stopping the violator has the discretion of issuing a verbal warning, a written warning or a citation.

**Brain Injury Alliance of Connecticut (BIAC)**
The evidence is straightforward and very clear that motorcycle helmets save lives – and minimizes the severity of brain injury for those who survive a crash. According to the CDC, they can reduce fatalities by up to 42% and brain injuries by up to 69%. The opposition will tell you that a universal mandatory helmet law is not supported by CT citizens, but this is simply not true. Observational studies indicate that approximately 50% of motorcycle riders do currently choose to wear a helmet, and AAA polling studies and research indicates that 75% of CT residents are in full support of a universal, mandatory helmet law. Motorcycle riders in CT costs the state $157 million dollars annually, including medical costs, long term care, and lost productivity. So the financial burden for the treatment and care of uninsured motorcycle crash survivors is then placed on the government and taxpayers. I urge you to do make the right choice and support Raised Bill 7140 to help save lives and money.

**Alec Slatky, Director of Public and Government Affairs for AAA Northeast**
Proper restraints improve safety outcomes for all vehicle occupants, regardless of seating position or age. Compared with belted rear seat passengers, unbelted rear seat passengers are:

- 3 times more likely to be killed in a crash (Governor’s Highway Safety Association)
- 8 times more likely to be seriously injured in a crash (Insurance Institute for Highway Safety)

In Connecticut crashes this decade, 40% of unbelted adult rear seat occupants were injured, compared with only 15% of belted adult rear seat occupants.
• According to the National Institutes of Health, unbelted rear seat occupants are twice as likely as those wearing seatbelts to kill a front seat passenger by becoming a projectile, or a “back seat bullet.”

For similar reasons, AAA also supports the provision of HB 7140 that would require motorcycle helmets for all riders. Motorcycle helmets are a proven safety tool and motorcycle helmet laws increase helmet usage, saving lives and preventing injuries.

Dr. Jonathan Woodhouse
Governors Highway Safety Association found that motorcycle fatalities were more common in Connecticut, and yet our laws do not reflect this reality. For example, on average in the USA motorcyclists last year made up about 14 percent of all traffic deaths, but in Connecticut, the report states, motorcyclists made up 17.7 percent of all traffic deaths. According to a 2016 study published in the Journal *Injury Epidemiology*, an enormous amount of research has shown and quantified the effectiveness of motorcycle helmets in reducing morbidity and mortality. A recent review of 61 observational studies estimated that helmet use reduces the odds of death by 42 % and the odds of head injury by 69 %. These findings have a significant economic impact. For example, Olsen et. al (2016) noted that “reviews of economic studies concluded that universal helmet laws were associated with estimated benefit of between $1.8 million and $27.2 million per 100,000 registered motorcycles per year, and that public programs paid for much of the associated medical costs.”

Emergency Nurses Association, Skilled Motorcyclist Association, Advocates for Highway and Auto Safety, KidsAndCars.org
Considering the prevalence of unrestrained occupant fatal crashes and un-helmeted fatal motorcycle crashes, this legislation is critical, responsive and timely. In 2017, 278 people were killed in traffic crashes in Connecticut, according to the National Highway Traffic Safety Administration (NHTSA). More than 38 percent of the passenger vehicle occupants killed in 2017 were unrestrained. Crashes involving a motorcycle killed 57 riders, 60 percent of whom were not wearing helmets, when helmet use was known. Over the ten-year period of 2008 to 2017, motor vehicle crashes claimed the lives of 2,624 people on Connecticut roads (NHTSA). Helmets reduce the chance of a fatal injury by 37 percent for motorcycle operators and 41 percent for passengers (NHTSA). In 2016, helmet use saved over $127 million in comprehensive costs in Connecticut (NHTSA). If all riders had worn helmets, the state could have saved an additional $206 million (NHTSA).

It is essential that a seat belt law covers both front and rear seat passengers to improve seat belt use and the safety of all occupants. When a passenger is ejected from the vehicle, their chances of survival are greatly diminished. In fatal crashes, 83 percent of passenger vehicle occupants who were totally ejected from the vehicle were killed (NHTSA). Only one percent of the occupants reported to have been using restraints were totally ejected, compared with 30 percent of unrestrained occupants. Further, the proportion of unrestrained passenger vehicle occupants killed that were seated in the front seat was 46 percent, compared to 56 percent of unrestrained passenger vehicle occupants killed that were seated in the rear seat (NHTSA).
Connecticut Chapter of the American College of Surgeons Professional Association, Inc.

The average annual number of motorcycle crashes in Connecticut each year is 1,138 involving 1,347 persons. Annually, these crashes lead to 47 deaths, 250 hospital admissions, and 1700 emergency department visits. The combined annual medical and lost productivity costs associated with motorcycle crashes is approximately $157 million. Research has also shown that having a helmet on during a motorcycle crash reduces the risk of death by 42% and head injury by 69%. As an example, when California enacted its universal requirement, helmet use increased to 99% from about 50% before the law. Concurrently, motorcyclist fatalities decreased 37%.

When Florida repealed its universal mandate, the state reported a 21% increase in fatal crashes. Similarly, in Michigan, after repeal in 2012 saw a 14% increase in traumatic brain injuries. Overall, the motorcycle crash death rate is 24% lower in the 19 states with universal helmet laws vs. the 31 states that have either a partial law (28 states) or no law (3 states). The scientific evidence of the protective impact of motorcycle helmets is both consistent and convincing.

Jennifer Homendy, Board Member, National Transportation Safety Board-

Seat belts are the number one defense against motor vehicle injuries and fatalities. According to the National Highway Traffic Safety Administration (NHTSA), from 1975 through 2016, seat belts saved nearly 360,000 lives. Had all passenger vehicle occupants age 5 and older used seat belts in 2016, an additional 2,456 deaths could have been prevented nationwide. That same year, 169 vehicle occupants died in motor vehicle crashes in Connecticut; almost half of those occupants were not using seat belts. According to NHTSA, if everyone in Connecticut used a seat belt, rear occupants included, Connecticut would save an additional 18 lives annually. We urge that this important expansion of your seat belt law be applied to passenger vehicles of all sizes.

According to NHTSA, motorcycles are the most dangerous form of motor vehicle transportation. Motorcycles represent only 3 percent of the vehicles on our roads, but motorcyclists accounted for 14 percent of all traffic fatalities. In 2014, motorcyclist fatalities occurred nearly 28 times more frequently per vehicle mile traveled than those of passenger car occupants. The use of a safety helmet that complies with U.S. Federal Motor Vehicle Safety Standard (FMVSS) 218 is the “single critical factor in the prevention [and] reduction of head injury.” The main function of the helmet is to protect the rider’s head, especially the brain, during a fall or crash. NHTSA estimates that helmets are 37 percent effective in preventing fatal injuries to motorcycle riders and 41 percent effective for motorcycle passengers.

Sarah Raskin, Professor of Psychology and Neuroscience at Trinity College-

I have worked with brain injury survivors for over thirty years. I know you will hear from many others about the importance of motorcycle helmets to save lives. There is no doubt that they do that. You will also hear about savings in terms of the costs of acute trauma care. There is no doubt about that either.

Brain injury is a chronic illness. The symptoms of brain injury last a lifetime.
Brain injury can include physical symptoms like difficulty walking, talking, using your hands, or swallowing. But it also includes changes to cognition and personality. People with brain injury often have difficulty with memory, speech, planning and problem solving. Their judgement can be altered as can their impulse control. For many of them their very personality and sense of self is forever altered. And because motorcycle accidents most often happen to young people, we are talking about living with these changes for many years. People with brain injury are often no longer able to work or not at the same income level they once had. Their quality of life is reduced. Again, this is for a lifetime. And chronic care often racks up long term medical expenses for outpatient care. Seatbelts and helmets are small prices to pay compared to the costs of living with brain injury.

**Pina Violano on behalf of Yale New Haven Health System**-

HB 7140 seeks to change the seat belt requirement statute and would be a major step forward in attempting to reduce avoidable injuries and deaths on our roadways. Motor vehicle crashes are a leading cause of death among those aged 1-54 in the United States and seat belt use is one of the most effective ways to reduce deaths and serious injuries to vehicle occupants during a motor vehicle crash. Not only are passengers putting themselves at risk by not using a seat belt, they are also putting the driver and other passengers at risk as their body could become a projectile in a crash if not properly restrained. A body flying through a vehicle during a crash can seriously injure or kill the driver or fellow passengers. Another concern is vehicle airbags when a seat belt is not properly used. An airbag is only effective if the passenger is in the proper place at time of deployment. A seat belt is an integral part of making sure that happens. We believe it is time for the state to make it a requirement for all passengers in motor vehicles to use their seat belts.

**Nutmeg Neuropsychology LLC**-

I have spent a decade working as a psychologist in physical rehabilitation settings, most recently at Gaylord Specialty Healthcare. I have seen people’s lives and quality of life saved by the use of appropriate helmets and other restrictive devices while operating motorcycles and other motor vehicles. The consequences of un-helmeted motorcycle accidents can be catastrophic not just for the rider, but their families and friends.

**Members of the public**-

Approximately 10 motorcycle-members of the public wrote in to express their support

**NATURE AND SOURCES OF OPPOSITION:**

**Connecticut Motorcycle Riders Association & Over 50 Individual Members of CMRA**

We do not oppose or dissuade the use of a motorcycle helmet. We recognize that motorcycle safety requires a comprehensive approach that most helmet law proponents ignore. We believe there are other less intrusive and more substantive measures available to promote motorcycle safety than the one embodied in HB 7140. It is important to recognize that none of the proponents’ studies, nor our own data, constitute “scientific evidence”. Correlation analysis is not scientific evidence; it establishes only possible connections between two variables. Unless and until all variables are isolated and controlled, one cannot conclude with a reasonable level of confidence that there exists a “cause and effect” between helmet use
and the rates of fatality and injury in a motorcycle crash. We believe there are serious and unanswered inconsistencies between the conclusions advanced by most of the studies and the actual results evidenced in motorcycle statistics compiled over the forty two years since the CT motorcycle helmet law was repealed.

Reported by: Philip N Mainiero

Date: 4/1/19