OLR Bill Analysis
sHB 6392 (as amended by House "B")*

**AN ACT CONCERNING HIGHWAY WORK ZONE SAFETY ENFORCEMENT.**

**SUMMARY**

This bill authorizes the Department of Transportation (DOT) to use speed cameras ("automated traffic enforcement safety devices") to detect and enforce violations for exceeding the posted speed limit by 12 mph or more in maintenance work zones. The cameras may be operated only (1) on or after January 1, 2020, and (2) after DOT has adopted regulations as the bill requires.

The bill establishes requirements for operating speed cameras, including that (1) at least one highway worker must be present in the zone (see BACKGROUND), (2) state police must not be performing highway traffic enforcement or control, (3) signs must be posted ahead of the work zone indicating that the cameras are being used, and (4) the cameras must be removed from the zone after the maintenance work is complete. It also establishes procedures for issuing and processing tickets for violations the cameras detect and requirements related to speed camera image and data privacy.

Under the bill, a person cannot be prosecuted based on the same offense for both (1) a speeding violation in a maintenance work zone that was captured by a speed camera and (2) endangerment of a highway worker.

By law, the fine for a speeding violation generally depends on (1) the amount by which a driver exceeds the posted speed limit and (2) where the violation occurs. For example, the current fine for driving 12 mph over the speed limit is $59, which increases to $118 in a work zone.

The bill also (1) requires DOT to develop and implement a public
awareness campaign regarding highway work zone safety and speed camera use in maintenance work zones and (2) modifies the purposes for which money can be spent from the highway work zone safety account.

*House Amendment “B” among other things, (1) allows speed cameras to be placed only in maintenance work zones, rather than in highway work zones; (2) increases the amount by which a person must exceed the speed limit in order to be captured by a speed camera; (3) adds provisions regarding speed camera image and data privacy and DOT audits and annual reporting; (4) requires DOT to implement a public awareness campaign; and (5) modifies allowable expenditures from the work zone safety account.

EFFECTIVE DATE: October 1, 2019, except that the work zone safety account change is effective January 1, 2020.

§ 1 — SPEED CAMERA OPERATION AND VIOLATION PROCESSING

The bill allows the transportation commissioner to install, operate, and maintain speed cameras in maintenance work zones or enter into an agreement with a contractor to do so.

The bill defines “automated traffic enforcement safety device” as a photographic, radar, or laser device, or other electrical or mechanical device that is designed to record a motor vehicle’s speed and obtain a recorded image of any motor vehicle (1) exceeding the posted speed limit by 12 miles per hour or more in a maintenance work zone and (2) allegedly committing a speeding violation.

Under the bill, a “maintenance work zone” is an area of limited access highway where DOT is performing maintenance work.

Image Recording

Under the bill, speed cameras must produce one or more recorded images of the license plate of a vehicle exceeding the posted speed limit by 12 mph or more in a maintenance work zone. The recorded images must indicate the violation’s date, time, and location. The
camera must be installed so that only a vehicle’s license plate is recorded and that images of a vehicle’s occupants and any other people or vehicles in the vicinity are not recorded.

**Warning Signs**

The bill requires the commissioner to post signs indicating speed camera use at least 500 feet ahead of any maintenance work zone in which speed cameras are installed and operating.

**Image Review and Ticket Issuance**

When a speed camera detects, and produces a recorded image of, a vehicle exceeding the posted speed limit by 12 mph or more in a maintenance work zone, a state police officer must review the images. If, after doing so, the officer determines there are reasonable grounds to believe a speeding violation occurred, the officer may authorize a citation for the violation. If the officer does so, the state police must mail the summons to the vehicle’s registered owner within 10 days after the alleged violation. Violations are processed through the Centralized Infractions Bureau (CIB) (see BACKGROUND).

Under the bill, a recorded image that clearly shows the license plate of a vehicle exceeding the posted speed limit by 12 mph or more in a maintenance work zone is sufficient proof of the vehicle’s identity.

By law, the fine for a speeding violation generally depends on (1) the amount by which a driver exceeds the posted speed limit and (2) where the violation occurs. For example, the current fine for driving 12 mph over the speed limit is $59, which increases to $118 in a work zone.

**Available Defenses**

The bill makes all defenses available to a person who allegedly committed a speeding violation in a work zone that was detected and recorded by a speed camera. These defenses specifically include the following:

1. the violation was necessary to (a) allow an emergency vehicle to pass or (b) avoid injuring a person or property,
2. the violation occurred during a time that the vehicle was reported stolen to law enforcement and had not yet been recovered,

3. the driver was convicted of a speeding violation in a work zone for the same incident based on a separate and distinct citation,

4. the vehicle’s owner was not operating the vehicle at the time, and

5. the violation was necessary for the driver to comply with another law concerning vehicle operation.

§ 2 — IMAGE AND DATA PRIVACY

Regulations

Before DOT may operate a speed camera in a maintenance work zone, it must adopt regulations regarding the privacy, security, collection, use, and disclosure of recorded images and any other data produced by speed cameras. The regulations must include:

1. procedures to ensure recorded images’ privacy and security,

2. a description of any other data produced by a speed camera and collected by DOT or its contractor, and

3. provisions to appropriately limit access to the images and data.

Image Disclosure

The bill prohibits DOT or its contractor from disclosing any speed camera images or data to any person except where the disclosure is made (1) between DOT, the state police, or a contractor in order to operate the cameras or issue a ticket; (2) pursuant to judicial orders (e.g., a search warrant or subpoena) in criminal proceedings; or (3) to comply with state or federal law. DOT may also disclose aggregate information and data collected from speed cameras for DOT-approved research purposes as long as the data does not directly or indirectly identify vehicles.

Within 10 days after disclosing images or data pursuant to a judicial
order, DOT or its contractor must notify, in a manner DOT or the contractor determines, the person who is the subject of the judicial order that it made such disclosure. DOT is not required to send the notice by mail if the United States Postal Service has determined that mail is undeliverable to the person at the address DOT or its contractor has for the person in its records.

Under the bill, speed camera images or data are not deemed a public record for purposes of the Freedom of Information Act.

**Image Destruction**

Under the bill, images and data recorded by speed cameras must be destroyed (1) 60 days after the alleged violation’s date, if a citation is not issued, or (2) upon the case’s final disposition, if a citation is issued.

**Audit**

Beginning one year after operating a speed camera in a maintenance work zone, DOT must annually submit a report to the Transportation Committee, which must include:

1. the number of times speed cameras captured license plates;

2. the number of times DOT or its contractor disclosed speed camera images or data pursuant to a (a) search warrant in a criminal proceeding or (b) subpoena in a criminal proceeding;

3. the number of requests for images or data DOT or its contractor receives, including the identity of the person or entity who made the request and a copy of the request; and

4. the results of the internal audit.

**§ 3 — PUBLIC AWARENESS CAMPAIGN**

The bill requires DOT to develop and implement a public awareness campaign to educate the public about (1) unsafe driving in highway work zones and (2) the possible use of speed cameras in maintenance work zones. A “highway work zone” is an area of a state highway
where construction, maintenance, or utility work is being performed.

§ 4 — WORK ZONE SAFETY ACCOUNT

By law, the work zone safety account is a separate, nonlapsing account within the Special Transportation Fund. Under current law, money in the account must be spent by DOT to protect the safety of highway workers in highway work zones through (1) highway traffic enforcement, including the expansion of the “Operation Big Orange” program, and (2) purchasing and implementing technology and equipment. Any money used for purposes other than the Operation Big Orange program must be approved by the Highway Work Zone Safety Advisory Council (see BACKGROUND).

Under the bill, money in the account must instead be used only to pay the costs of traffic enforcement and control by state police in highway work zones.

BACKGROUND

Highway Worker

By existing law, a “highway worker” is a person who is required to perform his or her job duties on state bridges, state roads, or in highway work zones, including:

1. a person performing maintenance, repair or construction of state bridges, state roads, shoulders, medians, and associated rights-of-way in highway work zones;

2. a person operating a truck, loader or other equipment or performing any other related maintenance on state bridges, state roads, or in highway work zones;

3. a state or local public safety officer enforcing work zone-related transportation management and traffic control;

4. a state or local public safety officer conducting traffic control or enforcement operations on state bridges, state roads, shoulders, medians, and associated rights-of-way; and
5. a state or local public safety officer or firefighter, an emergency medical services provider, or any other authorized person removing hazards or responding to accidents and other incidents on state bridges, state roads, shoulders, medians, or associated rights-of-way or in highway work zones (CGS § 14-212d).

**Centralized Infractions Bureau (CIB)**

By law, individuals charged with a motor vehicle violation may, generally, pay the fine through the CIB. Payment is considered a plea of nolo contendere (no contest) and is not admissible in any civil or criminal proceeding. If an individual elects to plead not guilty, the CIB must send the plea and request for trial to the clerk of the geographical area court where the trial is to take place. The practice, procedure, rules of evidence, and burden of proof applicable in criminal proceedings apply in such a trial (CGS § 51-164n).

**Highway Work Zone Safety Advisory Council**

The six-member council is made up of the transportation, emergency services and public protection, and motor vehicles commissioners; the presidents of Connecticut Employees Union Independent and the state police union; and a representative of Connecticut Construction Industries Association. The council is charged with making ongoing recommendations to improve safety for workers, public safety officers, and drivers in highway work zones.

**COMMITTEE ACTION**

Transportation Committee

Joint Favorable

Yea 36  Nay 0  (03/20/2019)