
OLR Bill Analysis

sHB 5429 (as amended by House "A")*

AN ACT CONCERNING PEDESTRIAN SAFETY, VISION ZERO COUNCIL, SPEED LIMITS IN MUNICIPALITIES, FINES AND CHARGES FOR CERTAIN VIOLATIONS, THE GREENWAYS COMMEMORATIVE ACCOUNT AND MAINTENANCE WORK ZONE AND SCHOOL ZONE SAFETY ENFORCEMENT.

SUMMARY

§ 1 — YIELDING TO PEDESTRIANS AT CROSSWALKS

Expands the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks

§ 2 — VISION ZERO

Establishes a Vision Zero Council and charges it with developing a statewide policy to eliminate all transportation-related fatalities and severe injuries

§ 3 — CERTIFICATE OF OPERATION FOR MAJOR TRAFFIC GENERATORS

Requires OSTA to consider major traffic generators' impact on bicycle and pedestrian access and safety when awarding certificates of operation

§ 4 — DOORING

Prohibits causing physical contact with moving traffic by (1) opening a vehicle door or (2) leaving it open longer than necessary to load or unload passengers

§ 5 — MUNICIPAL SURCHARGE

Increases, from \$20 to \$25, the surcharge on certain moving violations that is remitted to municipalities and subjects dooring violations to the surcharge

§§ 6-12 — LOCAL ROAD SPEED LIMITS AND PEDESTRIAN SAFETY ZONES

Allows municipalities to establish speed limits on local roads without OSTA approval and allows for the establishment of pedestrian safety zones with speed limits as low as 20 mph in downtown districts, community centers, and areas around hospitals

§ 13 — DISTRACTED DRIVING FINES

Increases the fines for distracted driving

§ 14 — GREENWAYS COMMEMORATIVE PLATES

Requires that greenways commemorative plate fees be deposited into a dedicated account and used to fund grant programs for greenways and other bicycle and pedestrian trails

BACKGROUND

SUMMARY

This bill allows for local control of speed limits on local roads and the establishment of pedestrian safety zones. It makes changes related to bicycle and pedestrian access and safety, such as:

1. expanding the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks,
2. establishing a Vision Zero Council with the goal of eliminating transportation-related deaths and serious injuries,
3. establishing an infraction for “dooring” moving traffic,
4. increasing distracted driving fines, and
5. dedicating revenue from greenways commemorative license plates to fund greenways-related grant programs.

It also makes a number of technical and conforming changes.

*House Amendment “A” (1) eliminates the underlying bill’s provisions on speed cameras, hospital zones, and the work zone safety account; (2) changes the Vision Zero Council’s membership, allows the council to establish advisory committees, and requires it to assist with DOT’s public awareness campaigns; (3) limits the dooring infraction to only situations in which the moving traffic is traveling at a reasonable speed and with due regard for the safety of all persons and property; (4) requires local traffic authorities to receive permission from local legislative bodies before assuming control for speed limits and under certain other conditions; (5) increases the lowest speed limit an LTA may set; (6) applies restrictions to speed limit reductions of more than 10 mph, including requiring approval from or notice to adjoining municipalities on certain reductions near their borders; (7) allows a pedestrian safety zone to be established on roads adjacent or sufficiently close to hospital property; (8) delays the effective date of the local speed limits and pedestrian safety zones provisions (§§ 6 & 7); and (9) makes other minor and technical changes.

EFFECTIVE DATE: October 1, 2021, except the Vision Zero Council provisions are effective upon passage.

§ 1 — YIELDING TO PEDESTRIANS AT CROSSWALKS

Expands the circumstances under which drivers must yield to pedestrians at uncontrolled crosswalks

The bill expands the circumstances under which drivers must yield the right-of-way to pedestrians at marked and unmarked crosswalks that are not controlled by traffic signals or police officers (i.e., uncontrolled crosswalks).

Under current law, a driver must yield to a pedestrian, slowing or stopping as necessary, if the pedestrian has stepped off the curb or into the crosswalk at the entrance. Under the bill, a driver must do so if the pedestrian:

1. is within any portion of the crosswalk;
2. steps to the curb at a crosswalk's entrance and indicates intent to cross the road by raising his or her hand and arm toward oncoming traffic; or
3. indicates intent to cross the road by moving into the crosswalk's entrance any body part or any extension of a body part, including a wheelchair, cane, walking stick, crutch, bicycle, electric bicycle, stroller, carriage, cart, or leashed or harnessed dog.

As under existing law, drivers who fail to yield at a crosswalk when required are subject to a \$500 fine.

By law, pedestrians crossing at crosswalks controlled by traffic signals or police officers may cross only as indicated by the signal or officer. Pedestrians must also yield the right of way to emergency vehicles.

§ 2 — VISION ZERO

Establishes a Vision Zero Council and charges it with developing a statewide policy to eliminate all transportation-related fatalities and severe injuries

The bill establishes a Vision Zero Council and charges it with developing a statewide policy and interagency approach to eliminate all transportation-related fatalities and severe injuries to pedestrians, bicyclists, transit users, drivers, and passengers. It must consider ways to improve safety in all transportation modes using data, new partnerships, safe planning, and community-based solutions to achieve the goal of zero transportation-related fatalities.

The council is composed of the Department of Transportation (DOT), Department of Public Health, and Department of Emergency Services and Public Protection commissioners and any other agency commissioners they invite. Any commissioner may instead send a designee. The DOT commissioner, or his designee, serves as the council's chairperson and must schedule its first meeting by September 1, 2021. DOT serves as the council's administrative staff, and the council may establish committees at any time to advise it in carrying out its duties.

Under the bill, the council must assist in developing any DOT public awareness campaign to educate the public on ways to (1) reduce transportation-related fatalities and severe injuries to pedestrians, bicyclists, transit users, drivers, and passengers and (2) increase awareness and improve road users' behavior.

Starting by February 1, 2022, the council must annually submit the statewide policy and interagency approach, along with any other recommendations, to the Transportation Committee.

§ 3 — CERTIFICATE OF OPERATION FOR MAJOR TRAFFIC GENERATORS

Requires OSTA to consider major traffic generators' impact on bicycle and pedestrian access and safety when awarding certificates of operation

The law generally requires an entity that is building, expanding, establishing, or operating an open air theatre, shopping center, or any other development generating large volumes of traffic that substantially affect highway traffic (i.e., "major traffic generators") to obtain the Office of the State Traffic Administration's (OSTA) certification that the operation will not endanger public safety. State

regulations specify that a development qualifies as a major traffic generator if it has (1) 200 or more parking spaces or (2) a gross floor area of at least 100,000 square feet (Conn. Agencies Regs. § 14-312-1).

Existing law (1) establishes a number of factors that OSTA must include in its consideration of highway safety (e.g., traffic density and highway width and character) and (2) allows OSTA to require applicants to make certain improvements to address the development's highway safety impact. The bill adds bicycle and pedestrian access and safety to the factors OSTA must consider and allows it to require improvements that address impacts to bicycle and pedestrian access and safety, conforming to current OSTA practice.

§ 4 — DOORING

Prohibits causing physical contact with moving traffic by (1) opening a vehicle door or (2) leaving it open longer than necessary to load or unload passengers

The bill prohibits a person from causing physical contact between a vehicle door and moving traffic by (1) opening the door, if the moving traffic is traveling at a reasonable speed with due regard for the safety of people and property, or (2) leaving it open longer than needed to load or unload passengers. Violations of this provision are infractions (see BACKGROUND).

Under the bill, "moving traffic" includes (1) motor vehicles, bicycles, electric bicycles, and electric foot scooters traveling on the highway and (2) pedestrians and people riding bicycles, electric bicycles, or electric foot scooters on sidewalks, shoulders, or bikeways.

§ 5 — MUNICIPAL SURCHARGE

Increases, from \$20 to \$25, the surcharge on certain moving violations that is remitted to municipalities and subjects dooring violations to the surcharge

The act increases, from \$20 to \$25, the surcharge paid, in addition to a fine, by people who violate specified motor vehicle laws, regulations, and ordinances, such as speeding and reckless driving. It also adds dooring to the list of violations to which the surcharge applies.

By law, the state must remit this fee to the municipality in which a violation occurs.

§§ 6-12 — LOCAL ROAD SPEED LIMITS AND PEDESTRIAN SAFETY ZONES

Allows municipalities to establish speed limits on local roads without OSTA approval and allows for the establishment of pedestrian safety zones with speed limits as low as 20 mph in downtown districts, community centers, and areas around hospitals

By law, a municipality's local traffic authority (LTA) is responsible for setting speed limits on streets, highways, or bridges or parking areas for 10 or more cars within the town's jurisdiction (i.e., local roads). But under current law, the LTA must obtain approval from OSTA before the limits can take effect.

Under certain conditions, the bill allows LTAs to establish, modify, and maintain speed limits on local roads without OSTA approval and establish pedestrian safety zones on those roads. It also allows OSTA to establish pedestrian safety zones on state roads at an LTA's or DOT's request.

By law, the entity designated as the LTA varies by town, but may be the police commission, board of selectman, mayor, town manager, police chief, or traffic authority (CGS § 14-297(6)).

The bill also makes numerous technical and conforming changes.

Speed Limits on Local Roads

The bill allows LTAs to establish, modify, and maintain speed limits on local roads without OSTA approval, as long as the LTA:

1. receives permission to assume responsibility for local speed limits from the municipality by vote of its legislative body, or the board of selectman if the legislative body is a town meeting (this permission is not required if the municipality's legislative body is also the LTA);
2. establishes, modifies, and maintains speed limits on all roads, bridges, and parking areas under its jurisdiction;
3. notifies OSTA in writing that it has received permission, if required, from the municipality's legislative body and intends to assume responsibility and authority for establishing speed

limits within its jurisdiction;

4. conducts an engineering study (see below); and
5. notifies OSTA of each speed limit change so the department can maintain a statewide inventory of speed limits.

Under the bill, LTAs may not set a speed limit lower than 25 mph unless (1) the speed limit is part of a pedestrian safety zone (see below) or (2) the engineering study indicates a speed limit lower than 25 mph is reasonable. Under existing law and the bill, LTAs may establish speed limits on private roads wholly within the municipality under its jurisdiction without OSTA approval.

The bill also (1) specifies that any speed limit established with OSTA approval remains in effect until the LTA modifies it and (2) makes conforming changes to specify that exceeding a speed limit established by an LTA without OSTA approval is prima facie evidence that a driver is traveling unreasonably fast.

Reductions of More Than 10 MPH

The bill applies certain restrictions to speed limit reductions of more than 10 mph. Before an LTA may reduce a speed limit by more than 10 mph, it must receive permission from the municipality by vote of its legislative body or the board of selectman (as applicable). (This permission is not required if the legislative body is also the LTA.) It must also post reduced speed limit ahead signs in accordance with the Federal Highway Administration's (FHWA) Manual on Uniform Traffic Control Devices (MUTCD).

Reductions Near Town Boundaries. The bill imposes additional requirements on speed limit reductions of more than 10 mph on roads that run into adjoining towns.

Within 1,000 feet of the municipality's boundary, an LTA may not reduce the speed limit by more than 10 mph from the road's speed limit in the adjoining municipality without also getting approval from the adjoining municipality's legislative body or board of selectman (as

applicable). Additionally, an LTA must notify the adjoining municipality if it lowers the speed limit for a road located between 1,000 feet and one mile of the boundary by more than 10 mph from the road's speed limit in the adjoining town.

Pedestrian Safety Zones

The bill authorizes LTAs, in the case of local roads, or OSTA, in the case of state roads, to establish pedestrian safety zones with speed limits as low as 20 mph on roads (1) in clearly defined downtown districts and community centers frequented by pedestrians or (2) adjacent to hospital property or sufficiently close as to constitute a public safety risk. LTAs do not need permission from OSTA to establish pedestrian safety zones.

Under the bill, LTAs may establish a zone on local roads if they (1) receive general authority to establish zones from the municipality by vote of its legislative body or board of selectman, as applicable, (this permission is not required if the municipality's legislative body is also the LTA) and (2) conduct an engineering study as the bill requires. If the LTA reduces the speed limit by more than 10 mph, it must erect reduced speed limit ahead signs and, if applicable, receive permission or notify the adjoining municipality, as outlined above.

In municipalities where OSTA approves speed limits, LTAs must notify OSTA in writing that it is establishing a pedestrian safety zone and confirm that the bill's applicable requirements have been satisfied.

If an LTA or DOT seeks to establish a pedestrian safety zone on a state highway that passes through a downtown district or community center, it must submit a written request for approval to OSTA that includes the required engineering study and speed management plan. If OSTA denies the request, it must provide a written explanation of the reasons for doing so.

Engineering Studies and Speed Management Plans

Under the bill, before an LTA establishes or modifies a speed limit or establishes a pedestrian safety zone, the LTA must conduct an

engineering study in accordance with the MUTCD and other generally accepted engineering principles and guidance. (A study must also be conducted in order for OSTA to approve an LTA's or DOT's request for a pedestrian safety zone on a state highway.)

The study must be completed by a professional engineer licensed in the state and consider factors including pedestrian activity, land use and development, parking, and traffic accident records in the LTA's jurisdiction or area under consideration for a pedestrian safety zone.

If an engineering study on establishing a pedestrian safety zone recommends doing so, the study must also include a speed management plan and recommended actions to achieve lower motor vehicle speeds.

Regulations

The bill authorizes OSTA to adopt regulations on (1) setting local speed limits without OSTA approval and (2) establishing pedestrian safety zones.

§ 13 — DISTRACTED DRIVING FINES

Increases the fines for distracted driving

The bill increases the fines for violating the state's distracted driving law from (1) \$150 to \$200 for a first violation, (2) \$300 to \$375 for a second violation, and (3) \$500 to \$625 for a third or subsequent violation.

The distracted driving law generally prohibits a person, while driving, from using a handheld mobile telephone to engage in a call, using a mobile electronic device (e.g., texting), and engaging in any activity unrelated to driving in a manner that interferes with safely operating the vehicle, among other things.

§ 14 — GREENWAYS COMMEMORATIVE PLATES

Requires that greenways commemorative plate fees be deposited into a dedicated account and used to fund grant programs for greenways and other bicycle and pedestrian trails

Under current law, the purpose of greenways commemorative plates is to enhance public awareness of state and local efforts to

preserve, restore, and protect greenways. The money collected from the special fee for greenways plates, less a \$15 administrative fee, goes to the General Fund.

The bill expands the purpose of the plate to include providing funding for greenways and requires that the money collected be deposited in the “greenways commemorative account,” which the bill establishes as a separate, nonlapsing account within the General Fund. Account funds must be spent by the Department of Energy and Environmental Protection (DEEP) for the greenways capital grant program and the bikeway, pedestrian walkway, recreation trail, and greenways grant program.

The bill also (1) codifies regulations regarding greenways plate fees, (2) allows, rather than requires, the Department of Motor Vehicles commissioner to establish regulations on the plates, and (3) eliminates the requirement that any regulations be developed in consultation with DEEP.

BACKGROUND

Infractions

Infractions are punishable by fines, usually set by Superior Court judges, of between \$35 and \$90, plus a \$20 or \$35 surcharge and an additional fee based on the fine’s amount. There may also be other applicable charges depending on the type of infraction. For example, certain motor vehicle infractions trigger a Special Transportation Fund surcharge of 50% of the fine. With the various additional charges, the total amount due can be over \$300 but often is less than \$100. An infraction is not a crime, and violators can pay the fine by mail without making a court appearance.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 30 Nay 4 (03/03/2021)

Judiciary Committee

Joint Favorable

Yea 26 Nay 11 (04/20/2021)

Finance, Revenue and Bonding Committee

Joint Favorable

Yea 41 Nay 8 (05/03/2021)