
OLR Bill Analysis

sHB 5917

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL.

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BACKGROUND

SUMMARY

This bill makes a number of changes related to traffic safety and enforcement. Among other things, it does the following:

1. allows municipalities to authorize, by ordinance, the use of speed cameras and red light cameras in school zones, pedestrian safety zones, and other Office of the State Traffic Administration (OSTA)-approved locations with a history of crashes (§§ 14-18);
2. requires all motorcycle and motor-driven cycle riders to wear a helmet, rather than only those under age 18 and those with motorcycle instruction permits (§ 3);
3. generally prohibits consuming or possessing open alcoholic beverage containers in a vehicle's passenger area while on the highway (§§ 1 & 2);
4. requires the State Police to form a fatal collision reduction team to engage in high-visibility enforcement in areas with a history of crashes (§ 6); and

5. requires the Department of Transportation (DOT) to study and advise the legislature on whether to (a) begin allowing cyclists to treat a stop sign as a yield sign and a red light as a stop sign (the “Idaho Stop”) and (b) prohibit right turns on red (§ 4).

EFFECTIVE DATE: Various, see below

§§ 1 & 2 — OPEN CONTAINERS

Generally prohibits drinking from or possessing an open alcoholic beverage container in a motor vehicle’s passenger area, with exceptions for for-hire transportation and RVs

The bill prohibits consuming or possessing an open alcoholic beverage container in a motor vehicle’s “passenger area” while the vehicle is on a public road. An open alcoholic beverage container is a bottle, can, or other receptacle that contains an alcoholic beverage and is either (1) open or has a broken seal or (2) partially empty. Under federal law, states must adopt an open container prohibition or face fiscal penalties (see BACKGROUND).

The bill’s prohibition does not apply to passengers in (1) vehicles designed, maintained, and primarily used as for-hire passenger transportation, including taxis, motor buses, and livery vehicles; (2) transportation network company (e.g., Uber and Lyft) vehicles; or (3) a recreational vehicle’s (RV) living quarters. It also specifically excludes partially consumed bottles of wine and to-go alcoholic beverages that are sealed as the law requires, if they are not transported in the passenger area.

Violations of the bill’s provisions are infractions (see BACKGROUND). Under existing law, drivers who drink an alcoholic beverage while driving are guilty of a class C misdemeanor (punishable by up to three months imprisonment and a fine of up to \$500, CGS § 53a-213).

Passenger Area

The bill’s open container prohibition applies to occupants of a vehicle’s passenger area, which is (1) the area designed to seat the driver and any passenger while the vehicle is moving and (2) any area that is readily accessible to the driver or a passenger while sitting. It does not

include (1) locked containers (e.g., glove compartments or consoles), (2) the trunk, or (3) in motor vehicles without trunks, the area behind the last upright seat or any area not normally occupied by a driver or passenger.

Reporting (§ 2)

Existing law requires police departments to collect and report data to the Office of Policy and Management (OPM) on (1) traffic stops (including the characteristics of the person stopped and the alleged violation) and (2) complaints of discriminatory stops. It also requires OPM, within available resources, to annually report on the prevalence and disposition of these stops and complaints. The bill specifically requires that this report review stops for open container violations.

EFFECTIVE DATE: October 1, 2023, for the open container prohibition and July 1, 2023, for the reporting requirement.

§ 3 — UNIVERSAL MOTORCYCLE HELMET REQUIREMENT

Requires all motorcycle and motor-driven cycle drivers and passengers to wear a helmet, rather than just those under age 18 and those with motorcycle instruction permits

The bill requires all motorcycle and motor-driven cycle drivers and passengers to wear a helmet meeting federal helmet safety standards. Current law only requires helmets for (1) drivers and passengers under age 18 and (2) motorcycle instruction permit holders of any age (CGS § 14-40a).

Under the bill, violations of the helmet requirement are infractions (see BACKGROUND) and subject to the \$90 fine that applies under current law to drivers and passengers under age 18. As under existing law, the fine for motorcycle instruction permit holders is subject to the general infraction parameters and is currently set at \$50.

By law, a motor-driven cycle is a motorcycle, motor scooter, or bicycle with an attached motor (except an electric bicycle) that has a (1) seat height of at least 26 inches and (2) motor with a piston displacement under 50 cc. As under current law, the helmet requirement does not apply to autocycles.

EFFECTIVE DATE: October 1, 2023

§ 4 — “IDAHO STOP” AND NO RIGHT TURN ON RED STUDY

Requires DOT to study (1) allowing a bicycle rider to treat a stop sign as a yield sign and red light as a stop sign (the “Idaho Stop”) and (2) prohibiting right turns on red

Under the bill, the DOT commissioner must study (1) allowing bicyclists to treat a stop sign as a yield sign and red light as a stop sign (known as the “Idaho Stop”) and (2) prohibiting right turns at red lights. By February 1, 2024, the commissioner must report to the Transportation Committee on the study’s results and recommend whether these changes to the law are advisable.

EFFECTIVE DATE: Upon passage

§ 5 — INTERSECTION CONTROL EVALUATION POLICY

Requires DOT to develop, adopt, and revise, as needed, an intersection control evaluation policy to use when evaluating new and existing intersections

Starting July 1, 2024, the bill requires DOT to develop, adopt, and revise, as needed, an intersection control evaluation policy for it to use when evaluating new intersection construction and modifications to existing intersections. The policy must (1) have a decision-making framework with specific, performance-based criteria to screen intersection alternatives and identify an optimal solution and (2) require consistent documentation of each intersection evaluation.

EFFECTIVE DATE: Upon passage

§ 6 — FATAL COLLISION REDUCTION TEAM

Requires the State Police to form a fatal collision reduction team that will identify violations and locations correlated with traffic crashes and conduct high-visibility enforcement

The bill requires the State Police to form a fatal collision reduction team that includes municipal law enforcement officers, drug recognition experts (DREs), and police officers trained in advanced roadside impaired driving enforcement (ARIDE). The team must do the following:

1. identify motor vehicle violations that correlate with traffic crashes,

2. identify intersections and other locations throughout the state with a history of traffic crashes,
3. conduct high-visibility enforcement at the identified locations to issue warnings or tickets for violations correlated with traffic crashes, and
4. solicit public input to help identify other unsafe intersections and locations.

By law, a DRE is someone certified by the International Association of Chiefs of Police (IACP) as having met all requirements of the International Drug Evaluation and Classification Program. DREs conduct drug influence evaluations to enforce alcohol- and drug-impaired driving laws. ARIDE is a program developed by the National Highway Traffic Safety Administration with the IACP and the Technical Advisory Panel, or a successor program, that focuses on impaired driving enforcement education for police officers.

EFFECTIVE DATE: July 1, 2023

§ 7 — VISION ZERO PROGRAM DISTINCTION FOR SCHOOL PROGRAMS

Requires DOT to award an exemplary “Vision Zero” program distinction to local and regional boards of education offering programs to students in grades 6 to 12 about safe driving habits, pedestrian safety skills, and the mission of the Vision Zero Council

The bill requires DOT, in consultation with the State Board of Education and Department of Motor Vehicles (DMV), to award an exemplary “Vision Zero” program distinction to local and regional boards of education offering programs that give students in grades 6 to 12 opportunities to learn about the importance of practicing safe driving habits, pedestrian safety skills, and the Vision Zero Council’s mission (see BACKGROUND). These opportunities may include classes, extracurricular activities, presentations, symposiums, peer-to-peer education, parent involvement, and parenting education and outreach.

DOT must award this distinction upon a school board’s request, and a board may submit a request by providing DOT with details about its program at a time and in the way DOT prescribes. DOT must also make

information about the distinction available on its website.

EFFECTIVE DATE: Upon passage

§ 8 — SAFETY COURSE AFTER TRAFFIC VIOLATIONS

Allows prosecutorial officials to require people who contest infractions and certain violations to attend an approved driving safety course as a condition for resolving the ticket before a hearing

By law, people charged with motor vehicle infractions and specified violations that are processed by the Centralized Infractions Bureau (CIB) may either (1) pay the fine and any additional fees, which is considered a plea of no contest (*nolo contendere*), or (2) plead not guilty and be scheduled for a hearing.

If a person pleads not guilty to the CIB and is scheduled for a hearing, the person may subsequently, at a Superior Court proceeding, reach an agreement with a prosecutorial official on the fine amount and elect to pay the fine without appearing before a judicial authority. The bill allows the prosecutorial official, as a part of this agreement, to require that the person attend a driving safety course. Any course required must address the nature of the violation or infraction and be offered or approved by the chief state's attorney.

EFFECTIVE DATE: October 1, 2023

§§ 9-11 — SAFETY VIDEO AND MATERIALS AT LICENSE RENEWAL AND ISSUANCE TO NEW RESIDENTS

Requires DMV to (1) develop specified safety videos and require people to watch them upon every other renewal and when transferring a license from another jurisdiction and (2) provide other safety materials to people transferring a license from another jurisdiction

Video at Renewal

The bill requires the DMV commissioner to develop, and revise as needed, a video presentation about current laws impacting drivers, pedestrians, and bicyclists and the need to practice safe driving behaviors. The commissioner must require applicants or license holders to watch the video upon every other renewal of a driver's license. By law, the DMV commissioner may issue a license for a period he determines, up to eight years. In practice, DMV is currently phasing in eight-year licenses.

New Residents

The bill requires the DMV commissioner to develop, and revise as needed, a video presentation about (1) state laws impacting drivers, pedestrians, and bicyclists; (2) the need to practice safe driving behaviors; and (3) ways to reduce transportation-related fatalities and severe injuries to pedestrians, bicyclists, drivers, and passengers. DMV must require an applicant who is seeking to transfer their license from another jurisdiction to Connecticut to watch the video before issuing his or her license. The commissioner must also give the person other safe driving training materials.

EFFECTIVE DATE: January 1, 2024, except a technical change is effective July 1, 2023.

§ 12 — PUBLIC AWARENESS CAMPAIGN ON DRUG IMPAIRED DRIVING

Requires DPH to conduct a public awareness campaign about the dangers of driving while under the influence of certain over-the-counter drugs and prescription drugs, with an emphasis on opioids and cannabis

Under the bill, the Department of Public Health (DPH), in collaboration with local health departments or district departments of health, must conduct a public awareness campaign about the dangers of driving while under the influence of certain over-the-counter drugs and prescription drugs, with an emphasis on opioids and cannabis. The campaign must include outreach to pharmacies, hospitals, substance abuse treatment facilities and cannabis dispensary facilities, hybrid retailers, and retailers that can communicate information about these dangers to drivers who are receiving or purchasing these drugs.

EFFECTIVE DATE: Upon passage

§ 13 — DOT FIVE-YEAR CAPITAL PLAN AND EQUITY PROPOSALS

Requires DOT, when developing its next five-year capital plan, to examine proposals from the Vision Zero Council's equity subcommittee and consider infrastructure that specifically protects vulnerable highway users

The bill requires DOT, when developing its next five-year capital plan, to examine proposals from the Vision Zero Council's equity subcommittee (see BACKGROUND) and consider infrastructure that

specifically protects vulnerable highway users, including pedestrians, bicyclists, and people with disabilities.

EFFECTIVE DATE: Upon passage

§§ 14-18 — AUTOMATED ENFORCEMENT

Allows municipalities to authorize using speed cameras and red light cameras in school zones, pedestrian safety zones, and other OSTA-approved locations with a history of crashes; establishes conditions and procedures for camera operation, violation enforcement, and data privacy

The bill allows municipalities to authorize, by an ordinance adopted by its legislative body, the use of speed cameras and red light cameras (which the bill calls “automated traffic enforcement safety devices”) in school zones, pedestrian safety zones (see BACKGROUND), and other locations approved by OSTA. Existing law authorizes the use of speed cameras only by DOT through the work zone speed camera pilot program (see BACKGROUND).

The bill defines an “automated traffic enforcement safety device” as a device that works in conjunction with radar speed detection equipment or a traffic control signal to collect photo or video evidence of alleged traffic violations by recording images that capture the license plate, date, time, and location of a vehicle that (1) exceeds the posted speed limit by 10 or more miles per hour or (2) runs a red light.

Under the bill, municipalities may enter into agreements with vendors to design, install, operate, and maintain speed and red light cameras, but the vendor’s fee may not depend on the number of citations issued or fines paid. A “vendor” is someone who (1) provides camera-related services; (2) operates, maintains, leases, or licenses speed or red light cameras; or (3) reviews and assembles the images the cameras record.

EFFECTIVE DATE: October 1, 2023

Ordinance Requirements, Municipal Violation, and Fines

Before operating cameras, municipalities must adopt an ordinance authorizing cameras and establishing a municipal violation for vehicles that the cameras capture speeding or running red lights. Specifically, the

ordinance must include the following provisions:

1. speed and red light cameras must be operated by a person trained and certified to operate the device (i.e., an “automated traffic enforcement safety device operator”);
2. a motor vehicle’s owner violates the ordinance if the vehicle’s driver is detected by the camera (a) exceeding the posted speed limit by 10 mph or more or (b) running a red light;
3. for the first 30 days after speed or red light cameras begin operating at a given location or intersection, the vehicle owner violating the ordinance must receive a written warning instead of a citation;
4. payment of fines and fees may be done electronically; and
5. an authorized municipal or vendor employee must review and approve the recorded images before a citation is mailed to a vehicle owner.

The bill requires municipalities that adopt ordinances authorizing cameras to also adopt a (1) citation hearing procedure and (2) comprehensive safety action plan to ensure the municipality’s streets safely and conveniently serve users of all ages and abilities, including pedestrians, transit users, bicyclists, wheelchair or assistive device users, and drivers.

Fines. The bill allows the municipal ordinances to include a fine for owners of vehicles violating the ordinance of up to (1) \$50 for first violations and (2) \$75 for subsequent violations. They may also impose a reasonable fee, up to \$15, for electronic payment processing costs.

The bill requires that any fine revenue the municipality collects be used to improve traffic safety in the municipality, including camera installation, operation, and maintenance costs.

Other Penalties. Violations of ordinances adopted under the bill must not (1) be included in a person’s driving record, (2) be subject to

merit rating for insurance purposes, or (3) authorize imposing surcharge points for motor vehicle insurance coverage.

Location Selection and Approval

Under the bill, municipalities may use speed or red light cameras (1) within school zones and pedestrian safety zones and (2) at other intersections and locations within the municipality that had a history of traffic crashes caused by excessive speed or by violations of a traffic sign or traffic signal. When selecting intersections or locations within school and pedestrian safety zones, the municipality must consider speed data, crash history, and roadway geometry.

The bill requires the municipality's local traffic authority (LTA) to approve camera locations before the cameras begin operating. It also requires that OSTA approve camera locations outside of school zones and pedestrian safety zones. By law, the entity designated as the LTA varies by municipality but may be the police commission, board of selectmen, mayor, town manager, or police chief (CGS § 14-297(6)).

Public Notice

The bill requires municipalities to notify people about speed and red light cameras in two ways. First, before operating any camera, they must install at least two clearly visible signs notifying drivers about the camera at a reasonable distance ahead of the camera's location and in accordance with the Federal Manual of Uniform Traffic Control Devices.

Second, at least 30 days before the first speed or red light camera begins operating in the municipality, the municipality must develop and implement a public awareness campaign to educate the public about the importance of obeying speed limits and traffic signals and that speed or red light cameras will soon be used in the municipality.

Camera Training and Calibration

The bill requires speed camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the speed camera's set up, testing, and operation. Upon completion, the manufacturer or its representative must issue a signed certificate to the

operator, which must be admitted as evidence in any municipal hearing.

The act also requires municipalities to make sure that cameras they use have an annual calibration check performed at a calibration laboratory. The laboratory must issue a signed certificate of calibration after the check, which must be kept on file and admitted as evidence in any resulting municipal citation hearing.

Image Review and Ticket Issuance

Under the bill, when a speed or red light camera detects and produces images of a vehicle, an authorized municipal or vendor employee must review them. If the employee determines there are reasonable grounds to believe a violation of the municipal ordinance occurred, the employee may issue a citation to the vehicle owner. The notice must include the following:

1. the motor vehicle owner's name and address,
2. the vehicle's license plate,
3. the violation charged,
4. the camera location and the date and time of the violation,
5. a copy of the recorded images or information on how to view them electronically,
6. a statement or electronically generated affirmation by the employee who reviewed the images and determined that the vehicle violated the ordinance,
7. the date of the most recent calibration check and verification that the camera was operating correctly during the alleged violation,
8. the fine imposed, and
9. the right to contest the violation and request a hearing.

For vehicles registered in Connecticut, the bill requires the citation to be sent by first class mail to the address on file with DMV within 30 days

after the alleged violation occurred or the vehicle owner's identity is ascertained, whichever is later. For vehicles registered elsewhere, the citation must be similarly sent to the address on file with the issuing jurisdiction within 30 days after ascertaining the owner's identity. However, the bill makes citations invalid if they are mailed later than 60 days after an alleged violation. Manual or automatic records of mailing prepared by the municipal or vendor employee in the ordinary course of business are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation contains.

Available Defenses

The bill makes the following defenses available to a vehicle owner alleged to have violated an ordinance adopted under the bill:

1. the person was driving an emergency vehicle on the way to an emergency;
2. the traffic signal was not working, and this is observable in the images;
3. the violation was necessary to comply with an order from a law enforcement officer or to allow an emergency vehicle to pass, and this is observable in the images;
4. the violation took place when the vehicle had been reported as stolen and had not yet been recovered;
5. the driver was convicted for a speeding or red light violation for the same incident based on a separate citation issued by a law enforcement officer; and
6. the camera did not have a calibration check as the bill requires.

Privacy

The bill prohibits municipalities and vendors from disclosing "personally identifiable information" to any person or entity unless the disclosure is made (1) in connection with charging, collecting, and enforcing fines imposed under an ordinance; (2) pursuant to a judicial

order in a criminal proceeding; or (3) to comply with state or federal laws or regulations. It also prohibits a municipality or a vendor from storing or keeping this information unless it is necessary to collect and enforce fines imposed under the ordinance.

Under the bill, “personally identifiable information” is information a municipality or vendor creates or maintains that identifies or describes a vehicle owner and includes the owner’s address; phone number; license plate; photo; bank account information; credit card or debit card number; and the date, time, location, or direction of travel on a highway.

Unless otherwise required by law, or related to an administrative summons or judicial order in a criminal proceeding, the act requires a municipality or vendor to destroy personally identifiable information and other data specifically identifying a motor vehicle and relating to an alleged violation within one year after a fine is collected or a hearing is resolved.

The bill specifies that any other data is subject to disclosure under the Freedom of Information Act, except for personally identifiable information.

Reporting

The bill requires municipalities to submit an initial and annual report on specified camera data to DOT and the Transportation Committee. It also requires DOT to post the reports it receives on its website.

Initial Report. Within 18 months after a speed or red light camera starts operating in a municipality, the municipality must report the following information to DOT and the Transportation Committee:

1. the number of speeding and red light camera violations that occurred at places with cameras before the cameras started operating;
2. the number of speeding (10 mph over the limit or more) and red light violations that the camera captured;

3. if available, the number and type of related traffic violations and crashes that occurred at each location with cameras (a) before their installation and (b) during their use;
4. the number of speeding and red light violations and related traffic violations and crashes that occurred at (a) intersections where the cameras were used and (b) similar intersections where they were not used;
5. a description of situations where recorded images could not be used or were not used;
6. the number of leased vehicles, rented vehicles, out-of-state vehicles, or other vehicles, including trucks, for which enforcement efforts were unsuccessful;
7. the fine and fee revenue collected; and
8. the municipality's costs for using the cameras.

Annual Report. Starting a year after submitting the initial report, the bill requires municipalities to annually report the following data until speed or red light cameras are no longer operating in the municipality:

1. the number of vehicles subject to one citation, two citations, three citations, and four or more citations;
2. for red light cameras, the number of citations at each location that were issued to vehicles making a right turn, proceeding through the intersection, and making a left turn;
3. a list of engineering and education measures the municipality undertook to improve safety at camera locations; and
4. data on how many citations were issued, how many hearings were requested, and the results of any hearings.

§ 19 — SEAT BELT PROMOTION

Requires DOT, in collaboration with specified agencies, to establish a program promoting seatbelt use among vulnerable communities that are less likely to wear a seat belt

Under the bill, DOT must collaborate with DPH and the Education, Social Services, and Veterans Affairs departments to establish a program promoting seatbelt use among vulnerable communities that DOT identifies as less likely to wear a seat belt. The program may include things like peer-to-peer education and outreach to parents and community organizations.

EFFECTIVE DATE: Upon passage

BACKGROUND

Federal Open Container Law Requirement

Federal law requires states to adopt an open container law that meets federal compliance criteria (23 U.S.C. § 154). To comply, the state law must apply to (1) possession and consumption, (2) the entire passenger area, (3) all alcoholic beverages, (4) all occupants, and (5) all motor vehicles. It must also provide for primary enforcement (i.e., law enforcement may issue a citation upon observing someone violating the law). It allows states to provide exceptions for (1) open containers stored in a locked container or, in vehicles without trunks, behind the last seat and (2) passengers in a for-hire transportation vehicle or an RV's living quarters (23 C.F.R. § 1270.4).

States without a compliant law must transfer 2.5% of their annual apportionment under specified highway construction programs (i.e., National Highway Performance Program and the Surface Transportation Block Grant Program) to specified traffic safety programs (i.e., 402 Highway Safety DUI Countermeasures Program or the Hazard Elimination Program) (23 C.F.R. § 1270.6).

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. An infraction is not a crime and violators can generally pay the fine by mail without making a court appearance.

Vision Zero Council

PA 21-28, § 2, established the Vision Zero Council and charged it with developing a statewide policy and interagency approach to eliminating 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.

By law, the council is composed of the DOT, DPH, and Department of Emergency Services and Public Protection commissioners and any other agency commissioners they invite. The council may establish committees to advise it in carrying out its duties.

School Zones and Pedestrian Safety Zones

State law allows for the designation of a school zone on roads that are adjacent to school property or close enough to a school to constitute a risk to public safety under all the circumstances. For zones on state-owned roads, the municipality's legislative body may request that OSTA designate the zone. On municipally owned roads, the municipality's LTA has the authority to designate a zone (CGS § 14-212b).

State law also allows 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 to it as to constitute a public safety risk. LTAs may establish a zone if they (1) receive general authority to establish zones from the municipality by vote of the legislative body and (2) conduct an engineering study as required by law (CGS § 14-307a).

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

Work Zone Speed Camera Pilot Program

PA 21-2, June Special Session, §§ 296-305, authorized DOT to establish a two-year pilot program to operate speed cameras in up to three highway work zones, at any one time, on limited access highways. The act required that the program begin by January 1, 2022, and end by December 1, 2023. (In practice, DOT has not started the program yet but anticipates doing so in the next few months.) It creates a specific violation for exceeding posted speed limits in zones by 15 mph or more and sets the following penalties: (1) a written warning for a first violation, (2) a \$75 fine for a second violation, and (3) a \$150 fine for a subsequent violation. DOT may contract with a vendor to operate the cameras, but State Police are charged with reviewing the images and issuing tickets. By January 1, 2024, the DOT commissioner must assess the pilot program's efficacy and report on the assessment to the Transportation and Appropriations committees.

Related Bills

HB 6625, favorably reported by the Public Safety and Security Committee, allows Waterbury to authorize the use of red light cameras in school zones and pedestrian safety zones, intersections on highways with speed limits above 25 mph, and other locations with a history of traffic crashes and red light violations.

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 22 Nay 14 (03/10/2023)