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**OLR Bill Analysis (LCO 8388)**

**sHB 5917 (as amended by House A)\***

**AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE  
VISION ZERO COUNCIL.**

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**BACKGROUND**

**SUMMARY**

This bill allows municipalities to authorize the use of speed and red light cameras in school zones, pedestrian safety zones, and other locations meeting specified criteria, subject to oversight by the Department of Transportation (DOT) and under various other conditions the bill sets. It also enacts various other policies related to traffic safety.

\*House Amendment "A" eliminates the underlying bill's provisions on open containers, motorcycle helmets, and a fatal collision reduction team and makes numerous changes to the speed and red light camera provisions, including, among other things, (1) subjecting municipalities' use of speed and red light cameras to DOT approval and oversight; (2) eliminating the indefinite authorization for municipal speed and red light camera use, instead requiring that camera locations get approved by DOT every three years; (3) modifying the process for selecting camera locations, such as requiring municipalities to hold public hearings and requiring DOT to provide guidelines for municipalities to do so; (4) eliminating the authorization for vendors to issue citations, instead requiring that a municipal police officer, police department employee, or municipal employee issue them; (5) restricting the use of cameras only to enforcing ordinance violations and prohibiting sharing personally identifiable with anyone for any purpose other than enforcing violations and collecting fines; and (6) requiring DOT to develop a model data privacy policy and towns to adopt one that meets

or exceeds the model policy's standards.

EFFECTIVE DATE: Various, see below

### **§ 1 — “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

### **§ 2 — INTERSECTION CONTROL EVALUATION POLICY**

*Requires DOT to 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 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

### **§ 3 — 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, which a board may submit 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

#### **§ 4 — 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, at a subsequent 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

#### **§§ 5-7 — SAFETY VIDEO AND MATERIALS AT LICENSE RENEWAL AND ISSUANCE TO NEW RESIDENTS**

*Requires DMV to (1) develop a safety video 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*

The bill requires the DMV commissioner to develop, and revise as

needed, a video presentation about (1) state laws impacting drivers, pedestrians, and bicyclists and (2) ways to practice safe driving behaviors and reduce transportation-related fatalities and severe injuries. When developing the video, the commissioner may use videos developed by a governmental entity, independent contractor, or other party.

Under the bill, DMV must require people to watch the video upon every other renewal, prior to issuing a 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.) DMV must also (1) require anyone seeking to transfer a license from another jurisdiction to Connecticut to watch the video and (2) give them other safe driving training materials.

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

## **§ 8 — PUBLIC AWARENESS CAMPAIGN ON DRUG IMPAIRED DRIVING**

*Requires DOT 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, DOT, in collaboration with the Department of Public Health (DPH) and 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, 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

## **§ 9 — 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

**§§ 10-14 & 16-18 — AUTOMATED ENFORCEMENT**

*Allows municipalities to use speed cameras and red light cameras pursuant to an ordinance meeting the bill’s requirements and a plan approved by DOT every three years; requires DOT to provide guidance to municipalities developing plans and selecting locations; includes provisions on public participation and notice, camera operation, fine revenue use, violation enforcement, and data privacy, among others*

The bill allows municipalities to use speed cameras and red light cameras (which the bill calls “automated traffic enforcement safety devices”) if they (1) adopt an ordinance meeting the bill’s requirements and (2) get a speed and red light camera plan approved by DOT every three years. 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 designed to detect and collect evidence of alleged violations of ordinances adopted under the bill 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 and forwards them to the municipality.

EFFECTIVE DATE: October 1, 2023, except that the provision on DOT guidelines is effective upon passage.

***DOT Guidance for Location Selection and Plan Evaluation (§ 16)***

The bill requires DOT to develop, and revise as necessary, two sets of guidance for municipalities developing speed and red light camera plans and seeking DOT approval. DOT must post the guidance on its website.

First, by January 1, 2024, DOT must issue written guidance to municipalities that covers plan development and submission and the criteria DOT will use when evaluating plans for approval. The guidance must be consistent with the goals of (1) installing speed and red light cameras in locations where they are likely to improve traffic safety and (2) ensuring that the cameras' distribution is "equitable" (meaning, under the bill, it is intended to (a) ensure that patterns of discrimination and disparities of race, ethnicity, and socioeconomic status, whether intentional or unintentional, are not reinforced or perpetuated and (b) prevent the emergence and persistence of foreseeable future patterns of discrimination or disparities of race, ethnicity, and socioeconomic status).

This initial guidance must list the factors that municipalities must consider when selecting locations for inclusion in a plan. The factors must include the following:

1. the history of traffic crashes caused by speeding or failing to obey a traffic control sign or signal at the location;
2. the history of traffic crashes that resulted in a person's death or serious injury at the location;
3. the municipality's poverty rate and the percent of occupied housing units with vehicles, as determined by the five-year estimates of the U.S. Census Bureau's most recent American Community Survey;
4. the average daily traffic at the location;
5. the history of traffic stops conducted in the municipality and reported to the Office of Policy and Management under the Alvin

W. Penn Racial Profiling Prohibition Act;

6. the location's roadway geometry; and
7. any other information or data DOT requires.

Second, by January 1, 2026, DOT must issue written guidance to municipalities on (1) evaluating speed and red light camera effectiveness and (2) submitting subsequent plans for approval with supporting documentation. The guidance must include factors that will be considered when determining if a speed or red light camera improved traffic safety at its location.

***Municipal Plan Submission and DOT Review and Approval (§§ 17 & 18)***

The bill specifically prohibits a municipality from using, installing, or operating a speed or red light camera unless they do so in compliance with a DOT-approved speed and red light camera plan that has not yet expired.

***Initial Plan.*** Under the bill, a municipality's speed and red light camera plan must identify the proposed camera locations and include documentation showing that the proposed locations comply with, and consider the factors included in, the guidelines DOT developed.

Before submitting a plan to DOT for approval, the municipality must hold a public hearing on it. The plan's submission must be approved by a vote of the (1) municipality's legislative body or (2) board of selectman in municipalities where the legislative body is a town meeting. Municipalities must then submit the plan to DOT in the way the department prescribes.

Within 60 days after receiving a plan, DOT must (1) determine if the plan is likely to improve traffic safety at the proposed locations and whether the cameras' distribution throughout the municipality is equitable and (2) approve or reject it in whole or in part. If the department rejects the plan or any part of it, the department must explain its reasoning in writing and provide guidance for revising the



plan for resubmission. If DOT rejects the plan, the municipality may submit a revised one.

**Plan Term.** A municipality's approved initial speed and red light camera plan is valid for three years after the first camera begins operating in the municipality. After that, subsequent plans are valid for three years after DOT approves them.

**Modifications Before Plan Expiration.** Municipalities operating cameras under a plan that has not expired may submit a modification to DOT for approval to use cameras at additional locations. The modification must go through the same hearing and vote as the plan itself, and DOT must approve or reject it in the same manner as it does the plan. Approval for any modifications expire on the same date the approved plan does.

**Subsequent Plans.** The bill requires municipalities to submit a subsequent plan for DOT approval if they want to continue using speed and red light cameras after a DOT-approved plan expires. The subsequent plan may include some or all of the previously approved camera locations and may propose new locations.

As with the initial plan, municipalities must hold public hearings on subsequent speed and red light camera plans and submit them by vote of the legislative body or board of selectman in municipalities where the legislative body is a town meeting. The municipality must also submit supporting documentation as required in DOT guidance. The documentation must include at a minimum (1) evidence that the municipality's camera locations under the prior plan improved traffic safety, (2) a description of how any newly proposed locations comply with DOT guidelines, and (3) records demonstrating that the municipality spent fine revenue as the bill requires.

Within 60 days after DOT receives a subsequent plan and supporting documentation, DOT must determine (1) whether the plan will likely improve traffic safety at the proposed locations; (2) in the case of locations where cameras were operated under a prior plan, whether using the cameras improved traffic safety; and (3) whether the camera's

distribution throughout the municipality is equitable. Within the same timeframe, DOT must approve or reject the plan in whole or in part. The bill specifically prohibits DOT from approving any location in the plan that was previously equipped with a camera unless DOT determines that using the camera improved traffic safety at the location.

***DOT Report to Legislature.*** Starting in 2024, the bill requires DOT to annually report, by February 1, to the Transportation Committee on the status of plans municipalities have submitted to DOT. At a minimum, the report must list the municipalities that submitted plans in the prior year, identify which DOT approved and rejected, and provide the reason for any rejections.

***Ordinance Requirements and Other Conditions (§ 11(c) & (e))***

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 cameras (i.e., an “automated traffic enforcement safety device operator”).
2. A motor vehicle’s owner violates the ordinance if a camera detects the vehicle’s driver (a) exceeding the posted speed limit by 10 mph or more or (b) running a red light.
3. Speed and red light cameras must be used only for identifying ordinance violations.
4. 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.
5. Payment of fines and fees may be done electronically.
6. A municipal police officer, municipal police department

employee, or municipal employee who the local traffic authority designates must review and approve the recorded images before a citation is mailed to a vehicle owner.

7. The defenses available to motor vehicle owners, which must include the defenses outlined in the bill, at a minimum (see below).

The bill requires municipalities that adopt ordinances authorizing cameras to also adopt a (1) municipal citation hearing procedure meeting requirements set in existing law 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. Traffic control signs and signals at locations equipped, or proposed to be equipped, with cameras must comply with all Office of the State Traffic Administration orders or regulations (e.g., on yellow light timing).

***Fines and Revenue Use (§ 11(d))***

The bill allows municipalities to include in the ordinance a fine to be imposed on owners of vehicles violating it, capped at (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 transportation mobility, invest in transportation infrastructure, or pay costs associated with the cameras. Municipalities must submit records showing that fine revenue was used for these purposes when it applies for approval of any subsequent plan (see above).

***Public Notice of Camera Locations (§ 11(f))***

The bill requires municipalities to notify people about speed and red light cameras in several ways.

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 at locations identified in the DOT-approved plan (see above).

Additionally, before operating a camera at a location, a municipality must (1) install at least two clearly visible signs notifying drivers about the camera at a reasonable distance ahead of its location and in accordance with the Federal Manual of Uniform Traffic Control Devices and (2) submit information on the camera's location to entities operating mobile applications used for navigation or real-time traffic information. DOT must designate which entities must be notified and provide technical guidance to municipalities on how to do it.

***Camera Training and Calibration (§ 11(g) & (h))***

The bill requires camera operators to complete training from the camera's manufacturer, or the manufacturer's representative, on the 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. After the check, the laboratory must issue a signed certificate of calibration, which must be kept on file and admitted as evidence in any resulting municipal citation hearing.

***Image Review and Ticket Issuance (§ 11(i))***

Under the bill, when a speed or red light camera detects and produces images of a vehicle allegedly violating the ordinance adopted under the bill, the images must be reviewed by a municipal police officer, municipal police department employee, or a municipal employee whom the local traffic authority designates. If the officer or 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 citation 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 officer or 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 how to pay it, 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 vehicle owner's identity is determined. For vehicles registered elsewhere, the citation must be similarly sent to the address on file with the issuing jurisdiction within 30 days after determining 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 municipality's police department are prima facie evidence of mailing and are admissible in any municipal hearing as to facts the citation contains.

***Available Defenses (§ 11(c) & (j))***

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

1. the operator 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, which is observable in the images;
4. the violation took place when the vehicle had been reported as stolen and had not yet been recovered; and
5. the camera did not have a calibration check as the bill requires.

The bill requires that ordinances adopted under the bill specify the defenses available to a vehicle owner, which must include the above defenses at a minimum.

***Privacy (§§ 11(e), 12 & 16)***

Under the bill, DOT must include in its initial guidance (see above) a model privacy policy and protocol on (1) the privacy, security, collection, and destruction of “personally identifiable information” and other information and data collected from speed and red light cameras and (2) establishing internal audit requirements to ensure compliance with the policy and protocol. “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.

The bill requires municipalities seeking to operate cameras to adopt a written policy that meets or exceeds the standards of DOT’s model privacy policy. It also generally prohibits municipalities and vendors from storing or retaining personally identifiable information or from disclosing it to any person or entity, including any law enforcement unit. But they may do so if the storage, retention, or disclosure is done to charge, collect, and enforce fines imposed under an ordinance.

The bill 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 30 days after a fine is collected or a hearing is resolved, whichever is later.

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

**Reporting (§ 13)**

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) locations where the cameras were used and (b) similar locations 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 their 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. the number of citations at each red light camera 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.

#### **§ 15 — 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

#### **§ 19 — TECHNICAL CHANGE**

*Makes a technical change*

The bill makes a technical change to correct an obsolete reference to the State Traffic Commission.



EFFECTIVE DATE: July 1, 2023

## **BACKGROUND**

### ***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.

### ***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 on limited access highways in up to three highway work zones at any one time. 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 Appropriations and Transportation committees.

### ***Related Bills***

HB 6625, File 356, 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)

Appropriations Committee

Joint Favorable

Yea 40 Nay 13 (05/01/2023)