

REVISED: Please note, due to a technological issue the correct version of this bill was not available to the Office of Legislative Research prior to file copy production. The issue has been resolved and the revised version of the bill analysis, for the most recent version of the bill, appears below.

OLR Bill Analysis

sHB 6625

AN ACT CONCERNING A RED LIGHT CAMERA PROGRAM IN THE CITY OF WATERBURY.

SUMMARY

Existing law empowers municipalities to regulate the operation and speed of vehicles, subject to state statutes (CGS § 7-148(c)(7)(B)). This bill specifically allows Waterbury to authorize, by ordinance, the use of “automated traffic enforcement safety devices” (red light cameras) to record vehicles that drive illegally through traffic signals in school zones and pedestrian safety zones, intersections on public roads with speed limits above 25 mph, and other locations with a history of traffic crashes caused by traffic control signal violations.

Under the bill, the ordinance may (1) establish a fine of up to \$50 for first violations and up to \$75 for subsequent violations and (2) impose a reasonable fee of up to \$15 for processing electronic fine payments. The bill also (1) requires the ordinance to adopt a citation hearing procedure and (2) bars the disclosure, storage, or retention of any personally identifiable information, except under limited circumstances.

Additionally, the bill allows Waterbury to enter into agreements with vendors to design, install, and operate the devices. It also requires the city to report to the Department of Transportation (DOT) and the legislature on the program within 18 months after implementing it.

EFFECTIVE DATE: October 1, 2023

§§ 1 & 2 — SCOPE OF AUTHORIZATION AND ACTIONS BEFORE OPERATION

Devices Defined and Locations Permitted

The bill authorizes Waterbury to use an “automated traffic enforcement safety device,” which is a device that produces at least one recorded image that captures a motor vehicle’s rear and indicates the date, time, and location of each vehicle that illegally runs a red light. (By law and under the bill, vehicles may make right turns when facing a red light in certain circumstances (CGS § 14-299(b)(3)).)

Under the bill, Waterbury may use these devices at the following locations in the city:

1. at intersections within school zones and pedestrian safety zones;
2. at intersections on public roads with a posted speed limit over 25 mph;
3. at other intersections and locations that have a history of traffic crashes caused by violations of a traffic control signal; and
4. at other intersections and locations that have a history of violations of a traffic control signal, as demonstrated by complaints filed with police officers and recommendations from the city’s police department.

By law and under the bill, a “school zone” and “pedestrian safety zone” is an area designated by the Office of the State Traffic Administration (OSTA) or the Waterbury local traffic authority (LTA). (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)). In practice, the Waterbury police commission is currently the city’s LTA.)

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).

Existing law 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).

Ordinance Requirements and Options

Under the bill, the ordinance must require that (1) the Waterbury bureau of engineering and its police department jointly determine the location of the automated traffic enforcement safety devices and (2) their determination be approved by OSTA when located on a state road. It also requires that the ordinance adopt a citation hearing procedure under existing law, specifically CGS § 7-152c.

The bill further requires that the ordinance must:

1. specify that a motor vehicle's owner violates the ordinance if the vehicle's driver is detected by the camera running a red light,
2. allow electronic payment for violation fines and fees, and
3. require an authorized municipal or designated vendor employee to review and approve the recorded images before a citation is mailed to a vehicle owner.

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

The bill requires Waterbury to use any revenue it collects under the program to improve traffic safety in the city, including the cost of installing, operating, and maintaining the devices.

Warning Signs

Before operating the automated traffic enforcement safety devices, the bill requires the Waterbury LTA install advance warning signs along all approaches of the public roads preceding a device's location. The

signs must (1) notify motor vehicle drivers about the device's location and (2) be erected within 100 to 110 feet of the location.

§§ 1, 2 & 5 — DEVICE OPERATION AND ORDINANCE ENFORCEMENT

Vendor Agreements

The bill allows Waterbury to enter into agreements with vendors to design, install, operate, and maintain the automated traffic enforcement safety devices, but the vendor's fee may not depend on the number of citations issued or fines paid. Under the bill, a "vendor" is someone who (1) provides device-related services; (2) operates, maintains, leases, or licenses a device; or (3) reviews and assembles the images a device records.

Issuing Citations

Following a violation of the ordinance, an authorized city or designated vendor employee must issue a citation to the owner of the offending motor vehicle by first class mail within (1) 30 days after obtaining the vehicle owner's name and address and (2) 60 days after the violation.

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 device 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 authorized city or designated vendor employee who reviewed the images and determined that the vehicle violated the ordinance,
7. the fine imposed, and

8. the right to contest the violation and request a hearing.

Issuing Notices for Uncontested Citations

By law and applicable to citations issued under the bill, within 12 months of an uncontested citation for an alleged violation of the ordinance, Waterbury must send notice to the alleged offender. The notice must state, among other things, the (1) allegations; (2) amount of the fines, penalties, costs, or fees due; and (3) person's right to a hearing. If a person does not respond to the notice within a 10-day period, a default judgment may be entered against him or her. The law presumes a municipal citation notice was properly sent if it is sent to a person's last known address as listed in the tax collector's records.

Available Defenses

The bill provides that all defenses are available to anyone alleged to have violated the ordinance adopted under the bill, including the following:

1. the person was driving an emergency vehicle on the way to an emergency,
2. the traffic control signal was not working and this is observable in the images,
3. the violation was necessary to comply with an order or direction from a law enforcement officer or to allow an emergency vehicle to pass and this is observable in the images,
4. the person was participating in a funeral procession and this is observable in the images, and
5. the driver was convicted for a red light violation for the same incident based on a separate citation issued by a law enforcement officer.

§§ 1 & 3 — PRIVACY PROVISIONS

The bill prohibits Waterbury and its 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 the ordinance; (2) for a judicial order

(e.g., a search warrant or subpoena) in a criminal proceeding; or (3) to comply with state or federal laws or regulations other than the state's Freedom of Information Act (FOIA). (Under the bill, personally identifiable information is not a public record for purposes of FOIA.)

Under the bill, "personally identifiable information" is information Waterbury or its vendors create or maintain 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 public road.

The bill further prohibits Waterbury and its vendors from storing or keeping personally identifiable information unless it is necessary to collect and enforce fines imposed under the ordinance. Additionally, unless otherwise required by law, or related to an administrative summons or judicial order in a criminal proceeding, the bill requires the city and its vendors to destroy this 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.

However, the bill allows Waterbury and its vendors to disclose, for research purposes authorized by the city, aggregate information and other data gathered from the automated traffic enforcement safety devices that do not directly or indirectly identify a vehicle's owner.

§ 4 — REPORTING

Within 18 months after an automated traffic enforcement safety device starts operating in Waterbury, the city must report the following information to DOT and the Public Safety and Security and Transportation committees:

1. the number of red light violations that happened at locations where devices were installed before they started operating;
2. the number of red light violations that the devices captured;
3. if available, the number and type of related traffic violations and crashes that happened at each location with devices (a) before their installation and (b) during their use;

4. the number of red light violations and related traffic violations and crashes that happened at (a) intersections where the devices 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;
8. the city's costs for using the cameras; and
9. any other data or information the city deems of interest.

(The bill does not set a time period for the information that must be provided on violations and crashes at locations before the devices were installed.)

BACKGROUND

Related Bill

sHB 5917, §§ 14-18, favorably reported by the Transportation Committee, specifically allows municipalities to authorize, by ordinance, the use of speed cameras and red light cameras in school zones, pedestrian safety zones, and other OSTA-approved locations with a history of crashes.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 22 Nay 3 (03/16/2023)