
OLR Bill Analysis

sHB 5330 (as amended by House "A")*

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION.

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SUMMARY

This bill, among other things, makes various changes in transportation-related laws, including modifying provisions on automated enforcement. It also extends the timeframe during which a police officer must transmit DUI incident reports to the Department of Motor Vehicles (DMV) under the administrative per se license suspension process. Additionally, the bill defines “unmanned aircraft” (i.e., drones) and “vertiports” and incorporates these concepts into various existing aeronautics statutes. Lastly, the bill makes various minor, technical, and conforming changes. A section-by-section analysis follows.

*House Amendment “A” principally eliminates the underlying bill’s provisions on motorcycle helmet requirements and reckless driving violations for distracted driving on limited-access highways and incorporates the provisions on (1) automated enforcement, (2) Department of Transportation (DOT) capital projects information, (3) proposed fare and service changes, (4) vertiports and unmanned aircraft, (5) alcohol sales at Bradley Airport, (6) DOT road safety audits, (7) parking authorities, (8) Shore Line East service restoration, and (9) incident reports and the administrative per se process.

EFFECTIVE DATE: Various; see below.

§ 1 — VIOLATIONS OF TRAFFIC CONTROL AND ROAD SAFETY ORDERS

Increases, from \$5,000 to \$10,000, the maximum fine for a person or entity that does not comply with certain orders related to traffic control and road safety

The bill increases, from \$5,000 to \$10,000, the maximum fine for any person, firm, or corporation that does not comply with certain orders related to traffic control and road safety (e.g., Office of the State Traffic Administration (OSTA) orders related to major traffic generating developments (see § 2) or local traffic authorities’ orders related to traffic control devices). As under existing law, a violator is also subject to imprisonment of up to 30 days and can have his or her driver’s license or vehicle registration suspended or revoked.

EFFECTIVE DATE: October 1, 2024

§§ 2-5 — MAJOR TRAFFIC GENERATING DEVELOPMENTS

Requires OSTA to order local building officials to revoke building or foundation permits for major traffic generating developments that do not have an OSTA certificate

By law, entities building, expanding, or establishing a major traffic-generating development (i.e., one with at least 100,000 square feet of floor area or at least 200 parking spaces; see Conn. Agencies Regs., § 14-312-1) generally must get an OSTA certificate. Local building officials may not issue a (1) building or foundation permit to these entities until they show their certificate and (2) certificate of occupancy for these developments until the OSTA certificate's conditions have been met. Under the bill, if OSTA determines that a local building official issued a building or foundation permit to an entity that does not have a certificate, it must order the building official to revoke the permit.

The bill also makes a conforming change applying the same requirement to major traffic-generating developments that consist of separately owned parcels.

EFFECTIVE DATE: July 1, 2024

§ 6 — BICYCLE-CONTROL SIGNALS

Allows the use of bicycle-control signals at intersections and requires cyclists to comply with them

The bill permits the use of bicycle-control signals at intersections and requires cyclists to comply with them. Under existing law, cyclists riding on the traveled portion of roads are generally subject to the same statutory duties applicable to motor vehicle drivers (CGS § 14-286a). In other words, current law generally requires these cyclists to comply with traffic control signals in the same way as vehicular traffic. Under the bill, when both traffic control signals and bicycle-control signals are present at an intersection, cyclists must comply with the bicycle signals. The bill also specifies that (1) this is the case for pedestrians directed by pedestrian-control signals and (2) pedestrians must comply with these signals.

Under the bill, bicycle-control signals are three lens signal heads with green, yellow, or red bicycle-stenciled lenses. A green, red, or yellow bicycle indicates bicycle traffic facing the signal may proceed, must stop,

or is warned in the same way as currently for the following traffic control signals: a green alone, red alone, or steady yellow. A flashing red or yellow bicycle indicates bicycle traffic must stop or may proceed in the same way as for a flashing red or yellow traffic control signal.

States must comply with the Federal Manual on Uniform Traffic Control Devices (MUTCD), which contains specific requirements related to bicycle signals.

EFFECTIVE DATE: July 1, 2024

§§ 7 & 8 — LOCAL TRAFFIC AUTHORITIES

Allows a municipality, by vote of its legislative body, to establish a new LTA replacing the entity currently designated as such

The bill allows municipalities to create a separate entity to serve as their local traffic authority (LTA) instead of the board of police commissioners or another entity current law prescribes. The bill applies despite any contrary provisions in a municipality’s charter, special act, or home rule ordinance.

Under the bill, any municipality, by vote of its legislative body, may establish an LTA and appoint members to serve on it. The municipality’s legislative body also sets the qualifications, terms, and compensation, if any, of these members. An LTA created through this process replaces the entity currently filling this role in the municipality and has all the powers and duties the law assigns to LTAs (see *Background – Authority of Local Traffic Authorities*).

As shown in the table below, current law designates different local bodies or officials to serve as a municipality’s LTA, depending mainly on whether the municipality has a board of police commissioners. Under existing law, unchanged by the bill, OSTA is the traffic authority for state roads and bridges and has authority over certain elements specified in law (e.g., traffic control signals).

Table: Entities Current Law Designates as Local Traffic Authorities

<i>Jurisdiction</i>	<i>Designated Entity</i>
City, town, or borough with police commissioners	Board of police commissioners
City, town, or borough without commissioners, but with a regularly appointed police force	City or town manager, police chief, police superintendent, or any elected or appointed official or board with similar powers and duties
Town without a city or borough that has a regularly appointed police force	Board of selectmen

EFFECTIVE DATE: July 1, 2024

Background — Authority of Local Traffic Authorities

With respect to streets under their jurisdiction, the law generally gives LTAs authority (in some cases only with OSTA approval) to, among other things, (1) place and maintain traffic control signals, signs, markings, and other safety devices following OSTA regulations (CGS § 14-298); (2) set speed limits on roads and bridges, under certain conditions (CGS § 14-218a); (3) designate school zones (in which fines for certain violations may be doubled) and pedestrian safety zones (CGS §§ 14-212b & -307a); (4) designate one-way streets (CGS § 14-303); (5) allow golf carts to be driven on streets during daylight hours (CGS § 14-300g); and (6) adopt regulations necessary to exercise their authority (CGS § 14-312).

§ 9 — VARIABLE SPEED LIMITS

Allows DOT to set variable speed limits on limited-access highways to address traffic, construction, or other safety conditions

The bill allows DOT to set variable speed limits (i.e., temporarily lower the posted speed limit) on limited-access highways or portions of these highways. It may do so to address traffic congestion, road construction, or other conditions affecting safe and orderly traffic movement. Under the bill, a variable speed limit must be (1) based on an engineering investigation; (2) no less than 10 mph below the posted speed limit; and (3) effective when it is posted and accompanied by a sign, between 500 and 1,000 feet before the point at which it takes effect, notifying drivers of the speed limit change. The bill requires DOT to use stationary or portable, changeable message signs to give this notice.

(The federal MUTCD contains various standards related to variable speed limits and related signs; federal law and regulation require DOT to comply with MUTCD standards.)

The bill's variable speed limit provisions replace a provision of current law allowing DOT to modify limited-access highway speed limits during weather events or emergencies, so long as there are electronic signs indicating the speed limits.

EFFECTIVE DATE: October 1, 2024

§ 10 — BUS FACILITY ADVERTISEMENTS

Generally allows advertising signs, displays, or devices to be erected within 660 feet of the interstate and other limited-access highways in connection with bus facilities, subject to DOT approval and related regulations

The law generally prohibits the erection of billboards and advertising signs within 660 feet of the edge of the interstate and other limited-access highways. However, the DOT commissioner may allow certain types of signs subject to its regulations, such as directional and other official signs.

The law also makes an exception for advertising signs, displays, or devices located on, built on, or abutting property in areas owned, managed, or leased by a public authority for (1) railway or rail infrastructure facilities and certain associated structures; (2) bus rapid transit corridors and associated shelters, structures, or facilities; (3) airport development zones; or (4) any other transit or freight purpose. The bill adds bus facilities to these exceptions.

As under existing law, these advertisements cannot be built where state law, local ordinance, or zoning regulations prohibit them.

EFFECTIVE DATE: July 1, 2024

§ 11 — MODERNIZING AND MAINTAINING BUS STOPS AND SHELTERS

Specifies that existing law's requirement that, beginning on July 1, 2024, bus stops and shelters constructed by DOT or transit districts comply with the ADA and certain plans developed by these entities applies only to those that are newly built on and after this date

By law, beginning July 1, 2024, each bus stop or shelter constructed by DOT or a transit district must be (1) built according to certain modernization and maintenance plans the department must jointly develop with transit districts and (2) compliant with the federal Americans with Disabilities Act's (ADA) physical accessibility guidelines. The bill specifies that these requirements apply only to new bus stops or shelters built on and after this date.

Existing law already requires that the state building code, which generally regulates the design, construction, use, and alteration of buildings and structures including bus stops and shelters, be in substantial compliance with the ADA (CGS §§ 29-252 & 29-269).

EFFECTIVE DATE: July 1, 2024

§§ 12 & 13 — FARE ENFORCEMENT ON PUBLIC BUSES

Allows employees of DOT and certain third-party contractors with fare inspection duties to issue citations to people who deliberately ride public buses without paying the required fare, rather than specifically requiring these citations be issued by employees that are "fare inspectors," as under current law

Under current law, "fare inspectors" are DOT employees the commissioner designates or third-party contractors the department employs. They are responsible for inspecting passengers' tickets, passes, or other documentation on state-owned or -controlled public buses proving the passenger paid the required fare (i.e., "fare inspection duties"), when all or part of the fare must be paid before boarding. Fare inspectors are authorized to issue citations to people who deliberately ride these buses without paying the required fare.

The bill instead allows employees of DOT or third-party contractors with fare inspection duties to issue these citations, eliminating reference to the specific "fare inspector" job title.

Under existing law, unchanged by the bill, it is an infraction (see *Background – Infractions*) for a person to ride a state-owned or -controlled public bus while intentionally not paying the required fare.

EFFECTIVE DATE: July 1, 2024

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

§ 14 — METRO NORTH INDEMNIFICATION

Specifies that the DOT commissioner can only indemnify Metro North Railroad against certain claims when it is acting in its capacity as the state's contracted maintainer of the M-8 rail car fleet

Current law allows the DOT commissioner, if he finds it is in the state's best interest, to indemnify and hold harmless Metro North Railroad against claims brought by the National Railroad Passenger Corporation (Amtrak) or other third parties against Metro North related to M-8 rail car operation on Amtrak property, as long as the indemnification does not relieve Metro North of liability for its willful or negligent acts or omissions.

The bill specifies that the commissioner can do so only when Metro North is acting in its capacity as the state's contracted maintainer of the M-8 rail car fleet.

EFFECTIVE DATE: July 1, 2024

§§ 15-17 & 42-50 — AUTOMATED ENFORCEMENT

Restarts and makes permanent DOT's work zone speed camera program (which was initially established as a pilot program and ended on December 31, 2023); expands the permissible locations and makes other changes from the pilot program; modifies speed and red light camera provisions related to data retention and leased vehicles

The bill restarts and makes permanent DOT's work zone speed camera program. The speed camera program was initially established as a pilot program in PA 21-2, June Special Session (§§ 296-305) and ended on December 31, 2023. The bill generally retains the pilot program's provisions on vendors, speed camera placement and operation, ticket issuance and processing, and data retention and

privacy, but it makes the following changes, among others:

1. expands the permissible locations for work zone speed cameras;
2. lowers, from at least 15 mph to at least 10 mph, the amount by which a vehicle must exceed the posted speed limit in a work zone in order to be issued a warning or ticket;
3. modifies the fine structure and requires that a fine be issued for a first violation if the vehicle's detected speed is 85 mph or more;
4. requires notice to a municipality's chief elected official before operating speed cameras in the municipality; and
5. requires DOT to annually report certain information on the program.

The bill also modifies the penalty and data retention provisions applicable to municipal speed and red light camera programs enacted under PA 23-116 (§§ 10-14 & 16-18). Generally, it specifies when a violation is considered a second or subsequent violation, which may be subject to higher penalties, and allows municipalities or their vendors to retain data necessary to impose the penalties.

EFFECTIVE DATE: July 1, 2024

Work Zone Speed Cameras

Permissible Locations. The bill expands the types of roads where DOT may operate speed cameras and increases the limit on the number of places where they may be operated at any one time. Under the pilot program, cameras could be placed on limited access highways in up to three locations at any one time. Under the bill, cameras may be used in up to 15 highway work zones on any highway (i.e., public road). But the bill retains the provision limiting the use of speed cameras to roads with speed limits of at least 45 mph.

Notice Requirements. The bill requires DOT or a work zone speed camera operator give written notice of the date work zone cameras will start operating in a given work zone to the Division of State Police and

the chief executive officer of a municipality where the cameras will be located. DOT or the operator must give this notice at least two days before the cameras begin operating. Under the pilot program, DOT or the operator had to certify to the State Police when work zone speed cameras were operating at least seven days in advance.

The bill retains public notice requirements from the pilot program. Specifically, in order to use speed cameras in a work zone, there must be at least two conspicuous signs placed at a reasonable distance ahead of the zone, and one of these signs must indicate whether the cameras are currently in use. DOT must also post on its website the locations where work zone speed cameras are operating.

Violations. Under the pilot program and the bill, speed cameras in work zones detect vehicles exceeding the speed limit by a specified amount, and the State Police review camera images and issue warnings and tickets as appropriate.

Vehicle owners could be ticketed or issued a warning under the pilot program if they exceeded the posted speed limit in a work zone by 15 mph or more. The bill lowers this amount to 10 mph or more for the permanent program. As under the pilot program, speed cameras in work zones record only vehicles exceeding the speed limit by this amount.

Penalties. Under the pilot program, vehicle owners were issued a written warning for their first violation detected by a work zone speed camera. The bill generally retains this requirement from the pilot program except that it imposes a \$75 fine for a first violation if the vehicle's detected speed is 85 mph or more. (By law, driving more than 85 mph is considered reckless driving (CGS § 14-222).)

The bill also creates a single fine tier for second and subsequent violations detected by work zone speed cameras. Under the pilot program, a second violation was subject to a \$75 fine and a subsequent violation was subject to a \$150 fine. The bill makes the fine amount \$75 for all second and subsequent violations. It also specifies that second and subsequent violations are those that occur within one year after the

owner's most recent violation, and subsequent violations occurring after that period are considered first violations. As under the pilot program, fine revenue goes to the Special Transportation Fund.

Under the pilot program and the bill, vehicle owners are generally responsible for violations committed in the vehicle and liable for any fine imposed under the program unless the driver received a citation from a police officer at the time of the violation. The bill retains these provisions but specifies that a lessee is considered the vehicle owner if the vehicle is leased for more than 30 days.

Under the pilot program, if a vehicle owner failed to pay a fine, the Department of Motor Vehicles (DMV) could suspend the registration of the vehicle used to commit the violation or refuse to register it. The bill additionally allows DMV to do so if the vehicle owner fails to (1) pay any additional fee associated with the violation, (2) submit a plea of not guilty by the answer date, or (3) appear for a scheduled court appearance.

Annual Report. The bill requires DOT to annually report to the Transportation Committee on the work zone speed camera program starting by February 1, 2026. The report must include the following information from the preceding calendar year:

1. the number of warnings and violations issued by each operational speed camera;
2. the number of warnings and violations where the vehicle exceeded the speed limit by (a) 11-20 mph, (b) 21-30 mph, (c) 31-40 mph, and (d) 41 mph or more;
3. the number of crashes that happened in each work zone where a speed camera was operating;
4. the amount of fine revenue received and DOT's costs for using the cameras;
5. the number of motor vehicles that committed one violation, two violations, three violations, or four or more violations;

6. a list of engineering and education measures that DOT implemented to improve safety in work zones that have operating speed cameras;
7. descriptions of situations where work zone speed camera images could not be or were not used; and
8. the number of leased or rented motor vehicles, out-of-state vehicles, or other vehicles (including trucks) where enforcement efforts were unsuccessful.

Municipal Speed and Red Light Camera Changes

Fines for Subsequent Violations. By law, municipalities implementing speed or red light cameras may set fines for violations the cameras detect, but the fines cannot be more than \$50 for a first violation or \$75 for a second or subsequent violation. The bill specifies that (1) second and subsequent violations are those that occur within one year after the most recent violation and (2) subsequent violations occurring after that period are considered first violations. Current law does not specify a timeframe for second and subsequent violations.

Under existing law, municipalities and vendors generally must destroy the personally identifiable information they collect in connection with enforcing speed or red light camera violations and penalties within 30 days after a fine is collected or a hearing on the alleged violation is resolved. The bill creates an exception allowing a municipality or vendor to retain a portion of personally identifiable information for the limited purpose of determining whether a person committed a second or subsequent offense. The municipality or vendor must destroy any information it keeps under this exception within one year after the date of a person's most recent violation.

Leased or Rented Vehicles. By law, a vehicle's owner is generally responsible for violations committed in the vehicle. The bill specifies a lessee is considered the owner if the vehicle is leased for more than 30 days.

Background — Related Bill

sHB 5328 (File 273), reported favorably by the Transportation and Appropriations committees, contains similar provisions on work zone cameras and municipal speed and red light cameras.

§ 18 — DOT CAPITAL PROJECTS INFORMATION

Requires DOT to develop and maintain an interactive map on its website that displays the location of and certain information on its active construction capital projects

The bill requires the DOT commissioner to develop and maintain an interactive map on the department's website that displays the location and information of its active construction capital projects across the state. The map must (1) identify the funding source for each project, (2) aggregate the total costs of the projects by funding type and construction phase, and (3) provide information and scheduled phases for the projects.

EFFECTIVE DATE: Upon passage

Background — Related Bill

sSB 278 (File 294), reported favorably by the Transportation Committee, requires the DOT commissioner to (1) annually submit a report to certain legislative committees that includes specified information about its capital projects and (2) create and update a website page for certain information about the projects in its five-year capital plan.

§ 19 — PROPOSED FARE AND SERVICE CHANGES

Requires DOT to provide notice of public hearings on proposed major service changes to commuter rail service to the Transportation and Finance, Revenue and Bonding committees and the Connecticut Public Transportation Council; requires DOT to provide notice of public hearings related to fare changes for mass land transportation to the council, in addition to these legislative committees as current law requires

The bill requires DOT, whenever it must hold a public hearing on a proposed major service change to commuter rail service according to federal requirements (see *Background*), to provide notice of the hearing to the (1) chairpersons and ranking members of the Transportation and Finance, Revenue and Bonding committees and (2) Connecticut Public Transportation Council (see *Background*). The department must do so at least 15 days before the hearing.

Existing law requires DOT to provide notice of public hearings related to fare changes for mass transportation by land to these legislative committee leaders. The bill additionally requires it to provide this notice (1) at least 15 days before a hearing and (2) to the Connecticut Public Transportation Council.

EFFECTIVE DATE: July 1, 2024

Background

Connecticut Public Transportation Council. By law, the 15-member Connecticut Public Transportation Council is charged with studying and investigating all aspects of the daily operation of commuter railroad systems and state-funded public transit services (e.g., bus transit), monitoring their performance, and recommending changes to improve their efficiency, equity, and quality. The council serves as an advocate for customers of all commuter railroad systems and state-funded public transit services (CGS §§ 13b-212b & -212c).

Major Service Changes to Commuter Rail Service. Pursuant to federal requirements, DOT generally conducts a Service and Fare Equity analysis any time fare changes or major service changes are proposed to ensure that the changes do not unfairly impact minority and low-income populations (Title VI of the Civil Rights Act of 1964 and Federal Transit Administration Circular 4702.1B). According to DOT's Public Involvement Procedures, it conducts comprehensive community outreach to give the public opportunities to provide input and alternatives or request clarification; this may include a combination of public hearings and community-based organization meetings.

Related Bill. sSB 281 (File 212), reported favorably by the Transportation Committee, has identical provisions.

§§ 20-40 — VERTIPOINTS AND UNMANNED AIRCRAFT

Defines "unmanned aircraft" and "vertiports" and incorporates these concepts into various existing aeronautics statutes; expands CAA's authority to generally cover unmanned aircraft regulation; prohibits the operation of unmanned aircraft in close proximity above a private premises without the owner's approval

The bill defines "unmanned aircraft" (i.e., drones) and "vertiports"

and incorporates these concepts into various existing aeronautics statutes. In doing so, the bill generally subjects vertiports to the same regulatory framework as other air navigation facilities (e.g., airports, heliports, and restricted landing areas), including requirements for facility licensure and aircraft registration, among other things. The bill also generally expands the authority of the Connecticut Airport Authority (CAA) executive director to cover unmanned aircraft and allows him to adopt procedures specifying where unmanned aircraft may take off and land and governing their operation, unless already prohibited or regulated by federal law (see *Background*).

The bill applies certain existing statutes on investigations and reporting requirements for aircraft accidents and reckless operation to unmanned aircraft. It also prohibits any person from operating an unmanned aircraft in close proximity above a private premises.

EFFECTIVE DATE: July 1, 2024, except that the provisions on operating unmanned aircraft under the influence, CAA procedures for unmanned aircraft, and operating unmanned aircraft over private premises are effective October 1, 2024.

Vertiport Regulation

Under the bill, vertiports are areas with defined dimensions, at ground level or elevated on a structure, that are designated for vertical takeoff and landing (VTOL) of aircraft and may be restricted only for this purpose (i.e., similar to existing law’s definition of heliports, which are designed for helicopters rather than VTOL aircraft). (In practice, no vertiports currently exist in the state.)

Under existing law, an “air navigation facility” generally includes airports, heliports, and restricted landing areas. The bill makes a vertiport an air navigation facility (§ 20) and makes various changes to incorporate them into the existing statutory framework for these and similar facilities. It allows the CAA executive director to issue certificates of approval for proposed vertiports and license these facilities in the same way as under existing law for other air navigation facilities (§§ 23-25).

The bill applies numerous other statutory provisions generally applicable to air navigation facilities to vertiports, such as those related to complaints about landings or takeoffs by aircraft from unlicensed property (§ 28), CAA orders (§ 32), and airspace protection and runway clear zones (§§ 36 & 37). The bill also extends other provisions on air navigation facilities to vertiports by doing the following:

1. imposing existing law's aircraft registration requirements on aircraft based or primarily used at a vertiport in the state (§§ 21 & 22);
2. subjecting vertiport owners or operators to requirements to annually report certain information about aircraft based or primarily used at their facility (§ 26);
3. authorizing the CAA executive director to cooperate with the federal government and municipalities in undertaking certain vertiport-related projects that receive federal aid (§ 27); and
4. making it a class D felony to interfere or tamper with a vertiport or related equipment (punishable by up to five years in prison, a fine of up to \$5,000, or both) (§ 33).

Unmanned Aircraft Regulation

Under the bill, an unmanned aircraft (i.e., a drone) is a powered aircraft that (1) uses aerodynamic forces to provide vertical lift, (2) is operated remotely by a pilot in command or is capable of autonomous flight, (3) does not carry a human operator, and (4) can be expendable or recoverable. The bill specifies that unmanned aircraft are not considered aircraft under the aeronautics statutes.

CAA Authority to Regulate (§§ 29 & 39). Existing law generally gives CAA's executive director broad authority to develop and promote aeronautics. This includes the authority to, consistent with aeronautics laws, perform acts, issue and amend orders, make and amend regulations and procedures, and establish minimum standards that he determines are needed for protecting the (1) general public interest and safety and (2) safety of (a) people operating, using, or traveling in

aircraft (including those receiving instruction) and (b) people and property on land or water. The bill expands this authority to include protecting people operating or using unmanned aircraft.

The bill authorizes CAA to adopt procedures (1) specifying where unmanned aircraft may take off and land, considering the public health, safety, aesthetics, and general welfare of the state, and (2) governing the operation of unmanned aircraft, unless already prohibited or regulated by federal law. It must do so in consultation with DOT, representatives from the unmanned aircraft industry, and organizations representing municipalities and first responders.

Accident Investigations (§§ 30 & 31). Current law allows the CAA executive director to hold investigations, inquiries, and hearings about matters covered by aeronautics laws, aircraft accidents, or his orders and regulations. The bill expands this authority to include “unmanned aircraft accidents.”

Under the bill, an “unmanned aircraft accident” is an occurrence associated with unmanned aircraft operation that takes place between when it takes off and lands, in which (1) someone dies or is seriously injured due to direct contact with the unmanned aircraft (or anything attached to it) or its operation or (2) the unmanned aircraft incurs or causes substantial damage. Existing law similarly defines an aircraft accident (i.e., one in which someone dies or is seriously injured due to being in or on the aircraft or in direct contact with it, or the aircraft receives substantial damage).

Under current law, “substantial damage” is damage or structural failure that affects the aircraft’s structural strength, performance, or flight characteristics and would normally require major repair or replacement of the affected component. The bill expands this to also include (1) damage or structural failure of this type to an unmanned aircraft and (2) any damage of more than \$1,000 to any person’s property (this aligns with the threshold in the Uniform Aircraft Financial Responsibility Act).

Accident Reporting (§§ 30 & 34). Current law generally requires the

pilot of a civil aircraft involved in an accident described above (or the operator if the pilot is incapacitated) to immediately notify the CAA executive director or police. The bill applies this requirement to operators of unmanned aircraft involved in an accident (or anyone else that caused or authorized its operation if the operator is incapacitated). Under current law, when an accident occurs that is subject to these provisions, a written report must be filed with the executive director within 14 days. The bill specifies that this is the pilot's or operator's responsibility. The bill also eliminates the definition of "operator" that is applicable to these provisions. (Under existing law, "operator" is also defined under the Uniform Aircraft Financial Responsibility Act and means any person who is exercising actual physical control of an aircraft.)

Additionally, the bill expands to certain unmanned aircraft accidents (i.e., accidents not subject to the mandatory reporting requirement discussed above) current law's written report requirement for aircraft accidents when the damage is not substantial. As under existing law, (1) these reports are required at the executive director's request and (2) he may investigate the accidents if he deems it advisable, or instead accept a copy of the final report by a federal investigation agency.

Reckless Operation and Operating Under the Influence (§§ 35 & 38). The bill extends current law's prohibitions on doing the following to include unmanned aircraft:

1. operating any aircraft carelessly, recklessly, or in a way that endangers people or property, having regard to the proximity of weather and field conditions, territory flown over, and other aircraft (or unmanned aircraft under the bill); and
2. operating, or attempting to operate, any aircraft on the ground or in the air while under the influence of alcohol or drugs.

Violators are (1) subject to a fine of up to \$250 for a first offense and (2) guilty of a class D misdemeanor for a subsequent offense (punishable by a fine of up to \$250, up to 30 days in prison, or both) (CGS § 15-97).

Restriction on Operating Unmanned Aircraft Over a Private Premises (§ 40)

The bill prohibits any person from operating, or programming to operate, an unmanned aircraft at a height of less than 250 feet over the boundaries of a private premises without the owner's prior approval. It makes violations an infraction (see §§ 12 & 13 *Background – Infractions*).

It exempts the following individuals while performing their official duties: (1) employees of the federal government, the state, or its political subdivisions; (2) public service company employees (e.g., electric distribution, gas, and telephone companies); (3) members of the U.S. or state armed forces; and (4) firefighters and police officers. This exemption also covers operating unmanned aircraft on behalf of these entities. The bill also exempts people operating unmanned aircraft for commercial purposes in compliance with Federal Aviation Administration authorization (if doing so is necessary for these purposes).

Background

Federal Guidance on State Regulation of Unmanned Aircraft. In 2023, the Federal Aviation Administration (FAA) released an updated fact sheet to provide further guidance to states on the scope of federal authority over unmanned aircraft and more clearly delineate the aspects of their use that states may regulate and those which may be preempted (Updated Fact Sheet on State and Local Regulation of Unmanned Aircraft Systems, dated July 14, 2023).

According to the fact sheet, states may not regulate in the fields of aviation safety or airspace efficiency and laws attempting to do so are preempted. However, states generally may regulate unmanned aircraft outside those fields, with certain exceptions (e.g., laws that conflict with FAA regulations or impair reasonable use of the airspace).

The fact sheet identifies several categories of state laws that would likely not be subject to preemption, including laws (1) on land use and zoning, privacy, harassment, trespassing, exercise of police powers, search and rescue, and taking photographs or videos of certain facilities;

(2) regulating the location of takeoff and landing areas; and (3) restricting unmanned aircraft operation near property, to the extent their operation substantially interferes with the property owner's actual use and enjoyment of the property.

Related Bills. sSB 3 (File 182), § 4, reported favorably by the General Law Committee, generally prohibits a public entity from (1) purchasing a drone assembled or manufactured by a covered entity (e.g., China or Russia) beginning October 1, 2024, and (2) operating these drones beginning October 1, 2025.

sHB 5202 (File 322), §§ 1-24, reported favorably by the Transportation Committee, has similar provisions.

§ 41 — ALCOHOL SALES AT BRADLEY AIRPORT

Modifies the hours during which alcohol sales are allowed at Bradley Airport to every day after 4:00 a.m. and until 11:00 p.m.

The bill modifies the hours during which alcohol sales are allowed at Bradley Airport in premises operating under a cafe permit to every day after 4:00 a.m. and until 11:00 p.m. Current law generally allows sales beginning after 6:00 a.m. and until (1) 1:00 a.m. on Monday through Friday and (2) 2:00 a.m. on the weekend (with certain holiday exceptions).

EFFECTIVE DATE: October 1, 2024

Background — Related Bill

sHB 5202 (File 322), § 26, reported favorably by the Transportation Committee, has identical provisions.

§ 51 — DOT ROAD SAFETY AUDITS

Requires DOT to develop a process allowing a municipality's chief executive officer, local traffic authority, or regional council of governments to ask it to do a road safety audit of a state highway and sets specified requirements for this process

The bill requires DOT, by October 1, 2024, to develop (and later revise as needed) a process allowing a municipality's chief executive officer, local traffic authority, or regional council of governments to request the department to do a road safety audit (RSA; see *Background*) of a specific

state highway (i.e., generally, state or local roads that are open to the public). The purpose of these audits is to identify transportation safety solutions and improve motor vehicle, bicycle, and pedestrian traffic on the highway.

Under the bill, the RSA process must require the DOT commissioner to notify the requesting entity in writing, within 60 days after receiving the request, as to his decision whether to perform the RSA. If DOT will do one, it must coordinate with the applicable traffic authority to schedule the audit date; if not, the notice must include the reasons why. Additionally, the process must require DOT to submit RSA results to (1) the requesting entity and (2) legislators representing the municipality or municipalities where the audited state highway is located. The bill requires DOT to post this RSA process on its website.

EFFECTIVE DATE: July 1, 2024

Background

DOT RSAs. Under current practice, DOT accepts RSA applications from local traffic authorities. When the department approves an application, it notifies the municipality and schedules the field audit. Before doing the audit, DOT meets with RSA stakeholders to discuss audit objectives and review relevant information. Following a post-audit meeting with these stakeholders, DOT drafts a final report with existing conditions and recommendations and allows the municipality to review the report and make additional comments. After reviewing and incorporating these comments, DOT addresses each recommendation with steps the municipality should take for implementation. According to DOT, RSAs are currently done using protocols the Federal Highway Administration publishes.

Related Bill. HB 5329 (File 233), reported favorably by the Transportation Committee, has similar provisions.

§ 52 — PARKING AUTHORITIES AND MUNICIPAL PARKING REGULATIONS

Allows any municipality to adopt an ordinance authorizing its parking authority to enforce municipal parking regulations, rather than only Hartford as under current law

Under current law, only Hartford is allowed to authorize its parking authority to enforce municipal parking regulations. By law, parking authorities are generally permitted to operate and maintain off-street parking facilities and collect and receive all the revenue from on-street parking meters.

The bill allows any municipality to adopt an ordinance authorizing its parking authority to enforce municipal parking regulations. Existing law correspondingly authorizes parking authorities in a municipality that has adopted such an ordinance to enforce parking regulations according to the ordinance's terms (CGS § 7-204). Under the bill, as under existing law for Hartford, the ordinance may allow the municipality to remit the funds it receives for parking violations to the authority.

Existing law requires enforcement officers of any parking authority authorized to enforce municipal parking regulations to also enforce certain state laws on abandoned or unregistered motor vehicles and those menacing traffic or public health and safety (CGS § 14-150). By law, DMV inspectors and police officers also enforce these laws.

EFFECTIVE DATE: July 1, 2024

§ 53 — SHORE LINE EAST SERVICE RESTORATION

Requires DOT, by January 1, 2025, to report to the Transportation Committee on five alternatives for restoring Shore Line East service and their cost

The bill requires the DOT commissioner, by January 1, 2025, to submit a report to the Transportation Committee (1) identifying at least five alternative methods for restoring Shore Line East rail line service and (2) recommending the needed funding level to implement each alternative.

EFFECTIVE DATE: Upon passage

§ 54 — INCIDENT REPORTS AND THE ADMINISTRATIVE PER SE PROCESS

Extends, from within three business days to within six business days after an incident, the timeframe during which a police officer must prepare and send DUI incident reports and

related chemical test results to DMV under the administrative per se license suspension process

By law, someone arrested for DUI is subject to administrative licensing sanctions through DMV in addition to criminal prosecution. This process is referred to as “administrative per se,” and the sanctions may occur when (1) a driver refuses to submit to a blood, breath, or urine test; (2) a test indicates an elevated blood alcohol content (BAC); or (3) the officer concludes through investigation (e.g., a drug influence evaluation) that the driver was under the influence of alcohol, drugs, or both.

When any of the above circumstances occurs, the arresting officer must prepare a report and send it to DMV. The report must be sworn by the officer under penalty of false statement and state, among other things, the grounds for his or her belief that there was probable cause to arrest the person for DUI and include the evidence (e.g., chemical test results) supporting the officer’s conclusion.

Current law requires that the report be prepared and sent to DMV within three business days after the incident. The bill extends this timeframe to within six business days after the incident. Generally, reports prepared and sent under this law are an exception to the hearsay rule and admissible at an administrative per se license suspension hearing without the officer’s testimony (see *Background – Related Case*).

EFFECTIVE DATE: July 1, 2024

Background — Related Case

On April 9, 2024, the Connecticut Supreme Court held that failure to comply with the three-business-day preparation and mailing timeframe renders a DUI incident report inadmissible in an administrative license suspension hearing in the absence of testimony from the arresting officer. The court found that (1) the purpose of the timeframe and the other report requirements (e.g., a sworn statement) was to provide sufficient indicia of reliability so that the report may be admissible under a hearsay exemption and (2) adherence to the timeframe was mandatory for the report to be admissible (*Anthony J. Marshall III v.*

Commissioner of Motor Vehicles, 348 Conn. 778).

COMMITTEE ACTION

Transportation Committee

Joint Favorable Substitute

Yea 22 Nay 14 (03/18/2024)