

# Transportation Committee JOINT FAVORABLE REPORT

**Bill No.:** HB-5330

AN ACT IMPLEMENTING RECOMMENDATIONS OF THE DEPARTMENT OF

**Title:** TRANSPORTATION.

**Vote Date:** 3/18/2024

**Vote Action:** Joint Favorable Substitute

**PH Date:** 3/4/2024

**File No.:**

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## **SPONSORS OF BILL:**

Transportation Committee

## **REASONS FOR BILL:**

It is the aim of this bill to address several issues brought to the attention of the Transportation Committee, that are recommendations from the Connecticut state agency, Department of Transportation (DOT).

## **PROPOSED SUBSTITUTE LANGUAGE**

Removed sections 1-4 from the bill to address public rejection of measures to streamline the public hearing process for wetland permits

Replaced all instances of "vehicular or bicycle traffic" with "vehicular" because previous language implied blanket application of vehicular traffic law to bicycles

Added a new section after section 5 to clarify conduct at bicycle-control signals

## **RESPONSE FROM ADMINISTRATION/AGENCY:**

### **Garrett Eucalitto, Commissioner, CT Department of Transportation**

Provided testimony in support of the bill, which was recommended by the CT Department of Transportation. He provides detailed explanation of the function of each section and how each benefit the interests of both the state and its residents. Sections 1-4 are endorsed as they will allow for a faster public hearing process for wetland-related exemption applications while rooting out abuse of the system. Section 5 is endorsed as it will promote greater adherence with orders made by state and local traffic authorities. Section 10 is endorsed for promoting safety for cyclists in locations where they may have different needs from other

road users. Sections 11 and 12 receive support for their ability to grant municipalities greater autonomy in deciding whether to create traffic authorities separate from their board of police commissioners. Section 13 receives support as it grants the commissioner authority to lower speed limits in response to conditions affecting safe and orderly movement of traffic on a roadway, as temporarily lowering limits improves traffic flow and safety performance while providing information to drivers in advance of slowdowns, adverse weather conditions, and other queues or bottlenecks. Sections 14 and 15 fall in line with ongoing efforts of the DOT to improve bus infrastructure in the state. 16 and 17 address the need to improve CT transit's ability to oversee CTfastrak operations and security. Sections 19 and 20 are endorsed for their goal of reducing fatalities and injuries among motorcycle drivers, citing statistics showing success of helmets in preventing head injury. Sections 21 and 22 address the high and rising rate of crashes which occur due to electronic device use while driving by imposing penalties. They are endorsed on grounds of taking steps to lower rates of distracted driving.

**NATURE AND SOURCES OF SUPPORT:**

**Gary Lapidus, Co-Director, Office of Advanced Practice Providers, CT Children's**

Provided testimony in support of section 19 of the bill. Lapidus cites 2022's record number of motorcycle fatalities and the high risk of death for motorcyclists on roadways in comparison to people driving in cars as evidence for the necessity of expanding the state's helmet laws. 17 states and the District of Columbia have laws which require all riders to wear helmets, all of which have seen decreases in traumatic brain injuries and deaths. These laws typically have high compliance rates and will make strides in protecting the lives of motorcyclists.

**Julie Peters, Executive Director, Brain Injury Alliance of Connecticut**

Provided testimony in support of the bill, asserting motorcycle helmet lives will save lives throughout the state. Brain injuries are particularly tragic due to their incurable nature and potentially life changing consequences. Peters cites the CDC and NHTSA's data showing that helmet use correlates with a large decrease in the rate of brain injuries and fatalities, as well as the high rate of compliance with laws which require motorcycle riders to wear helmets. Current law which requires helmets only for individuals under the age of 18 do not go far enough, and largely go unenforced. Peters goes further to mention the annual costs related to motorcycle crashes cumulating at \$157.2 million per year because of healthcare costs associated with crash injuries. She closes by arguing that the safety and financial concerns are outweigh the freedom-of-choice defense invoked by the opposition.

**Alec Slatky, Managing Director, Public and Government Affairs, AAA Northeast & Tracy Noble, Manager, Public and Governmental Affairs, AAA Club Alliance**

Provided testimony in support of section 19 of the bill. AAA supports measures taken which require motorcycle riders and passengers to wear helmets. They lament the nationwide increase in motorcycles fatality rates over the last several years. While they state the record number of tragic accidents are due to a multitude causes, a decrease in motorcyclist helmet usage plays a large part – citing statistics showing the increased rates of death and injury among riders who do not wear helmets. AAA goes further to cite information that unhelmet motorcyclists are many times more likely to suffer a myriad of injuries, and claims that dozens of lives in Connecticut are saved each year by helmets.

**Thomas Broderick**

Provided testimony in support of section 11 of the bill, stating that allowing towns the ability to establish dedicated traffic authorities is a strong policy for the state as it allows police

commissions to focus on criminal activity while delegating authority on road safety to specialized professionals. Broderick also requested changes to section 10. He believes it is a flawed approach to hold bikes to the same rules as a 5,000lb vehicle.

**Katie Dykes, Commissioner, CT DEEP**

Provided testimony in support of sections 1-4 of the bill, as they streamline the public hearing process for tidal and inland wetland permits, structures, dredging and fill permits, and flood management certification exemptions. DEEP believes the bill will allow the opportunity for public participation in the hearing process while ensuring timely deployment of critical infrastructure. As large amounts of federal funding are presently available, however the timeline for acquiring said funds is limited, thus making the need to hasten the process extremely pertinent to the goals of DEEP.

**NATURE AND SOURCES OF OPPOSITION:**

**Janet Brooks, Attorney at Law**

Provided testimony in opposition to sections 1-4 of the bill. Brooks asserts these provisions attempt to solve a non-existent problem of public participation while not addressing the ineffectiveness of the hearing process itself. Brooks offers a proposal to make the hearing process more functional, in the interest of the DOT and other parties. As someone who has appeared in numerous hearings for decades, Brooks claims to have intricate knowledge of the flaws in the system as it presently exists. Her first proposal asks the legislature to enact a law scheduling a permit application public hearing within 65 days of the receipt and completed within 35, with the final decision rendered within 65 days. During those timeframes applicants may consent to extensions, which may be waived by the DOT if necessary. Second, she suggests DEEP ought to cease the practice of interrogating witnesses for the hearings and rather allow counsel, consultants, and applicants make their presentations directly to land use commissions. Thirdly she recommends in the case of time-sensitive permit applications, DEEP delegate decision making authority to a hearing officer.

**Richard Paukner, Legislative Chairman, CT Motorcycle Riders Association**

Provided testimony in opposition to section 19 of the bill. Paukner rejects the notion that mandatory helmet laws lower fatality and injury rates, and instead suggests the state focus on promoting accident avoidance rather than injury mitigation, asserting that rider education initiatives have seen positive results in the state since their enactment in 1982. He clarifies the CT Motorcycle Rider's position is not to dissuade the use of motorcycle helmets, but rather believes less intrusive and more effective measures can be taken to improve the safety of motorcycle riders. Paukner recounts the success of the Connecticut Rider Education Program and adoption of stringent licensing tests as examples.

**Jay Stange, Transport Hartford Coordinator, Center for Latino Progress**

Provided testimony in support of the bill, but urged the committee to reconsider sections 10, 16, and 17. Stange raises concerns that forcing bicyclists to travel with vehicles at intersections will lead to increased vehicle-bicycle conflicts, and believes the amendments imply bicycles may not cross intersections using pedestrian signals. Allowing bicycles to cross with pedestrians allows them a head start from vehicle traffic which creates fewer conflicts. The testimony takes issue with sections 16 and 17 as they appear to conflict with the committee's past position that bus fares do not represent an obstacle to public

transportation access, and the implication that the bill would allow the state to hire 3<sup>rd</sup> party fare inspectors to issue citations. In the writer's view, these measures are overly extractive towards bus riders. He goes further to endorse a fare-free bus transit program that will help students connect to education, job training, and other opportunities.

**Paul Aresta, Executive Director, CT Council on Environmental Quality**

Provided testimony in opposition to sections 1-4 of the bill. The council expresses concerns that the bill would remove the responsibility of the Commissioner of the Department of Energy and Environmental Protection to hold public hearings on activity upon wetlands and floodplains. The Council further questions provisions that would require the Commissioner to provide petition for a public hearing, while also granting the Commissioner the ability to object to said petitions. They fear the adoption of these measures will limit public participation on matters that affect wetlands and similar areas.

**Sandy Fry, Chair, Connecticut Bicycle and Pedestrian Advisory Board**

Submitted testimony in opposition to lines 438-510 of the bill. Fry takes issue with changes which would limit the flexibility bicyclists have under traffic laws. It appears to Fry the bill would limit certain common practices such as making use of the pedestrian phase of a traffic signal to cross an intersection. These practices reduce potential conflicts with motor vehicle drivers.

**Jennifer Lacker, Bike Stonington**

Provided testimony in opposition to section 10 of the bill. Lacker takes issue with the repeated inclusion of biker traffic with motor vehicle traffic, as the two vehicle types differ wildly in their role in traffic. Lacker finds it incongruent with the DOT's past policies which sought to encourage the use of bicycles and other alternative modes of road traversal. Rather, the bill trends in the reverse direction of discouraging biking by making unnecessary regulation on how bikers travel.

**Thomas Regan-Lefbvre, Cyclist**

Provided testimony in opposition to section 10 of the bill, asserting that there is time where it may be safer for a biker to proceed through a red light than remain stationary between drivers. He cites his own personal experience in Parism where cyclists have the right to proceed through red lights and traffic fatalities and crashes are extremely rare.

**CJ Thompson, Wethersfield Resident**

Provided testimony in opposition to section 10 of the bill.

**Other individuals and organizations provided testimony in opposition of sections 1-4 of the bill on grounds that it will limit participation in public hearings, diminish safeguards, undermine the integrity of state agencies, integrity of the Connecticut Environmental Protection Act, and overall remove protections to public involvement in decision making:**

**Other individuals and organizations provided testimony in opposition to the bill regarding section 19's requirement that persons issued a motorcycle endorsement wear protective headgear while operating a motorcycle or similar vehicle for a period of 3 years after issuance**

## **OTHER COMMENTARY**

### **Robert Petzold, Legislative Committee Chair, Connecticut Marine Trades Association**

Provided testimony commenting on the bill with special interest on section 3. Petzold commends the efforts of the legislature to bring attention to issues faced on dredging, which is an integral part of maintaining navigable waterways. He provides updates surrounding those issues including the \$3 million added to the DOT budget for dredging activities, the CT Port Authority's memorandum for a critical review of the dredging needs of the state, Ned Lamont's statements regarding the importance of dredging, the communication of state agencies regarding dredging, and the Rosado supreme court decision which upheld the Eastern Long Island Disposal Site for dredged materials. Petzold calls further attention to New York's ongoing issues with dredging permits, which will prove decisive in the interests of the industry. He closes with thanks for the time and consideration of the committee.

### **Adam Weber**

Provided commentary requesting the inclusion of white indications for bus priority signals.

**Reported by: Garrett Smith & Samuel Clark**

**Date: 4/5/24**