PA 24-40—sHB 5330
Transportation Committee

AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION AND CONCERNING CAPITAL PROJECTS, NOTICE OF PROPOSED FAIR AND SERVICE CHANGES, THE CONNECTICUT AIRPORT AUTHORITY, AUTOMATED TRAFFIC SAFETY ENFORCEMENT, ROAD SAFETY AUDITS, PARKING AUTHORITIES, A SHORE LINE EAST REPORT AND THE SUBMISSION OF REPORTS AND TEST RESULTS REGARDING IMPAIRED DRIVING

TABLE OF CONTENTS:

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 to be issued by employees that are "fare inspectors," as under prior law

§ 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

§§ 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

§ 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

§ 19 — PROPOSED FARE AND SERVICE CHANGES

Requires DOT to provide notice about 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 about public hearings related to fare changes for mass land transportation to the council, in addition to these legislative committees as existing law requires

§§ 20-40 — VERTIPORTS AND UNMANNED AIRCRAFT

Defines "vertiports" and "unmanned aircraft" and regulates them under various existing aeronautics statutes; expands CAA's authority to generally cover unmanned aircraft regulation; prohibits operating unmanned aircraft in close proximity above a private premises without the owner's approval

§ 41 — ALCOHOL SALES AT BRADLEY AIRPORT

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

§ 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 an RSA of a state highway and sets requirements for this process

§ 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 prior law

§ 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 the cost for each

§ 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

SUMMARY: This act, 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 driving under the influence (DUI) incident reports to the Department of Motor Vehicles (DMV) under the administrative per se license suspension process. Additionally, the act defines "vertiports" and "unmanned aircraft" (i.e., drones) and regulates them under various existing aeronautics statutes. Lastly, the act makes various minor, technical, and conforming changes. A section-by-section analysis follows.
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 not complying with certain orders related to traffic control and road safety

The act 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

Under existing law, individuals and entities building, expanding, establishing, or operating 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 individuals or 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 act, if OSTA determines that a local building official issued a building or foundation permit to an individual or entity that does not have a certificate, it must order the building official to revoke the permit.

The act also makes (1) related technical changes and (2) 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 act 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, prior law generally required these cyclists to comply with traffic control signals in the same way as vehicular traffic. Under the act, when both traffic control signals and bicycle-control signals are present at an intersection, cyclists must comply with the bicycle signals. The act 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 act, 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 under existing law 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.

Additionally, 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 one

The act 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 existing law prescribes. It allows them to do this regardless of any contrary provisions in a municipality's charter, special act, or home rule ordinance.

Under the act, any municipality, by vote of its legislative body, may establish an LTA and appoint one or more 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, existing 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. OSTA is the traffic authority for state roads and bridges and has authority over certain elements specified in law (e.g., traffic control signals).

Entities Existing Law Designates as Local Traffic Authorities

Jurisdiction	*Designated Entity*
City, town, or borough with police commissioners	Board of police commissioners
City, town, or borough without police 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

For 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 (i.e., temporarily lower the posted speed limit) on limited-access highways to address traffic, construction, or other safety conditions

The act allows the Department of Transportation (DOT) to set variable speed limits (i.e., temporarily lower the posted speed limit) on limited-access highways or portions of them. It may do so to address traffic congestion, road construction, or other conditions affecting safe and orderly traffic movement. Under the act, 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 about the speed limit change. The act requires DOT to use stationary or portable, changeable message signs to post 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 act's variable speed limit provisions replace a provision of prior law allowing DOT to modify limited-access highway speed limits during weather events or emergencies with electronic signs.
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 erecting 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 act 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, beginning on July 1, 2024, for bus stops and shelters constructed by DOT or transit districts to comply with the ADA and certain plans developed by these entities applies only to those that are newly built on and after that 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 act specifies that these requirements apply only to new bus stops or shelters built on and after that date.
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 to be issued by employees that are "fare inspectors," as under prior law

Under prior law, "fare inspectors" were commissioner-designated DOT employees or DOT third-party contractors responsible for inspecting passengers'

tickets, passes, or other documentation on state-owned or -controlled public buses to prove 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 were authorized to issue citations to people who deliberately ride these buses without paying the required fare.

The act instead allows DOT employees 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 act, it is an infraction for a person to ride a state-owned or -controlled public bus while intentionally not paying the required fare (see Table on Penalties).

EFFECTIVE DATE: July 1, 2024

§ 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

Existing 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 act 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 act restarts and makes permanent DOT's work zone speed camera program. The program was initially established as a pilot under PA 21-2, June Special Session, and ended on December 31, 2023. The act 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 act 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 act expands the types of roads where DOT may operate speed cameras and increases the number of places where they may operate at any one time. Under the pilot program, cameras could be placed on limited-access highways in up to three locations at one time. Under the act, cameras may be used in up to 15 highway work zones on any highway (i.e., public road). But the act retains the provision limiting the use of speed cameras to roads with speed limits of at least 45 mph.

Notice Requirements. The act requires DOT or a work zone speed camera operator to 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, but there was no requirement that they do so in advance.

The act 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 act, 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 act 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 act 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 act 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 act 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 act, 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 act 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, DMV could suspend the registration of the vehicle used to commit the violation or refuse to register it. The act 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 act 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 act 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. Prior law did 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 act 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 act specifies a lessee is considered the owner if the vehicle is leased for more than 30 days.

§ 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 act requires the DOT commissioner to develop and maintain an interactive map on the department's website that displays the location of and information on 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) include information and scheduled phases for the projects.

EFFECTIVE DATE: Upon passage

§ 19 — PROPOSED FARE AND SERVICE CHANGES

Requires DOT to provide notice about 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 about public hearings related to fare changes for mass land transportation to the council, in addition to these legislative committees as existing law requires

The act 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 — Major Service Changes to Commuter Rail Service*), to provide notice about 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 — Connecticut Public Transportation Council*). 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 act 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).

Background — Major Service Changes to Commuter Rail Service

Under federal requirements, DOT generally conducts a service and fare equity analysis any time fare changes or major service changes are proposed (Title VI of the Civil Rights Act of 1964 and Federal Transit Administration Circular 4702.1B). According to DOT's Public Involvement Procedures, the department conducts community outreach to give the public opportunities to provide input, which may include a combination of public hearings and community-based organization meetings.

§§ 20-40 — VERTIPORTS AND UNMANNED AIRCRAFT

Defines "vertiports" and "unmanned aircraft" and regulates them under various existing aeronautics statutes; expands CAA's authority to generally cover unmanned aircraft regulation; prohibits operating unmanned aircraft in close proximity above a private premises without the owner's approval

The act defines "vertiports" and "unmanned aircraft" (i.e., drones) and regulates them under various existing aeronautics statutes.

It 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 act also generally expands the authority of the Connecticut Airport Authority (CAA) executive director to cover unmanned aircraft and allows him to adopt procedures (1) specifying where unmanned aircraft may take off and land and (2) governing their operation, unless already prohibited or regulated by federal law (see *Background — Federal Guidance on State Regulation of Unmanned Aircraft*).

The act 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 act, 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. VTOL generally refers to aircraft that can take off and land vertically. (In practice, no vertiports currently exist in the state.) The act's vertiport definition is similar to existing law's definition of heliports, which are designated for helicopters. (Helicopters are generally a subset of VTOL aircraft.) Under the act, "aircraft" does not include unmanned aircraft.

Under existing law, an "air navigation facility" generally includes airports, heliports, and restricted landing areas. The act makes a vertiport an air navigation facility (§ 20) and makes various changes to incorporate vertiports into the existing statutory framework for these and similar facilities. For proposed vertiports, it requires the CAA executive director to hold a hearing on the proposal if the host town requests one (or the executive director can choose to hold one) before granting or denying approval. It also requires the executive director to grant licenses (valid for three years) for these facilities in the same way as under existing law for other air navigation facilities (§§ 23-25).

The act subjects vertiports to numerous other statutory provisions generally applicable to air navigation facilities, 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). It 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. requiring vertiport owners or operators 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 (see Table on Penalties) (§ 33).

Unmanned Aircraft Regulation

Under the act, 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 act 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, 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 act expands this authority to include protecting people operating or using unmanned aircraft.

The act 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). Existing 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 act expands this authority to include "unmanned aircraft accidents."

Under the act, 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 prior law, "substantial damage" was 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 act 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). Existing 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 act 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 existing 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 act specifies that this is the pilot's or operator's responsibility. It also eliminates the definition of "operator" that is applicable to these provisions. (Under existing law and unchanged by the act, "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 act expands to certain unmanned aircraft accidents (i.e., accidents not subject to the mandatory reporting requirement discussed above) existing 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 act

extends existing 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 act), 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 guilty of a (1) class C misdemeanor and (2) only for operating under the influence, class A misdemeanor for subsequent offenses (CGS § 15-100, see Table on Penalties).

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

The act 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 Table on Penalties).

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 act also exempts people operating unmanned aircraft for commercial purposes in compliance with Federal Aviation Administration (FAA) authorization (if doing so is necessary for these purposes).

Background — Federal Guidance on State Regulation of Unmanned Aircraft

In 2023, 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 categories of state laws that would likely not be subject to preemption, including laws on land use and zoning, privacy, harassment, trespassing, and exercise of police powers.

§ 41 — ALCOHOL SALES AT BRADLEY AIRPORT

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

The act modifies the hours when 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. Prior law generally allowed 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

§ 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 an RSA of a state highway and sets requirements for this process

The act 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 that the department do a road safety audit (RSA) for a specific state highway. The purpose of these audits is to identify transportation safety solutions and improve motor vehicle, bicycle, and pedestrian traffic on the highway.

Under the act, the RSA process must require the DOT commissioner, within 60 days after receiving the request, to notify the requesting entity in writing about 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 act requires DOT to post this process on its website.
EFFECTIVE DATE: July 1, 2024

§ 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 prior law

Under prior law, only Hartford was 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 act 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 act, as under existing law for Hartford, the ordinance may allow the municipality to remit the funds it receives for parking violations to the authority.
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 the cost for each

The act 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 occur, the arresting officer must prepare a report and send it to DMV. Prior law required that the report be prepared and sent to DMV within three business days after the incident. The act extends this timeframe to within six business days after the incident.

As under existing law, the report must be sworn to by the officer under penalty of false statement and state, among other things, the grounds for the officer's belief that there was probable cause to arrest the person for DUI and include the evidence (e.g., any chemical test results) supporting the officer's conclusion. Generally, reports prepared and sent under this law are an exception to hearsay under the rules of evidence 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

In a 2024 decision, the Connecticut Supreme Court held that failure to comply with the law's preparation and mailing timeframe (at the time, three business days) rendered a DUI incident report inadmissible in an administrative license suspension hearing in the absence of testimony from the arresting officer. The court stated that (1) the purpose of the timeframe and the other report requirements (e.g., a sworn statement) is to provide sufficient indicia of reliability so that the report may be

admissible under a hearsay exemption and (2) adherence to the timeframe is mandatory for the report to be admissible *(Marshall* v. *Commissioner of Motor Vehicles,* 348 Conn. 778 (2024)).