

Vision Zero Council
December 12, 2023 Meeting Minutes
10:00 am – 12:00 pm
This virtual public meeting was hosted on Zoom

Council Members Present: Garrett Eucalitto, Aaron Swanson, Jackie McMahon, Mark Dicocco, Susan Logan, Keith Norton, Jon Slifka

Council Members Absent: Tony Guerrero (DMV)

Other Attendees: Shaun Formica, Amy Watkins, Katie Hedberg, Elizabeth Keyes, Eileen McMurrer, Natasha Fatu, Jim Polites, Alec Statky, Charles Harlow, Terri Thompson, Devin Clarke, Cathy Fletcher, Andrea Merejo, Laura Baum, Jake Fusco, Lou Reynolds, Craig Yannes, Christine Conte, Melissa Evans, Kate Rattan, Roger Krahn, Christine Cohen, Adam Weber, Judith Proctor, John Harkins, Anaka Maher, Mike Allen, Aimee Berger-Girvalo, Laurie McElwee, Mike Turaj, Garrett Bolella, Howard Weissberg, Kristen Levesque, Jim Travers, Phyllis DiFiore

I. **Committee Chair Welcome and Introductions**

II. **Adoption of 9/19/2023 Meeting Minutes**

- a. Motion by Garret Eucalitto, second by Keith Norton, no abstentions.

III. **Automated Enforcement Update:**

- Elizabeth Keyes:

Public Act 23-116: Considerations for Selection of Automated Traffic Enforcement Safety Device Program (ATESD) locations and duration of approvals

IV. **Sub-Committee Updates and Policy Recommendations**

Sub-Committee Recommendations Presented to Council

- **Enforcement:**
- HB 5917 Enact a Helmet Law for All Motorcycle Riders
- HB 5917 Establish a Fatal Collision Reduction Team & High Visibility Enforcement Blitzes
- HB 5917 Enact an Open Alcohol Container Statute and Enforcement the Statute
- SB 1082 Lowers the general blood alcohol content (BAC) per se limit for impaired driving and boating from 0.08% to 0.05%
- Speed Enforcement Camera Pilot Program for Work Zones
- Establish a pilot program for blood draws/saliva testing to include electronic warrant system to compel testing for impairment.

- Establish a system of electronic warrants for blood draws in DUI cases and amending the implied consent statute to authorize the collection of evidentiary oral fluid samples.
- Require person applying for license renewal to be required to take a short quiz on current state laws.

a.) Questions from Council

Garret Eucalitto: Jackie, would you be able to talk to the work that's been going on with that different working group and the blood draws and saliva oral fluid testing program.

Jackie McMahon: Of course. Thank you Terry. Great job. I think you captured it very well. I would say the one correction I would make is that breath is still very much an acceptable form of chemical testing in DUIs. But urine is what we rely on in Connecticut for our drug impaired driving investigations when we're able to get it and we've seen a shift in the toxicological community away from urine, and away from urine matrices in the laboratory setting to analyze chemical samples in DUIs. So knowing that we're such a heavily reliant State on urine collection, the working groups were kind of discussing what is and alternative that we should be considering, can consider would be able to implement in the State that would give us somewhat of a comparable piece of evidence, what we're getting from urine right now. And nationwide that seems to be saliva and there are some states that kind of take a two-pronged approach. Some of them have roadside saliva collection devices that are just preliminary, they're not considered of evidentiary value but there are some states that are actually, including Alabama, that's collecting evidentiary saliva samples following a DUI arrest and their laboratory is able to test that and gather from those saliva samples the categories, drugs, that that person may have consumed.

So that's really promising I think it gives us a great option to pursue going forward that's consistent with where the tox community is right now and it would require statutory change because right now our DUI statutes are limited to just the three enumerated types of chemical tests; breath, blood, or urine. So we're kind of we're up against it here and if we want to move forward and keep up with the toxicology times saliva seems to be where that's heading now. For blood collection it's a little bit different but it's totally apropos for this group to consider and again out of that cannabis legislation one of the mandates was for the working group to consider whether we should pilot an electronic warrant system for blood collection in DUI cases and unanimously the group agreed that we should and in fact, it's, very well accepted that blood is the gold standard for all chemical tests and so if we're talking about obtaining the most reliable evidence to support a criminal conviction potentially, which is how we treat the DUIs in this state, then we should be pursuing blood if we have an avenue for that. The problem is collection of blood takes time and our implied consent statute allows individuals to refuse to provide a blood draw. The only way for us to get a blood draw would be to get a judicially issued warrant to collect that person's blood but that's a very time-consuming process. So the electronic system would allow law enforcement quickly to submit a request to a judge itemize the probable cause for the need for that blood collection, in this case to support that investigation for a DUI and then obtain that sample and they would be able to do that quickly using this electronic platform. So, that would benefit us not only in our crash cases, but also to try to cut down on the number of refusals that we have in the state. Across the board in our DUI cases, we're about 40% refusals so we're missing a significant chunk of data and what is actually inside the people that are on our roadways that are being arrested for DUIs. So this would help us address some of those issues too, but that's the summary of those two proposals.

Garret Eucalitto: That helps paint the picture for all of us, I think that is one issue I've continuously brought up, which is we don't actually know what's happening on the roadways because we don't know what else is in their system when they're being charged with a DUI because we may only identify one or two substances. So if we don't know what is actually going on in those individuals who are driving impaired we can't target programs to help them try to avoid driving impaired the next time.

Mark Dicocco: I have a question; we know that blood will be the gold standard in terms of evidentiary value. How comparable would saliva be, would it be presence only or would quantitative values be obtained from saliva?

Jackie McMahon: So it would just be presence at this point so it would be more analogized to urine rather than blood. While it's probably possible to get a quantity, the quantity of a certain drug in a person system probably isn't going to aid us in determining whether that substance is having an impairing effect and so the technical requirements of getting that quantitative results probably just isn't worth the effort. So I've run this by our lab before and they said in theory they can do anything, but it's not done across laboratories across the country right now to get quantitative results for drugs from saliva.

- **Engineering:**
- Requiring a Complete Streets Plan for Municipalities
- Designation of Safety Corridors
- Adoption of a Centerline Rumble Strips (CLRS) Policy
- Free/reduced cost for Driver's Education for new student drivers
- Funds for Vision Zero Initiatives

a.) Questions from Council

Garret Eucalitto: So some of these that you have kind of do you bleed over into other subcommittees, which has been a positive, I think of the very subcommunities there has been interaction between the various subcommittees, which is great. So I think you mentioned one of them you had talked to, some folks on the Education subcommittee about I think there was probably the safety corridors have you all but talked to Enforcement subcommittee about that because I think one of the recommendations from the Enforcement subcommittee was the task force which there seems to be some symmetry there between those two topics.

Charles Harlow: We did talk to Enforcement, I talked to Terry Thompson at one the emphasis areas for the Strategic Highway Safety Plan that came up and we had we had a discussion after that meeting and I was happy she also brought it up for us so that it does align with what we were thinking too.

- **Education:**
- No new policy recommendations
- Focus on implementation.

a.) Questions from Council

Susan Logan: I was looking at your slide here and it said no new policy recommendations at this time and then Amy you kind of said that you do support other ones. Would it be possible for you in your recommendations piece for this annual report put in that you also support, I was really interested in one where for your reduced cost for driver's education, I think that's really important to continue to actually recommend. So would you be able to put in some of the ones that the Education subcommittee is also advocating for. I think that would help kind of make your case.

Amy Watkins: Yeah, and that's a perfect example that addressing the inequity and the cost involved in driver's education is absolutely something that we would support. So yes, we can do that. Thank you.

- **Equity:**
- Create opportunities for car seat distribution and education.
- Establish program and funding stream to provide car seats for any needy families in Connecticut who do not have one.
- Expand existing State resources like fitting stations, with a focus on training technicians in underserved areas, and promote child passenger safety education that is available online.

a.) Questions from Council

Garret Eucalitto: Alec or Katie, can you talk on the point 0.05% BAC? Thinking about a broader impaired driving bill in the future, you talk about addressing indigent populations with DUI related license patients to ensure compliance, allow for safe return to the road. So. This is beyond my scope of the space I work in, but my understanding is ignition interlock devices are required of individuals who have a vehicle and have certain suspensions, and there are measures in place to cover the costs for those who are in indigent, right? Can you elaborate on this one a little bit more just so I understand what you're talking about here.

Alec Statky: Sure, I think the concern was really for the folks that might not have a vehicle or the folks that don't have a vehicle but got an impaired driving offense. Obviously they should be treated just like everyone else in terms of license suspensions and we don't want to pull back on impaired driving enforcement and penalty, not what we're suggesting at all. Just to make sure that when they would be able to get back and reinstate their license that they're able to do so because right now they need to install on a vehicle but if you don't have a vehicle then you can't really comply and then you can't get your license back. That's the concern that we heard from DMV. So again maybe that's beyond the scope of this council I don't know but I think it's something that should be considered as part of a sort of modification to the impaired driving law.

b.) Council Questions and Discussion

Garret Eucalitto: I think this year what my proposal to the council here is that we take all these subcommittee recommendations and instead of parsing out each individual one and voting on it as a council, my recommendation to the council would be that for our annual report that we transmit to the legislature we use that annual report to the legislature to; one: report out on progress of

implementation of the legislation that had passed and became law and then, two: include a section talking about the work of each subcommittee; what work was done, who the members are, and what those recommendations were that they transmitted up to us as the at the council level. I think that's the most effective use of time to transmit to the legislature all the significant work that went in by each of the subcommittees. I'll turn it over to council members to see if you agree with that recommendation. I know we'll need to do some work on our end at CONNDOT to get to compile everything in that space and then we would need to share drafts, with council members for review and approval on text summarizing progress to date. But wanted to get thoughts from you all.

Mark Diccoco: I completely agree, if allowed to see the draft versions of what's being put forth that allow us to digest it and speak to our respective agency stakeholders and get the impact and how it affects all of them that go over and do so on traffic deaths.

Keith Norton: Yeah, I agree, Garrett that seems the most efficient way to go about transmitting the information we need to get to them in a way that's not going to refuse anybody or get wrapped up in areas we'd really want to get into at this point.

Eileen McMurrer: I think it's an excellent recommendation. One thought that I do have: is there a place for having the legislative liaison from DOT explore some of the factors that did not lead proposals last year to acceptance and to highlight that within the report? Perhaps some points to address the concerns that were raised in earlier discussions. To proactively preemptively if you will, let them know that we heard them, that we're aware of the concerns and that here's what we're thinking might be appropriate to address them.

Garret Eucalitto: I think we definitely can do that. Our legislative team here can poll or include what we heard in, transportation committee discussions or testimony that was submitted for those provisions that were ultimately not acted upon.

So what we will do then is Aaron and I will begin to work and I'll probably I think I'll probably end up looping in one of our colleagues from DOT to help us Laura Baum, who's listening in on the call and now she's being told that she's going to be helping us help compile this report to help Aaron and I compile that so Laura I know you care about this topic, so appreciate your being volatile to help. Then once we have a draft we'll share it with the council members for your review and edits and feedback.

Susan Logan: I have a question, are you asking for the each one of the subcommittees to submit some information to help you out because I don't know if you're going to be reading all these summaries for each of the subcommittees or you're asking the subcommittees to send drafts to you. How are you working with that?

Aaron Swanson: Yeah, I was I was already thinking in my mind what this might entail. Obviously there's going to be a few partners that need to contribute to this report. I think from the subcommittees the appropriate thing to ask for would be, we have their proposals in the form of those presentations that we saw today but we also would need them to submit their meeting dates to us and kind of the summaries of the work that went on, that's not something that was captured. So that's something that we can I think ask the subcommittees for to help put into that report. To Eileen's point, if they want to make any comments about things that didn't pass that they had heard, they can add that to the to the perspective that goes in the report and then again, I think some of our legislative team, like you said, Garrett, will be key to contributing but yes, I do think those subcommittees probably need to just give us

a little more of a summary of the work that went into the proposals, not just the proposals themselves for that report. Does that make sense?

Susan Logan: Yeah, I like that idea. Thank you.

Garret Eucalitto: So for the final item before we go to the public comment session. So my recommendation to the council would be to continue quarterly meetings in 2024. Allowing subcommittees to continue to have their space to operate. One thing I do want to put on, you're all plates are, to think about potential topics of discussion for those quarterly meetings we will hold in 2024. If there are topics that you want or speakers you want to invite in, we can certainly work to arrange that. We had some outside speakers join us in previous meetings this year I think it is helpful to hear from partners from across the country who are working in this space. As I've had the opportunity just recently to sit with several of your commissioners. At our strategic highway safety plan executive committee. So there is a lot of interest in this topic that we're going to continue to be talking about both at the legislative level at the public level in the news media.

[I'm going to be heading down to in January there's a multi-day long conference every single year called Transportation Research Board in Washington, D.C., and it's very research heavy. So I'll be going down there the second week of January staying there for about five days and so many of the topics that were brought up today are issues that I'm planning to attend sessions on. If there are potential topics that I will bring back to you all say, *"Hey, heard about this thing that Connecticut's not talking about,"* I'll plan to let the council know so you can decide whether you want to have that added to an agenda but please do think about what you would want to bring from your space and your subject matter expertise to bring to the entire council if there are outside groups or topics that you want on the agenda.]

Aaron Swanson: Part of the reason to have this council is to share a diverse perspective across state agencies. So having council members kind of bring their flavor of concern, topics that kind of keep them up at night, is helpful so you know we have some time to get those meetings scheduled for 2024 so over the next month or two if something interest you or something you want to hear about like Eric said just please share it with me and we'll get it set up.

Garret Eucalitto: Okay, and we'll turn over to the final agenda.

V. **Next Meeting – dates and potential topics for future 2024 VZC meetings**

Continued Quarterly Meetings in 2024

VI. **Public Comment**

No public comments

VII. **VIII. Adjourn**

No objections to adjourn