



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

<b>Document Name</b>	<b>DOT_Highway Safety</b>
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**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	<b>Anne Kleza</b>
<b>Division Requesting This Proposal</b>	<b>Bureau of Policy and Planning/Highway Safety Office</b>
<b>Drafter</b>	<b>Liz Keyes/Phil Mainiero</b>

<b>Title of Proposal</b>	<b>An Act Concerning Highway Safety</b>
<b>Statutory Reference, if any</b>	<b>Motorcycle Helmets - 14-289g Reckless Driving - 14-222, 14-296aa Driving While Ability Impaired - 14-227b, 14-227h, 14-215, 54-56g, et al.</b>
<b>Brief Summary and Statement of Purpose</b>	<b>These proposals aim to reduce preventable deaths and injuries on Connecticut’s roads.</b>

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

<p>Motorcycle Helmets –This provision requires any individual who has obtained an endorsement for operating a motorcycle must wear a helmet for the first three years following said endorsement.</p> <p>Reckless Driving – This provision adds operating a mobile device on a limited access highway to the enumerated conduct which constitutes reckless driving pursuant to 14-222.</p>
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**Agency Legislative Proposal – 2024 Session**

**Document Name:**

Driving While Ability Impaired – Section 1 of this proposal makes operating a motor vehicle with a blood alcohol content between .05 and .08 a violation punishable by a monetary fine. It further requires any individual who is convicted of said violation to attend an intoxicated driver retraining program. Section 2 subjects an individual issued a ticket for said violation to the same licensure suspension provisions under 14-227b that would apply to an individual arrested for driving under the influence, excepting any requirements for ignition interlock devices. Section 3 requires that an individual arrested for operating under suspension due to said violation would be subject to the mandatory 48-hour vehicle impoundment under 14-227h, but Section 4 also states that an individual convicted of operating under suspension for said violation would not be subject to any criminal penalties under 14-215. Section 5 clarifies that a person convicted of said violation would still subsequently be eligible for the pretrial alcohol education program.

**BACKGROUND**

**Origin of Proposal**             **New Proposal**             **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

**Motorcycle Helmets**-In 2023 CTDOT’s proposal was incorporated into Section 3 of HB 5917: *AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL* and was reported joint favorably with a substitute from committee, it was removed before final passage in the house chamber. Recently Delaware has adopted a graduated motorcycle helmet law similar to this proposal

**Reckless Driving** – New proposal

**Driving While Ability Impaired** – In 2023, CTDOT submitted SB 1082 AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE DEPARTMENT OF TRANSPORTATION REGARDING A REDUCTION IN BLOOD ALCOHOL LIMITS FOR IMPAIRED DRIVING AND BOATING, which lowered the blood alcohol content for impaired driving and boating from .08 to .05. The bill was favorably reported out by the Transportation Committee and subsequently referred by the Senate to the Judiciary Committee, where it was not acted upon.

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year</b>	In 2022 in Connecticut, there were 239 driver/passenger fatalities which is an increase of 41.5% over the last 5 years. 2022 was the deadliest year on our roadways in decades. CTDOT believes that these proposals will help reverse these increasing trends on our roadways.
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**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>vision for the agency’s mission?</b>	
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	Lowering instances of DWAI, and crash statistics along with ticketing data can and will be analyzed by UCONN in its partnership with the state.
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	
<b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b>	<p>Motorcycle Helmets – 19 states have laws that require all motorcycle operators to wear helmets. Delaware recently passed a law requiring motorcycle operators to wear a helmet during their first two years of endorsement.</p> <p>Driving While Ability Impaired – The term “driving while ability impaired” (DWAI) is the same term used in New York State for driving with a BAC over .05 but under .08. In NY, a first offense is an “infraction” punishable by a fine of up to \$500, up to 15 days in prison and a licensure suspension of up to 90 days (for those over 21). A second offense is an “infraction” punishable by a fine of up to \$750, up to 30 days in prison and a minimum 6-month license revocation. A third offense is a misdemeanor punishable by a fine of up to \$1500, up to 150 days in prison and a minimum 6-month license revocation. By comparison, in Connecticut, a first offense for driving with a BAC that exceeds .08, the penalty is a fine of up to \$1000, up to 6 months in prison, and a 45-day suspension, followed by one year driving only a vehicle equipped with an ignition interlock.</p> <p>Information on NY laws - <a href="#">c-39ddl-web.pdf (ny.gov)</a></p>
<b>Have certain constituencies called for this proposal?</b>	



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

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**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ ] Check here if this proposal does NOT impact other agencies**

<b>1. Agency Name</b>	<b>Department of Motor Vehicles, Office of the Chief State’s Attorney</b>
<b>Agency Contact (name, title)</b>	
<b>Date Contacted</b>	
<b>Status</b>	<b>[ ] Approved                      [X] Talks Ongoing</b>
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**[ x ] Check here if this proposal does NOT have a fiscal impact**

<b>State</b>	the proposal results in a potential a revenue gain the general fund from increased fines
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

--	--

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**[ ] Check here if this proposal does NOT lead to any measurable outcomes**

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**ANYTHING ELSE WE SHOULD KNOW?**

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**Motorcycle Helmets**

**Section. 1. Section 14-289g of the general statutes is repealed and the following is substituted in lieu thereof:**

(a) No person under eighteen years of age may (1) operate a motorcycle or a motor-driven cycle, as defined in section 14-1, or (2) be a passenger on a motorcycle or motor-driven cycle, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established in 49 CFR 571.218, as amended from time to time. [Any person who violates this section shall have committed an infraction and shall be fined not less than ninety dollars.]

(b) No newly endorsed person may operate a motorcycle or a motor-driven cycle, as defined in section 14-1, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established in 49 CFR 571.218, as amended from time to time.

[(b)] (c) As used in this section, the term “motorcycle” shall not include “autocycle” and “newly endorsed person” means a person who, on or after July 1, 2024, has obtained an endorsement for a motorcycle within the previous three years.



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

(d) Any person who violates subsection (a) or (b) of this section shall have committed an infraction and shall be fined not less than ninety dollars.

**Reckless Driving**

**Section 1. Subsection (a) section 14-222 of the general statutes is repealed and the following is substituted in lieu thereof:**

(a) No person shall operate any motor vehicle upon any public highway of the state, or any road of any specially chartered municipal association or of any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or in any parking area for ten cars or more or upon any private road on which a speed limit has been established in accordance with the provisions of section 14-218a or section 14-307a or upon any school property recklessly, having regard to the width, traffic and use of such highway, road, school property or parking area, the intersection of streets and the weather conditions. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at such a rate of speed as to endanger the life of any person other than the operator of such motor vehicle, or the operation, downgrade, upon any highway, of any motor vehicle with a commercial registration with the clutch or gears disengaged, or the operation knowingly of a motor vehicle with defective mechanism, shall constitute a violation of the provisions of this section. The operation of a motor vehicle upon any such highway, road or parking area for ten cars or more at a rate of speed greater than eighty-five miles per hour shall constitute a violation of the provisions of this section. The use of any hand-held mobile telephone or mobile electronic device in violation of 14-296aa while operating a motor vehicle upon any limited access highway as defined in section 13b-27, shall constitute a violation of the provisions of this section.

**Sec. 2. Subpart (1) of subsection (b) of Section 14-296aa of the general statutes is repealed and the following is substituted in lieu thereof**

(b) (1) Except as otherwise provided in this subsection and subsections (c) and (d) of this section, and section 14-222 as amended by this act, no person shall operate a motor vehicle upon a highway, as defined in section 14-1, while using a hand-held mobile telephone to engage in a call or while using a mobile electronic device. An operator of a motor vehicle who types, sends or reads a text message with a hand-held mobile telephone or mobile electronic device while operating a motor vehicle shall be in violation of this section, except that if such operator is driving a commercial motor vehicle, as defined in section 14-1, such operator shall be charged with a violation of subsection (e) of this section.



**Driving While Ability Impaired**

**Section 1. (NEW).** (a) No person shall operate a motor vehicle while ability impaired. A person commits the offense of operating a motor vehicle while ability impaired if such person operates a motor vehicle while having a blood alcohol content greater than or equal to five-hundredths of one per cent or more of alcohol, by weight, but less than eight-hundredths of one percent of alcohol.

(b) Any person who violates subsection (a) of this section shall, for a first offense, be fined not less than one hundred dollars but not more than two hundred dollars and, for each subsequent offense, shall be fined not less than three hundred dollars but not more than five hundred dollars.

(c) The Commissioner of Motor Vehicles shall require any motor vehicle operator who has been convicted of a violation of subsection (a) of this section to attend an intoxicated driver retraining program. The Commissioner shall approve the content of any such program, which shall (1) review principles of motor vehicle operation relative to safe driving practices, including the nature of and the medical, biological and physiological effects of alcohol and drugs and their impact on the operator of a motor vehicle, (2) the dangers associated with the operation of a motor vehicle after the consumption of alcohol or drugs by the operator including the problems of alcohol and drug abuse, and (3) the penalties for alcohol and drug-related motor vehicle violations, and (4) emphasize the need to practice safe driving behavior. The retraining program shall be offered by the Department of Motor Vehicles or by any other organization certified by the commissioner to conduct such program in person in a congregate setting, through distance learning or through a combination of both in-person and distance learning, provided such distance learning has interactive components such as mandatory interactions, participation or testing. Any drivers' school, as defined in section 14-68, that meets the licensure requirements of part IV of this chapter shall be eligible to seek certification to offer the intoxicated driver retraining program. The commissioner shall determine the number of program providers necessary to serve the needs of the public. Each organization or drivers' school seeking certification or recertification to conduct such retraining program shall submit an application to the department in such form as the commissioner shall require and an application fee of three hundred fifty dollars. Each such applicant shall: (A) Be registered to do business in this state and continuously maintain good standing with the office of the Secretary of the State; (B) file and continuously maintain a surety bond in the amount of fifty thousand dollars. Such bond shall be conditioned upon compliance with the provisions of any state or federal law or regulation concerning the conduct of an intoxicated driver retraining program and provided as indemnity for any loss or expense sustained by either the state or any person by reason of any acts or omissions of the program provider. Such bond shall be executed in the name of the State of Connecticut for the benefit of any aggrieved party, but the penalty of the bond shall not be invoked except upon order of the Commissioner of Motor Vehicles after a hearing held before the commissioner in accordance with the provisions of chapter 54; (C) have a permanent place of business in this state where all intoxicated driver retraining program



## Agency Legislative Proposal – 2024 Session

Document Name:

records shall be maintained and accessible to the commissioner during normal business hours; (D) submit for approval by the commissioner a detailed curriculum and lesson plan, including any changes to such curriculum and lesson plan, which shall be used in each intoxicated retraining class; and (E) electronically transmit information concerning enrollment and class completion to the commissioner at such times and in such form as the commissioner shall prescribe. Prior to the certification of an applicant, the commissioner shall investigate the applicant's character, driving history and criminal history. If the applicant is a business entity, such investigation shall include the principals and officers of such entity. The applicant shall submit to the commissioner any information pertaining to current or past criminal or civil actions. The certification of a program provider by the commissioner shall not be transferable and shall be valid for a two-year period. Recertification of a provider shall be at the discretion of the commissioner and in such form and manner determined by the commissioner.

(d) The commissioner may adopt regulations in accordance with chapter 54 to implement the provisions of subsections (a) and (b) of this section.

### **Sec 2. Section 14-227b of the General Statutes is repealed and the following is substituted in lieu thereof:**

(a) Any person who operates a motor vehicle in this state shall be deemed to have given such person's consent to: (1) A chemical test of such person's blood, breath or urine; and (2) a nontestimonial portion of a drug influence evaluation conducted by a drug recognition expert. If such person is a minor, such person's parent or parents or guardian shall also be deemed to have given their consent for such test or evaluation. As used in this section, "motor vehicle" includes a snowmobile and all-terrain vehicle, as such terms are defined in section 14-379.

(b) (1) A police officer who has placed a person under arrest for a violation of section 14-227a, 14-227m, [or] subdivision (1) or (2) of subsection (a) of section 14-227n, or detained a person for a violation of section 1 of this act, may request that such person submit to a blood, breath or urine test at the option of the police officer, a drug influence evaluation conducted by a drug recognition expert, or both, after such person has been (A) apprised of such person's constitutional rights; (B) afforded a reasonable opportunity to telephone an attorney prior to the performance of such test or evaluation; (C) informed that evidence of any refusal to submit to such test or evaluation shall be admissible in accordance with subsection (e) of section 14-227 and may be used against such person in any criminal prosecution, except that refusal to submit to the testimonial portions of a drug influence evaluation shall not be considered evidence of refusal of such evaluation for purposes of any criminal prosecution; and (D) informed that such person's license or operating privilege may be suspended in accordance with the provisions of this section if (i) such person refuses to submit to such test or the nontestimonial portion of a drug influence evaluation, (ii) such person submits to such test and the results of such test indicate that such person has an elevated blood alcohol content or is





## Agency Legislative Proposal – 2024 Session

Document Name:

ability impaired in violation of section 1 of this act, or (iii) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(2) If the person refuses to submit to any test or drug influence evaluation, the test or evaluation shall not be given, except if the person refuses or is unable to submit to a blood test, the police officer shall designate another test to be taken. If a person submits to a breath test and the police officer, for reasonable cause, requests an additional chemical test of a different type to detect the presence of a drug or drugs other than or in addition to alcohol, the officer may administer such test, except that if such person refuses or is unable to submit to a blood test, the officer shall designate a urine test to be taken. The police officer shall make a notation upon the records of the law enforcement unit, as defined in section 7-294a, that such officer informed the person that such person's license or operating privilege may be suspended if (A) such person refused to submit to such test or nontestimonial portion of a drug influence evaluation; (B) such person submitted to such test and the results of such test indicated that such person had an elevated blood alcohol content or is ability impaired; or (C) the officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both.

(c) If the person arrested refuses to submit to such test or nontestimonial portion of a drug influence evaluation or submits to such test, commenced within two hours of the time of operation, and the results of such test indicate that such person has an elevated blood alcohol content or is ability impaired, the police officer, acting on behalf of the Commissioner of Motor Vehicles, shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person, for a twenty-four-hour period. The police officer shall prepare a report of the incident and shall mail or otherwise transmit in accordance with this subsection the report and a copy of the results of any chemical test to the Department of Motor Vehicles within three business days. The report shall contain such information as prescribed by the Commissioner of Motor Vehicles and shall be subscribed and sworn to under penalty of false statement as provided in section 53a-157b by the arresting officer. If the person arrested refused to submit to such test or evaluation, the report shall be endorsed by a third person who witnessed such refusal. The report shall set forth the grounds for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or detain such person for a violation of section 1 of this act and shall state that such person had refused to submit to such test or evaluation when requested by such police officer to do so or that such person submitted to such test, commenced within two hours of the time of operation, and the results of such test indicated that such person had an elevated blood alcohol content or is ability impaired. A drug influence evaluation need not be commenced within two hours of the time of operation. The Commissioner of Motor Vehicles may accept a police report under this subsection that is prepared and transmitted as an electronic record, including electronic signature or signatures, subject to such security procedures as the commissioner may specify and in accordance with the provisions of sections



## Agency Legislative Proposal – 2024 Session

Document Name:

1-266 to 1-286, inclusive. In any hearing conducted pursuant to the provisions of subsection (g) of this section, it shall not be a ground for objection to the admissibility of a police report that it is an electronic record prepared by electronic means.

(d) If a police officer who has placed a person under arrest for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or detained a person for a violation of section 1 of this act does not request that such person submit to a blood, breath or urine test under subsection (b) of this section, or obtains results from a test administered under subsection (b) of this section that indicate that the person does not have an elevated blood alcohol content or is ability impaired:

(1) Advise such person that such person's license or operating privilege may be suspended in accordance with the provisions of this section if such police officer concludes, through investigation, that such person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and

(2) Submit a report to the commissioner in accordance with the procedure set forth in subsection (c) of this section and, if such report contains the results of a blood, breath or urine test that does not show an elevated blood alcohol content, or is ability impaired, such report shall conform to the requirements in subsection (c) of this section for reports that contain results showing an elevated blood alcohol content or is ability impaired. In any report submitted under this subdivision, the officer shall document (A) the basis for the officer's belief that there was probable cause to arrest such person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or detain such person for a violation of section 1 of this act and (B) whether the officer concluded, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both. With such report, the officer may submit other supporting documentation indicating the person's intoxication by liquor or any drug, or both. If the officer concludes, through investigation, that the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both, the officer shall immediately revoke and take possession of the motor vehicle operator's license or, if such person is not licensed or is a nonresident, suspend the operating privilege of such person for a twenty-four-hour period.

(e) (1) Except as provided in subdivision (2) of this subsection, upon receipt of a report submitted under subsection (c) or (d) of this section, the commissioner may suspend any operator's license or operating privilege of such person effective as of a date certain, which date certain shall be not later than thirty days from the later of the date such person received (A) notice of such person's arrest by the police officer, or (B) the results of a blood or urine test or a drug influence evaluation. Any person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner to be held in accordance with the provisions of chapter 54 and prior to the effective date of the suspension. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of a date certain and that such person is entitled to a hearing prior to the



## Agency Legislative Proposal – 2024 Session

Document Name:

effective date of the suspension and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice.

(2) Upon receipt of a report that (A) the person's arrest involved an accident resulting in a fatality, or (B) the person has previously had such person's operator's license or operating privilege suspended under the provisions of section 14-227a, 14-227m or 14-227n or issued a citation to a person for a violation of section 1 of this act during the ten-year period preceding the present arrest, the commissioner may suspend any operator's license or operating privilege of such person effective as of the date specified in a notice of such suspension to such person. A person whose operator's license or operating privilege has been suspended in accordance with this subdivision shall automatically be entitled to a hearing before the commissioner, to be held in accordance with the provisions of chapter 54. The commissioner shall send a suspension notice to such person informing such person that such person's operator's license or operating privilege is suspended as of the date specified in such suspension notice, and that such person is entitled to a hearing and may schedule such hearing by contacting the Department of Motor Vehicles not later than seven days after the date of mailing of such suspension notice. Any suspension issued under this subdivision shall remain in effect until such suspension is affirmed under subsection (f) of this section or such operator's license or operating privilege is reinstated in accordance with subsection (h) of this section.

(f) If such person does not contact the department to schedule a hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section.

(g) (1) If such person contacts the department to schedule a hearing, the department shall assign a date, time and place for the hearing, which date shall be prior to the effective date of the suspension, except that, with respect to a person whose operator's license or operating privilege is suspended in accordance with subdivision (2) of subsection (e) of this section, such hearing shall be scheduled not later than thirty days after such person contacts the department. At the request of such person, the hearing officer or the department and upon a showing of good cause, the commissioner may grant one or more continuances.

(2) A hearing based on a report submitted under subsection (c) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest or issued a citation for a violation of section 1 of this act; (C) did such person (i) refuse to submit to such test or nontestimonial portion of a drug influence evaluation, or (ii) submit to such test, commenced within two hours of the time of operation, and the results of such test indicated that such person had an elevated blood alcohol content or is ability impaired; and (D) was such person operating the motor vehicle.

(3) A hearing based on a report submitted under subsection (d) of this section shall be limited to a determination of the following issues: (A) Did the police officer have probable cause to



## Agency Legislative Proposal – 2024 Session

Document Name:

arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or any drug, or both; (B) was such person placed under arrest; (C) was such person operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (D) was such person operating the motor vehicle.

(4) In a hearing under this subsection, the results of the test, if administered, shall be sufficient to indicate the ratio of alcohol in the blood of such person at the time of operation, provided such test was commenced within two hours of the time of operation. The fees of any witness summoned to appear at a hearing under this subsection shall be the same as provided by the general statutes for witnesses in criminal cases. Notwithstanding the provisions of subsection (a) of section 52-143, any subpoena summoning a police officer as a witness shall be served not less than seventy-two hours prior to the designated time of the hearing.

(5) In a hearing based on a report submitted under subsection (d) of this section, evidence of operation under the influence of intoxicating liquor or any drug, or both shall be admissible. Such evidence may include, but need not be limited to, (A) the police officer's observations of intoxication, as documented in a report submitted to the commissioner under subsection (d) of this section; (B) the results of any chemical test administered under this section or a toxicology report certified by the Division of Scientific Services within the Department of Emergency Services and Public Protection; (C) hospital or medical records obtained in accordance with subsection (j) of this section or by the consent of the operator; (D) the results of any tests conducted by, or the report of, an officer trained in advanced roadside impaired driving enforcement; or (E) reports of drug recognition experts.

(h) If, after a hearing under subdivision (2) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after a hearing under subdivision (3) of subsection (g) of this section, the commissioner finds in the negative on any one of the issues specified in subparagraph (A), (B), (C) or (D) of said subdivision, the commissioner shall reinstate such license or operating privilege. If, after such hearing under subdivision (2) or (3) of subsection (g) of this section, the commissioner does not find on any one of said issues in the negative or if such person fails to appear at such hearing, the commissioner shall affirm the suspension contained in the suspension notice for the appropriate period specified in subsection (i) of this section. The commissioner shall render a decision at the conclusion of such hearing and send a notice of the decision by bulk certified mail or by personal delivery, as defined in section 4-166, to such person. The notice of such decision sent by bulk certified mail or by personal delivery to the address of such person as shown by the records of the commissioner shall be sufficient notice to such person that such person's operator's license or operating privilege is reinstated or suspended, as the case may be. A notice of the decision shall only be transmitted by personal delivery if the operator has consented, in writing, to such personal delivery.

(i) (1) The commissioner shall suspend the operator's license or operating privilege of a person who did not contact the department to schedule a hearing, who failed to appear at a hearing,



## Agency Legislative Proposal – 2024 Session

Document Name:

or against whom a decision was issued, after a hearing, pursuant to subsection (h) of this section, as of the effective date contained in the suspension notice, for a period of forty-five days. Except for those persons who have committed an infraction under section 1 this act [A] as a condition for the restoration of such operator's license or operating privilege, such person shall be required to install an ignition interlock device on each motor vehicle owned or operated by such person and, upon such restoration, be prohibited from operating a motor vehicle unless such motor vehicle is equipped with a functioning, approved ignition interlock device, as defined in section 14-227j, for the longer of either (A) the period prescribed in subdivision (2) of this subsection for the present arrest and suspension, or (B) the period prescribed in subdivision (1), (2) or (3) of subsection (g) of section 14-227a or subdivision (1), (2) or (3) of subsection (c) of section 14-227m or subdivision (1) or (2) of subsection (c) of section 14-227n for the present arrest and conviction, if any.

(2) (A) A person twenty-one years of age or older at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, six months; (ii) for a second suspension under this section, one year; and (iii) for a third or subsequent suspension under this section, two years; (B) a person under twenty-one years of age at the time of the arrest who submitted to a test and the results of such test indicated that such person had an elevated blood alcohol content, or was found to have been operating a motor vehicle under the influence of intoxicating liquor or any drug, or both based on a report filed pursuant to subsection (d) of this section, shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension under this section, three years; and (C) a person, regardless of age, who refused to submit to a test or nontestimonial portion of a drug influence evaluation shall install and maintain an ignition interlock device for the following periods: (i) For a first suspension under this section, one year; (ii) for a second suspension under this section, two years; and (iii) for a third or subsequent suspension, under this section, three years.

(3) Notwithstanding the provisions of subdivisions (1) and (2) of this subsection, a person whose motor vehicle operator's license or operating privilege has been permanently revoked upon a third offense pursuant to subsection (g) of section 14-227a or subsection (c) of section 14-227m shall be subject to the penalties prescribed in subdivision (2) of subsection (i) of section 14-111.

(j) Notwithstanding the provisions of subsections (b) to (i), inclusive, of this section, any police officer who obtains the results of a test of a blood sample taken from or a urine sample provided by an operator of a motor vehicle who was involved in an accident and suffered or allegedly suffered physical injury in such accident, or who was otherwise deemed by a police officer to require treatment or observation at a hospital, shall notify the commissioner and submit to the commissioner a written report if such results indicate that such person had an



## Agency Legislative Proposal – 2024 Session

Document Name:

elevated blood alcohol content, is ability impaired, or any quantity of an intoxicating liquor or any drug, or both, in such person's blood, and if such person was arrested for violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or issued a citation pursuant to section 1 of this act. The report shall be made on a form approved by the commissioner containing such information as the commissioner prescribes and shall be subscribed and sworn to under penalty of false statement, as provided in section 53a-157b, by the police officer. The commissioner may, after notice and an opportunity for hearing, which shall be conducted by a hearing officer on behalf of the commissioner in accordance with chapter 54, suspend the motor vehicle operator's license or operating privilege of such person for the appropriate period of time specified in subsection (i) of this section and require such person to install and maintain an ignition interlock device for the appropriate period of time prescribed in subsection (i) of this section. Each hearing conducted under this subsection shall be limited to a determination of the following issues: (1) Whether the police officer had probable cause to arrest the person for operating a motor vehicle while under the influence of intoxicating liquor or drug, or both; (2) whether such person was placed under arrest; (3) whether such person was operating the motor vehicle; (4) whether (A) the results of the analysis of the blood or urine of such person indicate that such person had an elevated blood alcohol content or is ability impaired, or (B) the person was operating a motor vehicle under the influence of intoxicating liquor or any drug, or both; and (5) in the event that a blood sample was taken, whether the blood sample was obtained in accordance with conditions for admissibility and competence as evidence as set forth in subsection (k) of section 14-227a. If, after such hearing, the commissioner finds on any one of the said issues in the negative, the commissioner shall not impose a suspension. The fees of any witness summoned to appear at the hearing shall be the same as provided by the general statutes for witnesses in criminal cases, as provided in section 52-260.

(k) The provisions of this section shall apply with the same effect to the refusal by any person to submit to an additional chemical test as provided in subparagraph (E) of subdivision (1) of subsection (b) of section 14-227a.

(l) The provisions of this section shall not apply to any person whose physical condition is such that, according to competent medical advice, such test would be inadvisable.

(m) The state shall pay the reasonable charges of any physician who, at the request of a law enforcement unit, as defined in section 7-294a, takes a blood sample for purposes of a test under the provisions of this section.

(n) For the purposes of this section, “elevated blood alcohol content” means (1) a ratio of alcohol in the blood of such person that is eight-hundredths of one per cent or more of alcohol, by weight, (2) if such person is operating a commercial motor vehicle, a ratio of alcohol in the blood of such person that is four-hundredths of one per cent or more of alcohol, by weight, or (3) if such person is less than twenty-one years of age, a ratio of alcohol in the blood of such person that is two-hundredths of one per cent or more of alcohol, by weight and “ability impaired” means a rational of alcohol in the blood of such person that is greater than or equal



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

to five-hundredths of one per cent or more of alcohol, by weight, but less than eight-hundredths of one percent of alcohol, by weight.

(o) The Commissioner of Motor Vehicles shall adopt regulations, in accordance with chapter 54, to implement the provisions of this section.

**Sec. 3. Section 14-227h of the General Statutes is repealed and the following is substituted in lieu thereof:**

Any police officer who arrests a person for a violation of section 14-227a or 14-227m or subdivision (1) or (2) of subsection (a) of section 14-227n or section 1 of this act during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation shall cause the motor vehicle such person was operating at the time of the offense to be impounded for a period of forty-eight hours after such arrest. The owner of such motor vehicle may reclaim such motor vehicle after the expiration of such forty-eight-hour period upon payment of all towing and storage costs.

**Sec. 4. Subsection (c) of section 14-215 of the General Statutes is repealed and the following is substituted in lieu thereof:**

(c) (1) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or pursuant to section 14-227b, unless such suspension is for a violation of section 1 of this act, or in violation of a restriction or limitation placed on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than one year, and, in the absence of any mitigating circumstances as determined by the court, thirty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(2) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a second violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or for the second time pursuant to section 14-227b, unless such suspensions are for a violation of section 1 of this act, or in violation of a restriction or limitation placed for the second time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars



## Agency Legislative Proposal – 2024 Session

Document Name:

or more than one thousand dollars and imprisoned not more than two years, and, in the absence of any mitigating circumstances as determined by the court, one hundred twenty consecutive days of the sentence imposed may not be suspended or reduced in any manner.

(3) Any person who operates any motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation on account of a third or subsequent violation of section 14-227a or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 53a-56b or 53a-60d or for the third or subsequent time pursuant to section 14-227b, unless such suspensions are for a violation of section 1 of this act, or in violation of a restriction placed for the third or subsequent time on such person's operator's license or right to operate a motor vehicle in this state by the Commissioner of Motor Vehicles pursuant to subsection (i) of section 14-227a or pursuant to an order of the court under subsection (b) of section 14-227j, shall be fined not less than five hundred dollars or more than one thousand dollars and imprisoned not more than three years, and, in the absence of any mitigating circumstances as determined by the court, one year of the sentence imposed may not be suspended or reduced in any manner.

(4) The court shall specifically state in writing for the record the mitigating circumstances, or the absence thereof. No person shall be subject to the penalties of this section for operating a motor vehicle during the period such person's operator's license or right to operate a motor vehicle in this state is under suspension or revocation pursuant to section 14-227b if such suspension was pursuant to a violation of section 1 of this act.

### **Sec. 5 Subpart (1) of subsection (a) of Section 54-56g of the General Statutes is repealed and the following is substituted in lieu thereof:**

(a)(1) There shall be a pretrial alcohol education program for persons charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or section 15-133 or 15-140n. Upon application by any such person for participation in such program, the court shall, but only as to the public, order the court file sealed, and such person shall pay to the court an application fee of one hundred dollars and a nonrefundable evaluation fee of one hundred dollars, except as provided for in subsection (i) of this section, and such person shall state under oath, in open court or before any person designated by the clerk and duly authorized to administer oaths, under penalties of perjury that: (A) If such person is charged with a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, such person has not had such program invoked in such person's behalf within the preceding ten years for a violation of section 14-227a, 14-227g or 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n, subsection (d) of section 15-133 or section 15-140n, (B) such person has not been convicted of a violation of section 53a-56b or 53a-60d, a violation of subsection (a) of section 14-227a before, on or after October 1, 1981, a violation of subsection (1) or (2) of subsection (a) of section 14-227a on or after October 1, 1985, a violation of section





## Agency Legislative Proposal – 2024 Session

Document Name:

14-227g, a violation of section 14-227m or a violation of subdivision (1) or (2) of subsection (a) of section 14-227n, (C) such person has not been convicted of a violation of section 15-132a, subsection (d) of section 15-133, section 15-140l or section 15-140n, (D) such person has not been convicted in any other state at any time of an offense the essential elements of which are substantially the same as section 53a-56b, 53a-60d, 15-132a, 15-140l or 15-140n, subdivision (1) or (2) of subsection (a) of section 14-227a, section 14-227m, subdivision (1) or (2) of subsection (a) of section 14-227n or subsection (d) of section 15-133, and (E) notice has been given by such person, by registered or certified mail on a form prescribed by the Office of the Chief Court Administrator, to each victim who sustained a serious physical injury, as defined in section 53a-3, which was caused by such person's alleged violation, that such person has applied to participate in the pretrial alcohol education program and that such victim has an opportunity to be heard by the court on the application. A conviction for a violation of section 1 of this act shall not prohibit a person's participation in the pretrial alcohol education program.

*Would also require potential amendments to numerous other statutes that reference 14-227a and 14-227b, for example: CGS 14-44 (License endorsement for operators of commercial motor vehicles used for passenger transportation), 14-44k (Disqualification from operation of commercial motor vehicles), 14-212a, (Highway and municipal road construction zones), 14-227i (Records of police investigation of defendant re operation of motor vehicle while under influence of, or impaired by, intoxicating liquor or drugs), 14-227m (Operation of motor vehicle with a child passenger while under the influence of liquor or drug), etc.*



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

<b>Document Name</b>	<b>DOT_OSTA</b>
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**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	Anne Kleza
<b>Division Requesting This Proposal</b>	Office of the State Traffic Administration (OSTA)
<b>Drafter</b>	Joseph Ouellette

<b>Title of Proposal</b>	<b>An Act Concerning The Office of the State Traffic Administration</b>
<b>Statutory Reference, if any</b>	A. 14-314 B. 14-311, 14-311c C. 14-299 D. 14-297 E. 14-218a
<b>Brief Summary and Statement of Purpose</b>	This proposal contains various changes related to the Office of the State Traffic Administration.

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

- A. Section 1 - Increases the maximum fine OSTA may issue from five to ten thousand dollars.
- B. Sections 2&3 – technical changes to major traffic generators.
- C. Section 4- Technical change to allow the use of bicycle traffic control signals
- D. Sections 5&6- Authorizes municipalities to establish traffic authorities that are independent of the municipal board of police commissioners or other municipal official or body.
- E. Section 7 allows OSTA to establish variable speed limits to address congestion, road construction or any other condition that affects the safe and orderly movement of traffic on the roadway.

**BACKGROUND**

**Origin of Proposal**             **New Proposal**                             **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision for the agency’s mission?</b>	
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	
<b>Have there been changes in federal/state laws or regulations that make this</b>	Item C - Yes. The proposed changes are necessary to allow the use of bicycle traffic control signal faces in CT. The City of New Haven obtained <a href="#">interim approval regarding the optional use of a bicycle signal face</a> from the Federal Highway Administration (FHWA) in 2017.



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<p><b>legislation necessary?</b></p>	
<p><b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b></p>	<p>Item C- Yes, according to FHWA, numerous states and local agencies have submitted requests for use of bicycle signal faces including the City of Denver, CO; the City of Long Beach, CA; the City of Washington, D.C.; the City of Minneapolis, MN; the City of Alexandria, VA; the County of Arlington, VA; the City of Madison, WI; the Oregon Department of Transportation; the County of Clackamas, OR; the City of Canton, OH; the City of Sparks, NV; the City of Chicago, IL; the City of Lakeland, FL; and the City of Ithaca, NY.</p> <p>Item E- As of 2022, at least <a href="#">20 states</a> deploy variable speed limits, including two in New England, New Hampshire and Maine.</p>
<p><b>Have certain constituencies called for this proposal?</b></p>	

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ ] Check here if this proposal does NOT impact other agencies**

<p><b>1. Agency Name</b></p>	
<p><b>Agency Contact (name, title)</b></p>	
<p><b>Date Contacted</b></p>	
<p><b>Status</b></p>	<p><input type="checkbox"/> <b>Approved</b>      <input type="checkbox"/> <b>Talks Ongoing</b></p>
<p><b>Open Issues, if any</b></p>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

Check here if this proposal does NOT have a fiscal impact

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

Check here if this proposal does NOT lead to any measurable outcomes

**ANYTHING ELSE WE SHOULD KNOW?**

Item B- Regarding administrative review fees, typically, it takes 113 labor hours of all the involved CTDOT offices to review and approve an application for an Administrative Decision (AD) and 222 hours to review and approve a Certificate. The cost for an AD is \$6,250 and \$13,800 for a Certificate. OSTA processes approximately 80 ADs and 10 Certificates.

Item C - The City of New Haven is currently operating bicycle signals and the OSTA has not granted the necessary permission because bicycle signals are not allowed under the statute.



## Agency Legislative Proposal – 2024 Session

Document Name:

Item D - The current law designates different local bodies or officials to serve as a municipalities Local Traffic Authority (LTA) depending on whether the municipality has a Board of Police Commissioners. The role of the Board of Police Commissioners has evolved over time and is primarily now involved the general management and supervision of a police department, budget matters, assets, as well as hiring, promotions, and discipline. In many cases, a Board of Police Commissioners may not have the necessary transportation background, knowledge or credentials required to effectively carry out the role of the LTA. This proposal provides an opportunity for municipalities to create a separate traffic authority if they elect to do so.

Item D - PA 22-40 authorized the Commissioner of Transportation to establish the speed limit on limited access highways during a **weather event or an emergency**, provided the commissioner erects electronic signs indicating such speed limit. This proposal would allow OSTA to establish variable speed limits (VSL) on any state highway for congestion, roadway construction or another other condition that affects the safe and orderly movement of traffic on a roadway. VSL is a FHWA [proven safety countermeasures](#) and can reduce up to 34% of total crashes on freeways.

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### **Section 1. Section 14-314 of the General Statutes is repealed and the following is substituted in lieu thereof:**

Any person, firm or corporation failing to comply with any order made pursuant to any provision of this chapter shall be fined not more than [five] ten thousand dollars or imprisoned not more than thirty days or both and shall be subject to the provisions of section 14-111. Any person, firm or corporation failing to comply with any traffic control signal, sign, marking or other device placed and maintained upon the highway, or with any regulation adopted pursuant to any provision of this chapter, by the Office of the State Traffic Administration or the traffic authority of any city, town or borough shall be deemed to have committed an infraction, if no other penalty is provided by law. Traveling at a greater rate of speed than is reasonable as provided in section 14-218a shall not be deemed to be a failure to comply with the provisions of this section but shall be deemed to be the commission of an infraction within the provisions of said section 14-218a.

### **Sec 2. Section 14-311 of the General Statutes is repealed and the following is substituted in lieu thereof:**

(a) No person, firm, corporation, state agency or municipal agency or any combination thereof shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic that substantially affect state highway traffic



## Agency Legislative Proposal – 2024 Session

Document Name:

within this state, as determined by the Office of the State Traffic Administration, until such person, firm, corporation or agency has procured from said office a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases, without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such certificate if such development is a residential-only development and is not part of a mixed-use development that contains office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and such total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office.

(b) Except as otherwise provided in this subsection or permitted by the Office of the State Traffic Administration, no local building official shall issue a building or foundation permit to any person, firm, corporation, state agency or municipal agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the office. No local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency for such development until the conditions of the certificate issued by the office under this section have been satisfied. If the office determines that a local building official has issued a foundation or building permit without office approval or that any person, firm, corporation or agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate or administrative decision from said office, or (2) has failed to comply with the conditions of such a certificate or administrative decision, it shall order the local building official, person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with an order of the office within such time as specified by the office, the office may make an application to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any person, firm, corporation, state agency or municipal agency to occupy homes on such lots until the person, firm, corporation or agency provides to such official a copy of the certificate issued under this section by the office and such official confirms that the certificate conditions have been satisfied.

(c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency.



## Agency Legislative Proposal – 2024 Session

Document Name:

(d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, bicycle and pedestrian access and safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The office may require improvements to be made by the applicant to the extent that such improvements address impacts to state highway safety or bicycle and pedestrian access and safety created by the addition of the applicant's proposed development or activity. If the office determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to such person, firm, corporation or agency to construct or install the changes required by the office.

(e) Any person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration under this section may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section except insofar as such provisions relate to expansion shall not apply to any open air theater, shopping center or other development generating large volumes of traffic in operation on July 1, 1967.

(f) Before submitting an application for the certification of any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the [individual or entity] person, firm, corporation or agency submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such person, firm, corporation or agency shall present the applicant's proposed development and receive feedback, including, but not limited to, information as to what materials need to be submitted for [an] a certificate application to be considered complete.

### **Sec. 3. Section 14-311c of the General Statutes is repealed and the following is substituted in lieu thereof:**

(a) No person, firm, corporation, state agency or municipal agency, or any combination thereof, shall build, expand, establish or operate any open air theater, shopping center or other development generating large volumes of traffic on any group of individual parcels of land which are separately owned but are utilized together for a single development purpose, whether or not





## Agency Legislative Proposal – 2024 Session

Document Name:

such parcels are separated by any state, local or private roadway that substantially affect state highway traffic within this state, as determined by the Office of the State Traffic Administration, until such person, firm, corporation or agency has procured from the Office of the State Traffic Administration a certificate that the operation thereof will not imperil the safety of the public, except that any development, including any development to be built in phases without regard to when such phases are approved by the municipal planning and zoning agency or other responsible municipal agency, that contains a total of one hundred or fewer residential units shall not be required to obtain such a certificate if such development is a residential-only development and not part of a mixed-use development containing office, retail or other such nonresidential uses, provided if any future development increases the total number of residential units to more than one hundred, and this total substantially affects state highway traffic within the state as determined by the Office of the State Traffic Administration, a certificate shall be procured from said office.

(b) Except as otherwise provided in this subsection or permitted by the Office of the State Traffic Administration, no local building official shall issue a building or foundation permit to any such person, firm, corporation or agency to build, expand, establish or operate such a development until the person, firm, corporation or agency provides to such official a copy of the certificate or administrative decision issued under this section by the Office of the State Traffic Administration. No local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency for such development until the conditions of the certificate issued by the office under this section have been satisfied. If the Office of the State Traffic Administration determines that a local building official has issued a building or foundation permit without office approval or that any person, firm, corporation or agency has (1) started building, expanding, establishing or operating such a development without first obtaining a certificate or administrative decision from said office, or (2) has failed to comply with the conditions of such a certificate or administrative decision, it shall order the local building official, person, firm, corporation or agency to (A) cease constructing, expanding, establishing or operating the development, or (B) to comply with the conditions of the certificate within a reasonable period of time. If such person, firm, corporation or agency fails to (i) cease such work, or (ii) comply with such order within such time as specified by the Office of the State Traffic Administration, said office or the traffic authority of the municipality wherein the development is located may apply to the superior court for the judicial district of Hartford or the judicial district where the development is located enjoining the construction, expansion, establishment or the operation of such development. Notwithstanding the provisions of this subsection, for single family home building lots within a subdivision of land, for which a certificate is required and which do not have a direct exit or entrance on, or directly abut or adjoin any state highway, no local building official shall issue a certificate of occupancy to any such person, firm, corporation or agency to occupy homes on such lots until such person, firm, corporation or agency provides to such official a copy



## Agency Legislative Proposal – 2024 Session

Document Name:

of the certificate issued under this section by said office and such official confirms that the certificate conditions have been satisfied.

(c) The Office of the State Traffic Administration, to the extent practicable, shall begin its review of an application prior to final approval of the proposed activity by the municipal planning and zoning agency or other responsible municipal agency. (d) In determining the advisability of such certification, the Office of the State Traffic Administration shall include, in its consideration, highway safety, the width and character of the highways affected, the density of traffic thereon, the character of such traffic and the opinion and findings of the traffic authority of the municipality wherein the development is located. The Office of the State Traffic Administration may require improvements to be made by the applicant to the extent that such improvements address impacts to state highway safety created by the addition of the applicant's proposed development or activity. If the Office of the State Traffic Administration determines that such improvements, including traffic signals, pavement markings, channelization, pavement widening or other changes or traffic control devices, are required to handle traffic safely and efficiently, one hundred per cent of the cost thereof shall be borne by the person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic, except that such cost shall not be borne by any municipal agency. The Commissioner of Transportation may issue a permit to such person, firm, corporation or agency to construct or install the changes required by the Office of the State Traffic Administration, in consultation with the local traffic authority.

(e) Any person, firm, corporation or agency building, establishing or operating such open air theater, shopping center or other development generating large volumes of traffic aggrieved by any decision of the Office of the State Traffic Administration under this section may appeal therefrom in accordance with the provisions of section 4-183, except venue for such appeal shall be in the judicial district in which it is proposed to operate such establishment. The provisions of this section except insofar as such provisions relate to expansion shall not apply to any open air theater, shopping center or other development generating large volumes of traffic which has received all necessary permits, variances, exceptions and approvals from the municipal zoning commission, planning commission, combined planning and zoning commission and zoning board of appeals in which such development is located prior to or on July 1, 1985, or to any such development which is in operation on that date.

(f) Before submitting an application for the certification any development generating large volumes of traffic pursuant to subsection (a) of this section to the Office of the State Traffic Administration, the person, firm, corporation or agency submitting such application shall attend a mandatory meeting with the Office of the State Traffic Administration and other staff from the Department of Transportation. At such meeting, such person, firm, corporation or agency shall present the applicant's proposed development and receive feedback, including, but not limited



## Agency Legislative Proposal – 2024 Session

Document Name:

to, information as to what materials need to be submitted for [an] a certificate application to be considered complete.

### **Sec. 4. Subsections (b) and (c) of Section 14-299 of the general statutes is repealed and the following is substituted in lieu thereof:**

(b) When traffic at an intersection is alternately directed to proceed and to stop by the use of signals exhibiting colored lights or lighted arrows, successively one at a time or in combination, only the colors green, red and yellow shall be used, except for special pedestrian-control signals carrying word legends or symbols. Such lights or arrows shall apply to drivers of vehicles, bicycles, and pedestrians and shall indicate the following:

(1) Circular green alone: Bicycle or Vehicular traffic facing a green signal may proceed straight through or turn right or left unless a sign or marking at such place prohibits either such turn or straight through movement, except that such traffic shall yield the right-of-way to pedestrians and vehicles within a crosswalk or the intersection at the time such signal was exhibited; pedestrians facing the green signal, except when directed by separate pedestrian-control signals, may proceed across the highway within any marked or unmarked crosswalk.

(2) Yellow: Bicycle or Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter, when bicycle or vehicular traffic shall stop before entering the intersection unless so close to the intersection that a stop cannot be made in safety; pedestrians facing a steady yellow signal, except when directed by separate pedestrian-control signals, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(3) Red alone: Bicycle or Vehicular traffic facing a steady red signal alone shall stop before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and remain standing until the next indication is shown; provided, on or after July 1, 1979, vehicular traffic traveling in the travel lane nearest the right hand curb or other defined edge of the roadway, unless a sign approved by the Office of the State Traffic Administration has been erected in the appropriate place prohibiting this movement, may cautiously enter the intersection to make a right turn onto a two-way street or onto another one-way street on which all the traffic is moving to such vehicle's right after such vehicle has stopped as required in this subdivision and yielded the right-of-way to pedestrians within an adjacent crosswalk and to other traffic lawfully using the intersection. Pedestrians facing a steady red signal alone, except when directed by separate pedestrian-control signals, shall not enter the roadway.



## Agency Legislative Proposal – 2024 Session

Document Name:

(4) Green arrow: Bicycle or vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, but such bicycle or vehicular traffic shall yield the right-of-way to pedestrians within a crosswalk and to other traffic lawfully within the intersection.

(5) Whenever special pedestrian-control signals exhibiting the words "Walk" or "Don't Walk" or the image of a walking person symbolizing "Walk" or an upraised hand symbolizing "Don't Walk" are in place, such signals shall indicate as follows: "Walk" or walking person symbol: Pedestrians facing such signals may proceed across the roadway in the direction of the signal and shall be given the right-of-way by the drivers of all vehicles; "Don't Walk" or upraised hand symbol: No pedestrian shall start to cross the roadway in the direction of such signal, but any pedestrian who has partially completed crossing on the walk signal shall proceed to a sidewalk or safety island while the flashing "Don't Walk" or flashing upraised hand symbol signal is showing.

(c) When an illuminated flashing red or yellow signal is used in a traffic sign or signal, it shall require obedience by bicycle or vehicular traffic as follows:

(1) Flashing red: When a red lens is illuminated by rapid intermittent flashes, [drivers of vehicles] bicycle or vehicular traffic shall stop before entering the nearest crosswalk at an intersection, or at a limit line when marked or, if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(2) When a yellow lens is illuminated with rapid intermittent flashes, [drivers of vehicles] bicycle or vehicular traffic facing such signal may proceed through the intersection or past such signal only with caution.

### **Sec. 5 (NEW).**

Notwithstanding the provisions of any municipal charter, special act or home rule ordinance, any municipality may, by vote of its legislative body, establish a traffic authority and appoint one or more members to serve on such traffic authority. The qualifications, terms of office and compensation, if any, of any such members shall be prescribed by such legislative body. A traffic authority established pursuant to this section shall replace any existing traffic authority in such municipality and have the same powers and duties as a traffic authority described in subparagraphs (A) to (C), inclusive, of subdivision (7) of section 14-297 of the general statutes, as amended by this act.



**Agency Legislative Proposal – 2024 Session**

**Document Name:**

**Sec 6. Subdivision (7) of section 14-297 of the general statutes is repealed and the following is substituted in lieu thereof.**

(7) "Traffic authority" means (A) the board of police commissioners of any city, town or borough, [or] (B) the city or town manager, [the] chief of police, [the] superintendent of police or any legally elected or appointed official or board , [or any official] having similar powers and duties, of any city, town or borough that has no board of police commissioners but has a regularly appointed police force, [or] (C) the board of selectmen of any town in which there is no city or borough with a regularly appointed police force, or (D) a traffic authority established pursuant to section 1 of this act, except that, with respect to state highways and bridges, "traffic authority" means the Office of the State Traffic Administration, provided nothing contained in this section shall be construed to limit or detract from the jurisdiction or authority of the Office of the State Traffic Administration to adopt regulations establishing a uniform system of traffic control signals, devices, signs and markings as provided in section 14-298, and the requirement that no installation or revision of any traffic control signal light shall be made by any city, town or borough until the installation or revision has been approved by the Office of the State Traffic Administration as provided in section 14-299.

**Sec. 7. Subsection (b)(2) of Section 14-218a of the general statutes is repealed and the following is substituted in lieu thereof:**

The Commissioner of Transportation may establish a variable speed limit to allow the temporary lowering of a posted speed limit to address congestion, road construction, or any other condition that affects the safe and orderly movement of traffic on a roadway. Notice of a speed may be displayed using a stationary or portable changeable message sign. A variable speed limit that is established (1) must be based on an engineering investigation; (2) may be effective for all or a designated portion of the highway and may be effective for any period of the day or night; (3) may not be less than 10 miles per hour below the posted speed limit on the portion of the highway to which it applies; and (4) is effective only when the speed limit is posted and only if a sign notifying motorists of the change in speed limit is posted not less than 500 feet but not more than 1,000 feet before the point at which the speed limit begins [the speed limit on limited access highways during a weather event or an emergency, provided the commissioner erects electronic signs indicating such speed limit].

<b>Document Name</b>	<b>DOT_Public Transportation</b>
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**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	<b>Anne Kleza</b>
<b>Division Requesting This Proposal</b>	<b>Bureau of Public Transportation</b>
<b>Drafter</b>	<b>Helen Bartek/Phil Mainiero/Anne Kleza</b>

<b>Title of Proposal</b>	<b>An Act Public Transportation</b>
<b>Statutory Reference, if any</b>	13a-123, Public Act 23-137, 13b-2, 13b-24, 13b-34
<b>Brief Summary and Statement of Purpose</b>	This proposal contains various provisions that would improve the operation of the Bureau of Public Transportation.

### **SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

**Bus Shelter Advertising (Section 1)** - CT DOT is preparing to break ground with the Bus Stop Enhancement program in Spring of 2024. Since the assets (shelters, benches, signs) are being procured with federal funds, CTDOT must make sure they are well maintained. Many transit districts have entered into contractual agreements with third-party advertising companies that use part of the ad-revenue generated to maintain the shelter. Additionally, many of the same districts are hesitant to locate passenger amenities in State rights-of-way knowing they won't be able to use the ad-revenue sharing contracts to mitigate the high cost of maintenance. CTDOT is working with the COGs to set up regional maintenance contracts or at the very least promote maintenance programs that take advantage of these types of contract mechanisms.

**Tech Fix to PA-23-137 (Section 2)** - A technical fix to AN ACT CONCERNING RESOURCES AND SUPPORT SERVICES FOR PERSONS WITH AN INTELLECTUAL OR DEVELOPMENTAL DISABILITY, clarifying that the provision only applies to new bus shelters.

**Fare Inspectors (Sections 3 & 4)**- CTDOT would like to improve security on CTfastrak. As part of that effort, we propose replacing fare inspectors with Transit Operator Supervisors to allow for a higher level of supervision along CTfastrak. The supervisors would take over the fare inspection role from fare inspectors. There are five fare inspector positions and one fare inspector supervisor position.

**Rail Indemnification (Section 5)**- The proposed clarification in 13b-34(j) level the playing field for a potential competitive selection of Shore Line East service operator (which is now required pursuant to PA 23-204).

The revision to 13b-34(j) is a clarifying amendment as to the original intent of this section. It seeks to remove any unintended advantage to Metro-North that it may inadvertently glean if it were the selected operator of Shore Line East service by seeking indemnification from DOT related to its operation of M-8 rail cars, currently now in operation in SLE service. 13b-34(j) was originally written to allow Metro-North, solely in its role as New Haven Line M8 equipment maintainer (under separate contract with the state), onto the National Passenger Railroad Corporation territory for testing to the M8 rail cars so that they could be put into SLE service (operated by National Passenger Railroad Corporation currently). Metro-North refused to cooperate in M8 testing for SLE without the State indemnifying them against National Passenger Railroad Corporation claims. The M8s are now successfully in SLE operations, which operations will be competitively procured going forward. If Metro-North was to be selected in a new role to serve as operator of Shore Line East service, they should be responsible, as any operator, for proper operation of the rail car fleet operating on the SLE territory and not be indemnified by the state in that capacity.

**BACKGROUND**

**Origin of Proposal**             **New Proposal**                             **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year</b>	Bus Shelters - This clarifies and ensures the department can continue its prudent financial practices of ad revenue cost sharing in maintenance of facilities.
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<b>vision for the agency's mission?</b>	Fare Inspectors - This is a more efficient reallocation of duties for the Departments existing personnel.
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	Section 65 of PA 23-204
<b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b>	
<b>Have certain constituencies called for this proposal?</b>	N/A

**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ X ] Check here if this proposal does NOT impact other agencies**

<b>1. Agency Name</b>	
<b>Agency Contact (name, title)</b>	
<b>Date Contacted</b>	



<b>Status</b>	<input type="checkbox"/> <b>Approved</b> <input type="checkbox"/> <b>Talks Ongoing</b>
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**Check here if this proposal does NOT have a fiscal impact**

<b>State</b>	
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	Bus Shelters - Currently, Transit Districts have entered into contractual agreements with third-party advertising companies that use part of the ad-revenue generated to maintain the shelter.
<b>Federal</b>	
<b>Additional notes</b>	

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**Check here if this proposal does NOT lead to any measurable outcomes**

**ANYTHING ELSE WE SHOULD KNOW?**

Rail Indemnification - Without these clarifying changes, there will be unintended advantages to National Passenger Railroad Corporation and Metro-North as CTDOT issues a competitive

solicitation for a service operator and negotiates contracts for Shore Line East service, including access rights and operations.

**Section 1. Subsection (e) of section 13a-123 of the general statutes is repealed and the following is substituted in lieu thereof:**

(e) The following types of signs, displays and devices may, with the approval of and subject to regulations adopted by the commissioner, be permitted within the six-hundred-sixty-foot area of interstate, primary and other limited access state highways, except as prohibited by state statute, local ordinance or zoning regulation: (1) Directional and other official signs or notices, which signs and notices shall include, but not be limited to, signs and notices pertaining to natural wonders and scenic and historical attractions which are required or authorized by law; (2) signs, displays and devices advertising the sale or lease of the property upon which they are located; (3) signs, displays and devices advertising activities conducted on the property on which they are located; (4) signs, displays or advertising devices which are in place for sixty days or less; and (5) advertising signs, displays or devices (A) located or erected on real property or abutting real property within areas owned, leased or managed by a public authority for the purpose of (i) railway or rail infrastructure facilities, including, but not limited to, associated structures located within areas zoned solely or predominantly for the development of a railway or rail infrastructure facilities, (ii) bus facilities and bus rapid transit corridors, including, but not limited to, the Hartford-New Britain busway project authorized in section 13b-15a, and any shelter, structure or other facility associated with the operation of such bus rapid transit corridor, (iii) airport development zones designated in section 32-75d, or (iv) any other similar transit or freight purpose, or (B) upon or within buildings, structures or other venues in the custody or control of the state and designed, operated or intended to be operated for the purpose of presenting athletic, artistic, musical or other entertainment events. Subject to regulations adopted by the commissioner and except as prohibited by state statute, local ordinance or zoning regulation signs, displays and devices may be erected and maintained within six hundred sixty feet of primary and other limited access state highways in areas which are zoned for industrial or commercial use under authority of law or located in unzoned commercial or industrial areas which areas shall be determined from actual land uses and defined by regulations of the commissioner. The regulations of the commissioner in regard to size, spacing and lighting shall apply to any segments of the interstate system which traverse commercial or industrial zones wherein the use of real property adjacent to the interstate system is subject to municipal regulation or control, or which traverse other areas where the

land use, as of September 21, 1959, was clearly established under state law as industrial or commercial.

**Sec. 2. Subsection (b) of Section 22 of Public Act 23-137 is repealed and the following is substituted in lieu thereof (Effective upon passage):**

(b) On and after July 1, 2024, each new bus stop or shelter constructed by the Department of Transportation or a transit district shall (1) be in accordance with the plan developed pursuant to subsection (a) of this section, and (2) comply with physical accessibility guidelines, as applicable, under the federal Americans with Disabilities Act, 42 USC 12101, et seq., as amended from time to time.

**Sec 3. Subsection (10) of section 13b-2 of the general statutes is repealed and the following is substituted in lieu thereof:**

(10) “Fare Inspection” means duties of an employee of (A) the department designated by the commissioner, or (B) a third-party contractor employed by the department, whose duties [are to inspect tickets] include but are not limited to the inspection of tickets, passes or other documentation required to show compliance by the passenger with the fare payment requirements of state-owned or controlled bus public transportation service when the fare payment is off board or a combination of off board and on board such bus.

**Sec. 4. Subsection (a) of section 13b-34 of the general statutes is repealed and the following is substitute in lieu thereof:**

(a) The commissioner shall have power, in order to aid or promote the operation, whether temporary or permanent, of any transportation service operating to, from or in the state, to contract in the name of the state with any person, including but not limited to any common carrier, any transit district formed under chapter 103a or any special act, or any political subdivision or entity, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of initiating,

continuing, developing, providing or improving any such transportation service. Such contracts may include provision for arbitration of disputed issues. The commissioner, in order to aid or promote the operation of any transportation service operating outside the state, may contract in the name of the state with any person, including, but not limited to, any common carrier, or with the United States or any other state, or any agency, instrumentality, subdivision, department or officer thereof, for purposes of providing any transportation service in the event such assistance is required in the case of an emergency or a special event. The state, acting by and through the commissioner, may, by itself or in concert with others, provide all or a portion of any such service, share in the costs of or provide funds for such service, or furnish equipment or facilities for use in such service upon such terms and conditions as the commissioner may deem necessary or advisable, and any such contracts may include, without limitation thereto, arrangements under which the state shall so provide service, share costs, provide funds or furnish equipment or facilities. To these ends, the commissioner may in the name of the state acquire or obtain the use of facilities and equipment employed in providing any such service by gift, purchase, lease or other arrangements and may own and operate any such facilities and equipment and establish, charge and collect such fares and other charges or arrange for such collection for the use or services thereof as he may deem necessary, convenient or desirable. The commissioner, any employee or third-party contractor with fare inspection duties, as defined in section 13b-2, shall have the authority to issue citations for any violation of section 13b-38i. The commissioner may also acquire title in fee simple to, or any lesser estate, interest or right in, any rights-of-way, properties or facilities, including properties used on or before October 1, 1969, for rail or other forms of transportation services. The commissioner may hold such properties for future use by the state and may enter into agreements for interim use of such properties for other purposes. Any person contracting with the state pursuant to this section for the provision of any transportation service shall not be considered an arm or agent of the state. Any damages caused by the operation of such transportation service by such person may be recovered in a civil action brought against such person in the superior court and such person may not assert the defense of sovereign immunity in such action.

**Sec 5. Subsections and (j) of section 13b-34 of the general statutes are repealed and the following are substituted in lieu thereof (Effective July 1, 2024):**

(j) If the commissioner deems it to be in the best interest of the state, the commissioner may indemnify and hold harmless the Metro-North Commuter Railroad Company in its capacity as

the state's contracted maintainer of the M-8 rail car fleet for claims brought by the National Railroad Passenger Corporation or other third parties against the Metro-North Commuter Railroad Company relative to the operation of M-8 rail cars on National Railroad Passenger Corporation property, provided such indemnification does not relieve the Metro-North Commuter Railroad Company from liability for its willful or negligent acts or omissions.



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

<b>Document Name</b>	<b>DOT_Work Zone Speed Camera Program</b>
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**Naming Format:** AGENCY ACRONYM PROPOSAL NUMBER - TOPIC

*Please insert a copy of the fully drafted bill at the end of this document (required for review)*

<b>Legislative Liaison</b>	<b>Anne Kleza</b>
<b>Division Requesting This Proposal</b>	<b>Bureau of Engineering and Construction</b>
<b>Drafter</b>	<b>Brian Dudack/Phil Mainiero</b>

<b>Title of Proposal</b>	<b>An Act Concerning The Work Zone Speed Camera Program</b>
<b>Statutory Reference, if any</b>	<b>CGS 13a-262, 13a-263, 13a-264, 13a 267</b>
<b>Brief Summary and Statement of Purpose</b>	This proposal makes permanent CTDOT’s “Know the Zone” work zone speed camera safety pilot program.

**SECTION-BY-SECTION SUMMARY**

*Summarize sections in groups where appropriate*

The proposal makes the following changes from the pilot program – (1) it removes the limitation that the program may only be used in three locations in the state at a given time; (2) expands the program so it is not exclusive to limited access highways, (3) it prohibits motor vehicles from exceeding the posted speed limit by 10 mph as opposed to 15 under the pilot, (4) eliminates the \$150 fine for third violations and specifies that a \$75 fine for a second violation can only be assessed within one year of the first violation, (5) and requires that a motor vehicle identified by a work zone camera travelling at a speed in excess of 85 miles per hour is fined for a first violation and does not receive a written warning



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

**BACKGROUND**

**Origin of Proposal**             **New Proposal**                             **Resubmission**

**If this is a resubmission, please share the prior bill number, the reason the bill did not move forward, and any changes made or conversations had since it was last proposed:**

*Please consider the following, if applicable:*

<b>How does this proposal connect to the 10-year vision for the agency’s mission?</b>	CTDOT strives to make all travel in the state safe and efficient. Over the last four years in Connecticut, there have been over 3,600 crashes in work zones, resulting in 13 fatalities and 37 serious injuries. Work zone speed cameras are a proven tool to reduce crashes and save lives.
<b>How will we measure if the proposal successfully accomplishes its goals?</b>	
<b>Have there been changes in federal/state laws or regulations that make this legislation necessary?</b>	
<b>Has this proposal or a similar proposal been implemented in other states? If yes, to what result?</b>	States such as Delaware, Illinois, Maryland, Oregon and Pennsylvania have automated work zone enforcement programs. According to the Delaware DOT, soon after the implementation of the program, the state saw a 55% reduction in total crashes and a 50% reduction in injury crashes. Maryland has operated a program since 2010, and 2019 evaluation of the program showed a 90-percent decrease in vehicles traveling at speeds above the citation threshold, which is 12-mph over the work zone speed limit.



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

<b>Have certain constituencies called for this proposal?</b>	
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**INTERAGENCY IMPACT**

*List each affected agency. Copy the table as needed.*

**[ ] Check here if this proposal does NOT impact other agencies**

<b>1. Agency Name</b>	<b>Department of Emergency Services and Public Protection</b>
<b>Agency Contact (name, title)</b>	<b>Nicole Lake</b>
<b>Date Contacted</b>	
<b>Status</b>	<b>[ ] Approved      [ X ] Talks Ongoing</b>
<b>Open Issues, if any</b>	

**FISCAL IMPACT**

*Include the section number(s) responsible for the fiscal impact and the anticipated impact*

**[ x ] Check here if this proposal does NOT have a fiscal impact**

<b>State</b>	This is anticipated to increase revenue to the Special Transportation Fund dependent on the number of cameras and fines. There may be an increased cost to judicial for contested fines.
<b>Municipal (Include any municipal mandate that can be found within legislation)</b>	
<b>Federal</b>	





**Agency Legislative Proposal – 2024 Session**

**Document Name:**

<b>Additional notes</b>	Federal funds can be used for implementation of this proposal.

**MONITORING & EVALUATION PLAN**

*If applicable, please describe the anticipated measurable outcomes and the data that will be used to track those outcomes. Include the section number(s) responsible for those outcomes*

**[ ] Check here if this proposal does NOT lead to any measurable outcomes**

**ANYTHING ELSE WE SHOULD KNOW?**

The fine changes in 13a-263(b) were made in light of the requirement under 13a-267(d) that the department or its vendor must delete all personally identifying information after one year.

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**Section 1. Section 13a-261 of the general statutes is repealed and the following is substituted in lieu thereof (Effective July 1, 2024):**

(1) “Department” means the Department of Transportation.

[(2) “Limited access state highway” means any state highway so designated under the provisions of section 13b-27.]

[(3)] (2) “Owner” means a person in whose name a motor vehicle is registered under the provisions of chapter 246 or law of another jurisdiction.

[(4)] (3) “Personally identifiable information” means information created or maintained by the department or a vendor that identifies or describes an owner and includes, but need not be limited to, the owner’s address, telephone number, number plate, photograph, bank account information, credit card number, debit card number or the date, time, location or direction of travel on a [limited access] highway.



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**

[(5)] (4) “Vendor” means a person selected by the department (A) to provide services to the department described in sections 13a-262 to 13a-268, inclusive; (B) who operates, maintains, leases or licenses a work zone speed control system; or (C) is authorized to review and assemble the recorded images captured by the work zone speed control system.

[(6)] (5) “Highway work zone” has the same meaning as provided in section 14-212d.

[(7)] (6) “Work zone speed control system” means a device having one or more motor vehicle sensors connected to a camera system capable of producing recorded images that indicate the date, time and location of the image of each motor vehicle allegedly operating in violation of the provisions of section 13a-263.

[(8)] (7) “Work zone speed control system operator” means a person who is trained and certified to operate a work zone speed control system.

[(9)] (8) “Driver” and “number plate” have the same meanings as provided in section 14-1.

**Sec. 2. Section 13a-262 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):**

(a) The department may establish a [pilot] program to operate work zone speed control systems in a highway work zone. [The pilot program shall provide for such systems at not more than three locations in the state at any one time.] A work zone speed control system may be used to record the images of motor vehicles traveling on a [limited access] highway (1) within a highway work zone, and (2) on which the speed limit, established using generally accepted traffic engineering practices, is forty-five miles per hour or greater. [The pilot program shall commence on or before January 1, 2022, and terminate on December 31, 2023.]

(b) A work zone speed control system may be used provided (1) such system is operated by a work zone speed control system operator, (2) if, in accordance with the manual of uniform traffic control devices as approved and revised by the Office of State Traffic Administration, at least two conspicuous road signs are placed at a reasonable distance in advance of a highway work zone notifying drivers that a work zone speed control system may be in operation, (3) at least one of the signs described in subdivision (2) of this subsection indicates that the work zone speed control system is operational or is notoperational, (4) an appropriate sign is conspicuously placed at the end of a highway work zone with a work zone speed control system that is operational, and (5) a notice identifying the location of a work zone speed control system is available on the Internet web site of the department.

(c) A work zone speed control system shall be used in a manner to only record images of motor vehicles that are exceeding the posted highway work zone speed limit by fifteen miles per hour or more or, onor



## Agency Legislative Proposal – 2024 Session

Document Name:

after January 1, 2024, ten miles per hour or more, for conduct in violation of the provisions of section 13a-263. Any recorded images collected as part of a work zone speed control system shall not be used for any surveillance purpose. The department or work zone speed control system operator shall certify to the Division of State Police when a work zone speed control system is operational.

(d) The Commissioner of Transportation may (1) enter into agreements with vendors for the design, operation or maintenance, or any combination thereof, of work zone speed control systems, and (2) retain and employ consultants and assistants on a contract or other basis for rendering legal, financial, professional, technical or other assistance and advice necessary for the design, operation and maintenance of work zone speed control systems. If a vendor provides, deploys or operates a work zone control system, the vendor's fee may not be contingent on the number of violations issued or fines paid pursuant to the provisions of section 13a-263.

**Sec. 3. Section 13a-263 of the general statutes is repealed and the following is substituted in lieu thereof (Effective upon passage):**

(a) No person operating a motor vehicle shall exceed the posted speed limit by fifteen or more miles per hour, or, on or after January 1, 2024, ten miles per hour, as detected by a work zone speed control system, within a highway work zone where a work zone speed control system is operational.

(b) Except as provided in subsection (c) of this section, the [The] owner of a motor vehicle identified by a work zone speed camera control system as violating the provisions of subsection (a) of this section shall, (1) for a first violation, receive a written warning, (2) for a second violation within one year of the first violation, be fined seventy-five dollars. [ (3) for a subsequent violation, be fined one hundred fifty dollars.] The owner shall be liable for any such fine imposed unless the driver of the motor vehicle received a citation from a law enforcement officer at the time of the violation.

(c) The owner of a motor vehicle identified by a work zone speed camera control system as violating the provisions of subsection (a) of this section, traveling at a rate of speed of eighty-five miles per hour or greater shall, for a first violation, be fined seventy-five dollars. The owner shall be liable for any such fine imposed unless the driver of the motor vehicle received a citation from a law enforcement officer at the time of the violation.

[c] (d) All amounts received in respect to the violation of subsection (a) of this section shall be deposited into the Special Transportation Fund, established pursuant to section 13b-68 and maintained pursuant to article thirty-second of the amendments to the Constitution of the state.



**Agency Legislative Proposal – 2024 Session**  
**Document Name:**