

Vision Zero Council
March 7, 2023 Meeting Minutes
10:00 am – 12:00 pm

This virtual public meeting was hosted on Zoom

Council Members Present: Garrett Eucalitto, Jackie McMahon, Jon Slifka, Eileen McMurrer, Susan Logan, Jim Polites, Mark DiCocco

Council Members Absent: Kevin Manzolillo, Keith Norton, Sibongile Magubane

Guest Speaker: Thomas Louizou

Other Attendees: Aaron Swanson, Aaron Goode, Adam Weber, Alec Slatky, Allen Friedrich, Amy Watkins, Andy Chakraborty, Bryan Pavlik, Charles Harlow, Christine Cohen, Craig Yannes, Dimitris Koutoumbas, Elliot Wareham, Emily Ferreira, Emily Mangan, Eric Tang, Erika Lindeberg, Eytayo Olaleye, Fox 61 News, Garrett Bolella, Gary Turco, Holly Schulz, Howard Weissberg, Jay Stange, Jennine Lupo, Joseph Baskus, Josh Morgan, Judith Proctor, Kaethe Podgorski, Kate Rozen, Kate Rattan, Kate Farrar, Kevin Ryan, Kimberly Kolody, Laurie McElwee, Lindsey Kane, Mark DiPaola, Mary Vaughan, Michael Zacchera, Mike Allen, Mitch Bolinsky, Patricia Houser, Peter O'Connor, Philip Muench, Piotr Milczek, Richard Donovan, Richard Gard, Roger Krahn, Sarah Roy, Shannon Burnham, Tanmay Chandwani, Terri Thompson, Thomas Paulius, Tim Sperry, Timothy Snyder, Todd Rolland, Tony Margiotta, Travis Gendron, WTNH News8

I. Committee Chair Welcome and Introductions

- a. Eileen McMurrer from Connecticut Office of Early Childhood, representing Commissioner Beth Bye
- b. Jim Polites from DMV, representing Commissioner Guerrera

II. Adoption of 12/13/22 Meeting Minutes

- a. Motion by Mark DiCocco, seconded by Susan Logan, Motion carried - Abstention Eileen McMurrer

III. .05 BAC Coalition Presentation – Thomas M. Louizou – Co-founder .05 Saves Lives Coalition

1. History of BAC Limits for Driving
2. DWI - largest single contributor to road fatalities
3. Risky Business and costly
4. Virtually all drivers are impaired at .05 BAC
5. .05 % BAC laws reduce crashes and save lives
6. Evaluation of Utah's .05 Per Se Law
7. Public supports .05 BAC laws
8. Potential .05 BAC Law Issues
9. Summary .05% BAC law is simply the right thing to do

a. Council Questions for Thomas

- **Question:** Garrett Eucalitto – Do we need to do any additional training for law enforcement? Can you explain the training aspect that law enforcement goes through and how they are able to detect impairment?
- **Answer:** It was the same training previously mentioned, the horizontal gaze nystagmus, the one leg stand and the walk-in turn, which are the standardized fields of sobriety. Those 3 tests apply as they would at .08, .10 and above so any additional training would be around the law itself.
- **Question:** Jackie McMahon - As a prosecutor in the State, my concern is about the burden of proof. We would have that same probable cause determination made by the police at a .05 that we currently have at .08. It would be necessary to follow up that arrest decision with a successful prosecution which would require proof beyond a reasonable doubt. The concern would be getting some supporting laws to ensure that we get those quantitative results, because in Connecticut individuals can refuse to provide a chemical test. If you're talking about utilizing the same law enforcement assessments roadside at a .05 you are most likely going to see fewer indicators, fewer clues on those standardized tests. If you couple that with a refusal to provide a chemical sample, that's a challenging case to present for a prosecutor before a jury. We could get somewhere with electronic warrants and police phlebotomy so that we're able to get blood draws. Some type of supportive evidentiary support.

- **Answer:** There are some practical considerations in in demanding a sample. That's the big advantage of having an implied consent law, which Connecticut has. The penalties in most states are just as severe for refusal to submit as they are for being convicted of DWI. License is lost and they would be subject to assessment and treatment. If there is a strong implied consent law, you can rely on that. If someone is killed in a crash, then you want to take that blood sample to take that case further. If you go to .05 it should be a per se law.

- **Question:** Susan Logan - Did they do any studies on the combination of marijuana plus alcohol?

- **Answer:** Yes, there is a study that NHTSA did on risk of drug and poly use. They did alcohol in combination with marijuana, and it has increased. NHTSA did the first study years ago. It was about 16% of drivers that had poly use on the road. Now it's up to 25% with a whopping 64% testing positive for at least one active drug.

- **Question:** Mark DiCocco - with the reduction of the per se at the BAC mark, is additional training needed for police officer? Because with a lower BAC, less clues would be present, not only with psycho physical tests, but also the HGN test. With a lower BAC it could be argued that the onset of horizontal gaze nystagmus prior to 45 degrees may or may not be present. I think yes, additional training would be needed for law enforcement officers across Connecticut, to recognize clues that may not be present with .05 that will be present with a .08 BAC or higher. Is per se something to investigate in the future, in terms of a per se limit? For example, mirror Colorado's per se, with 5 nanograms per milliliter of Delta 9 THC For cannabis use. So we may have that power to use for both drugs and alcohol.

-**Answer:** I'll reach out to Utah, and from what we have from the literature and the NHTSA study, there was no additional training. The idea with this was to have a general deterrent impact and let the public know if you drive at low levels you're going to be caught and you'll be in that same net.

- **Question:** Eileen McMurrer - looking at the baseline behaviors of alcohol consumption in Utah versus Connecticut, I would wager that you would find a significant difference. When we look ahead, we'll need to think about that. The marketing may need to be something other than what Utah employed.

- **Answer:** Utah is a unique state in that respect. The alcohol consumption numbers that NHTSA collected were like other States. In other nations, like Sweden and Norway, the percentage of alcohol is the same or higher, yet their percent of alcohol related fatals are 19% - 20%. Connecticut is at 30%. The law is working there in the sense that they're not driving, but alcohol consumption is just as high.

- **Question:** Eileen McMurrer- Does Susan or DPH have any data on Connecticut prevalence for those behaviors. That would be something to consider. And then there's a question of regionalism, right? We're bordered by 3 other States. Interesting to see how we could align our efforts.

- **Answer:** That's a good point. When states increased drinking age from 18 to 21, we had issues between states. Kids would cross borders. I think we saw that a little bit with recreational cannabis. The NHTSA study showed that Utah saw a greater reduction than the surrounding states. Susan Logan - the DPH is not tracking Connecticut's prevalence for those behaviors.

IV. Legislative Update

- HB 5917 – An Act Implementing the Recommendations of the Vision Zero Council
- HB 6746 – An Act Concerning Wrong-Way Driving Detection and Prevention
- Council member updates – respective agencies

V. Sub-Committee Discussion and Next Steps

- Engineering - This subcommittee will focus on ways in which traffic safety improvements can be attained through changes to transportation systems. For example, adoption of a "Safe Systems" approach to roadway design projects.
- Enforcement - This subcommittee will focus on how traffic safety laws and their enforcement impact the safety of all road users.
- Education - This subcommittee will focus on how educational campaigns targeted at specific groups of road users can improve traffic safety.
- Equity - This subcommittee will focus on identifying equitable policy initiatives that keep participating agencies working in concert to focus traffic safety efforts.

- a. Council Guidance to Sub-Committees for 2023
- b. Sub-Committee membership and leadership roles

VI. Next Meeting – dates and potential topics for 2023 VZC meetings

- c. Next Meeting(s)
 - i. June 6, 2023, 10:00AM – 12:00PM
 - ii. September 19, 2023, 10:00AM – 12:00PM
 - iii. December 5, 2023, 10:00AM – 12:00PM

VII. Public Comment Q & A

Question: Charles Harlow – Do you have any feedback from the public information meeting on House Bill 5917?

Answer: Garret Eucalitto- I can't speak for the legislators. We'll know more over the next 3 weeks when they hit their JF deadline. They will vote before then on what to advance out of the committee.

Question: Terry Thompson - A question for our presenter, Thomas regarding open container laws in other States, especially in Utah, where they went down to .05 Do you see any relationship to the enforcement in the open container law on that?

Answer: Aaron Swanson: Send me an email, I will make sure Tom gets that question and we'll get an answer.

Question: Terry Thompson - We're looking for more participation in the subcommittees. Is there a way we can incorporate that on the website? Then people can see what the subcommittees have been doing and who they are, because they're not really represented on the website.

Answer: We can set up a section for each subcommittee to show who they are and what they're doing. The subcommittee chairs can provide content in terms of updates as to what they'd like to be represented.

Question: Adam Weber - One of the first slides mentioned, almost 50% of fatal crashes had a BAC above .01. What more can we do to encourage arranging a designated driver, or using public transit when engaging in any alcohol usage? Have there been any efforts to reduce BAC to 0?

Answer: Garret Eucalitto - The Education campaign has done a lot of public education campaigns around designated drivers and using public transit to make the right choice. The Governor's budget is increasing funding and bus service across the state, and many of the transit service areas are encouraging people to use public transit if it's available or utilize the technology on phones through a rideshare app, or a taxi. I don't know about the moving to 0. We can do some research on that and get back to you.

Question: Jay Stange - According to the Governor's Highway Association report from 2022 about 60% of all pedestrian fatalities occur on multilane high-speed arterials. I wanted to submit a request to this Council to consider looking at road classification, and how it contributes to pedestrian deaths here in Connecticut. I think it's clear that those multilane high-speed arterials are the most dangerous place for people walking in Connecticut. I suggest the Vision Zero counsel focus a study and subcommittee project on how we can reduce those pedestrian fatalities.

Answer: Garret Eucalitto - Connecticut has a lot of data available through the crash data repository that's housed at UCONN where you can drill down on each individual fatality and injury and see where it occurred what the conditions were. That's something we can ask the engineering subcommittee to look at.

Q & A BOX

Question: Lindsey Kane with Fox news – What is the importance of this counsel for drivers in the public? What should people know about the work being done to make roads safer? Why is it a priority for our viewers?

Answer: Garret - The work that the Vision Zero Council has done over the past couple of years has been instrumental in helping to raise awareness of the top issues related to injuries and fatalities on our roadways, and what we as a state need to do to help combat the serious public health crisis we're facing. We've seen increases in injuries and fatalities. A huge impact on our communities, loved ones, friends and family. We need to work together. I think we are the first State in the nation to have a cross Agency group like this, made up of very diverse state agencies, all working together to try and address this. What's important is for members of the public to go to the Vision Zero Council website which can be found at ct.gov/dot and get engaged in the subcommittees, which are diverse. They're

not all safety professionals. They are people who care about this topic or People impacted by it and get engaged in the various subcommittees and help drive the conversation forward.

Question: Eileen McMurrer - Do we have any idea how many municipal Vision Zero councils may exist, and how that number may have changed over time.

Answer: Garret: I know Stamford and West Hartford have recently launched a Vision Zero effort. I'm not aware of others, but we can check with the various COG's and see if they are aware of which communities in in their boundaries have them.

VIII. Adjourn

Motion by Jackie McMahon, seconded by Eileen McMurrer, Motion carried