



Agency Legislative Proposal - 2021 Session

Document Name: 100120_DOT_Highway Safety

(If submitting electronically, please label with date, agency, and title of proposal – 092620_SDE_TechRevisions)

State Agency: Department of Transportation

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Lead agency division requesting this proposal: Policy and Planning

Agency Analyst/Drafter of Proposal: Joe Cristalli, 860.594.2412; Garrett Eucalitto, 860.594.3050

Title of Proposal: AAC Highway Safety.

Statutory Reference: 14-44k; 14-100a(c)(1); 14-227a through 14-227c; 14-227m; 14-227n; 14-289g(a); 15-133; 15-140q; 15-140r; 38a-498c; 38a-525c; 53-206d

Proposal Summary:

1. To prohibit open alcohol beverage containers in the passenger compartment of motor vehicles;
2. To require all motorcycle operators and passengers to wear protective headgear;
3. To clarify that vehicles must not be parked within 25 feet of a marked crosswalk whether it is in an intersection or at mid-block; and
4. To allow the Department authority to change speed limits on limited access highways during weather events and emergencies.

PROPOSAL BACKGROUND

◇ **Reason for Proposal**

1. Open containers. To meet national standards initially authorized under TEA-21, H.R. 2676, Section 154 of Title 23, and reauthorized under SAFETEA-LU, MAP-21 and the FAST Act, states are required to enact a law making it illegal for the driver or passenger(s) to possess or consume from any open alcoholic beverage container in the passenger area of a motor vehicle on a public highway (or the right-of-way of the public highway) or face penalties.

States that have not enacted such laws by October 1, 2000, and every year thereafter, will have a fixed percentage of National Highway Performance Program (NHPP) and Surface Transportation Block Grant Program (STBGP) funds transferred into the Highway Safety Improvement Program (HSIP). A portion of the penalty funds are transferred to National Highway Traffic Safety Administration (NHTSA), for impaired driving countermeasure programs, and a portion of the funds returned to FHWA, for HSIP eligible activities.



To date, CT's total penalty amount for noncompliance is \$163,878,141. Enacting open container legislation would allow the Department to use these transferred funds for their intended purpose of infrastructure improvements. Alaska, Connecticut, Delaware, Hawaii, Louisiana, Maine, Mississippi, Missouri, Ohio, Tennessee, Virginia, and Wyoming are the only states that have yet to enact an open container law.

2. Motorcycle helmets. Currently, Connecticut laws only require helmet use by persons under the age of 18 years (CGS Sec. 14-289g) and motorcycle learner permit holders (CGS Sec 14-40a). In 2015 a total of 53 motorcycle operators and passengers were killed on Connecticut roadways, representing 19.9 percent of the State's total traffic fatalities. Approximately 58 percent of the motorcyclists killed were not wearing helmets, compared to approximately 43 percent of fatalities nationwide. This proposal would amend Section 14-289g of the general statutes to require all persons who operate a motorcycle or a motor-driven cycle to wear protective headgear of a type which conforms to the minimum specifications established by regulations.

3. Parked vehicles must not obstruct view of crosswalk. This proposal amends CGS Sec. 14-251 to clarify that vehicles must not be parked within 25 feet of a marked crosswalk - whether it is in an intersection or at mid-block. It allows exceptions to reduce the distance to 10 feet where there is a curb extension equal to the width of the parking lane. The intent of this proposal is to ensure a driver has a clear line of sight to a pedestrian standing at the curb or entrance to a crosswalk. If a driver is unable to see the entrance to the crosswalk they cannot recognize when a pedestrian enters the crosswalk or signals their intent to cross. Cars parked less than 25 feet from a crosswalk can block a driver's view.

4. Variable speed limit (VSL) systems utilize information on traffic speed, weather, and road surface conditions to determine the appropriate speeds at which drivers should be traveling, given current roadway and weather conditions. The use of VSL during less than ideal conditions, such as adverse weather, can improve safety by decreasing the risks associated with traveling at speeds that are higher than appropriate for the conditions. In addition, VSL can be used to dynamically manage speeds during unplanned (incidents) events.

Origin of Proposal

New Proposal

Resubmission

1.. The open container proposal has been raised and heard in the Transportation Committee over the past 18 years but has rarely progressed past the committee level. The Department is required by NHTSA to demonstrate a continued advocacy for this proposal.

2. To protect motorcyclists who are at a much higher risk of death and injury in crashes than passenger car occupants. States that have enacted universal helmet legislation have experienced significant drops in motorcycle deaths (15%-37%) within one year of passage. Conversely, states that repealed or weakened helmet laws have experienced significant fatality increases.

3. Parked vehicles must not obstruct view of the crosswalk. This is a resubmission of a proposal that was removed from last sessions comprehensive pedestrian safety strategy.



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PROPOSAL IMPACT

◇ **AGENCIES AFFECTED** *(please list for each affected agency)*

Agency Name: Department of Motor Vehicles Agency Contact (name, title, phone): Tony Guerrero Date Contacted: 9.27.2021
Approve of Proposal <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> Talks Ongoing
Summary of Affected Agency's Comments: Will need to refine language to ensure no issues with DMV processes.
Will there need to be further negotiation? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO

◇ **FISCAL IMPACT** *(please include the proposal section that causes the fiscal impact and the anticipated impact)*

Municipal: None
State: 1. The State does not lose federal funding, however, these transferred funds are restricted for use in the 402 Highway Safety DUI Countermeasures Program and/or the Hazard Elimination program, precluding their availability to finance National Highway Performance (NHPP) and Surface Transportation Block Grant (STBG) projects, which was the original intent of these funds. To date, CT's total penalty amount for noncompliance is \$175,037,835. 2. Research conducted by the National Highway Traffic Safety Administration (NHTSA) in other states has demonstrated higher hospitalization costs for un-helmeted versus helmeted motorcyclists involved in crashes. For victims of serious head injury, acute hospital care might be only the first stage of a long and costly treatment program. For many crash victims, lost wages from missed workdays will outweigh medical costs. And for victims who are permanently disabled, their earnings might be reduced for the rest of their lives. 3. No anticipated costs.



4. The state does not anticipate an increase to enforcement because the change in speed limit is related to driver safety.

Federal:

2. NHS, IM and STP funds for preliminary engineering, rights-of-way and construction. To date, \$175,037,835 has been transferred to the Section 402 Highway Safety Program since from FFY 2001.

◇ **POLICY and PROGRAMMATIC IMPACTS** *(Please specify the proposal section associated with the impact)*

◇ **EVIDENCE BASE**

Crash data will be used to evaluate the impact of the proposal. Un-helmeted crash fatalities will be tracked to determine the effect of the new legislation over time. The anticipated outcome is a decrease in un-helmeted crashes, injuries, and fatalities.

ConnDOT will evaluate the effect of this change in parking restrictions at crosswalks on pedestrian injuries and fatalities. The study will be conducted three years after implementation since it is standard practice to collect at least three years of traffic crash data to ensure statistically significant results.

Several states are deploying variable speed limits in response to weather conditions and ConnDOT will continue to monitor data and best practices.

AN ACT CONCERNING HIGHWAY SAFETY.

Section 1:

(NEW) *(Effective October 1, 2022)* For the purposes of this section:

(a) Definitions:

- (1) "Alcoholic beverage" has the same meaning as provided in section 30-1 of the general statutes;
- (2) "Highway" has the same meaning as provided in section 14-1 of the general statutes;
- (3) "Open alcoholic beverage container" means a bottle, can or other receptacle (A) that contains any amount of an alcoholic beverage, and (B) (i) that is open or has a broken seal, or (ii) the contents of which are partially removed;
- (4) "Passenger" means any occupant of a motor vehicle other than the operator; and
- (5) "Passenger area" means (A) the area designed to seat the operator of and any passenger in a motor vehicle while such vehicle is being operated on a highway, or (B) any area that is readily accessible to such operator or



passenger while such person is in such person's seating position; except that, in a motor vehicle that is not equipped with a trunk, "passenger area" does not include a locked glove compartment, the area behind the last upright seat closest to the rear of the motor vehicle or an area not normally occupied by the operator of or passengers in such motor vehicle.

(b) No person shall possess an open alcoholic beverage container within the passenger area of a motor vehicle while such motor vehicle is on any highway in this state.

(c) The provisions of subsection (b) of this section shall not apply to: (1) A passenger in a motor vehicle designed, maintained and primarily used for the transportation of persons for hire, and (2) a passenger in the living quarters of a recreational vehicle, as defined in section 14-1 of the general statutes.

(d) Any person who violates the provisions of subsection (b) of this section shall be fined not more than five hundred dollars.

Section 2:

Subsection (a) of section 14-289g of the general statutes is amended to read as follows (*Effective October 1, 2022*):

(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, unless such operator or passenger is wearing protective headgear of a type which conforms to the minimum specifications established by regulations adopted under subsection (b) of this section.

Section 3:

Section 14-251 of the general statutes is repealed, and the following is substituted in lieu thereof (*Effective October 1, 2022*):

No vehicle shall be permitted to remain stationary within ten feet of any fire hydrant, or upon the traveled portion of any highway except upon the right-hand side of such highway in the direction in which such vehicle is headed; and, if such highway is curbed, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the curb, except if a bikeway, as defined in section 13a-153f, or such bikeway's buffer area, as described in the federal Manual on Uniform Traffic Control Devices, is in place between the parking lane and the curb, such vehicle shall be so placed that its right-hand wheels, when stationary, shall, when safety will permit, be within a distance of twelve inches from the edge of such bikeway or buffer area. No vehicle shall be permitted to remain parked within twenty-five feet of an intersection **or an approach** to a marked crosswalk **[at such intersection]**, except within ten feet of such intersection **or marked crosswalk** if such intersection **or marked crosswalk** has a curb extension treatment with a width equal to or greater than the width of the parking lane and such intersection is located in and comprised entirely of highways under the jurisdiction of the city of New Haven, or within twenty-five feet of a stop sign caused to be erected by the traffic authority in accordance with the provisions of section 14-301, except where permitted by the traffic authority of the city of New Haven at the intersection of one-way streets located in and comprised entirely of highways under the jurisdiction of the city of New Haven. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway at any



curve or turn or at the top of any grade where a clear view of such vehicle may not be had from a distance of at least one hundred fifty feet in either direction. The Commissioner of Transportation may post signs upon any highway at any place where the keeping of a vehicle stationary is dangerous to traffic, and the keeping of any vehicle stationary contrary to the directions of such signs shall be a violation of this section. No vehicle shall be permitted to remain stationary upon the traveled portion of any highway within fifty feet of the point where another vehicle, which had previously stopped, continues to remain stationary on the opposite side of the traveled portion of the same highway. No vehicle shall be permitted to remain stationary within the limits of a public highway in such a manner as to constitute a traffic hazard or obstruct the free movement of traffic thereon, provided a vehicle which has become disabled to such an extent that it is impossible or impracticable to remove it may be permitted to so remain for a reasonable time for the purpose of making repairs thereto or of obtaining sufficient assistance to remove it. Nothing in this section shall be construed to apply to emergency vehicles and to maintenance vehicles displaying flashing lights or to prohibit a vehicle from stopping, or being held stationary by any officer, in an emergency to avoid accident or to give a right-of-way to any vehicle or pedestrian as provided in this chapter, or from stopping on any highway within the limits of an incorporated city, town or borough where the parking of vehicles is regulated by local ordinances. Violation of any provision of this section shall be an infraction.

Section 4

Section 14-218a of the general statutes is amended to read as follows:

Sec. 14-218a. Traveling unreasonably fast. Establishment of speed limits. (a) No person shall operate a motor vehicle upon any public highway of the state, or road of any specially chartered municipal association or any district organized under the provisions of chapter 105, a purpose of which is the construction and maintenance of roads and sidewalks, or on any parking area as defined in section 14-212, or upon a private road on which a speed limit has been established in accordance with this subsection, or upon any school property, at a rate of speed greater than is reasonable, having regard to the width, traffic and use of highway, road or parking area, the intersection of streets and weather conditions. The Office of the State Traffic Administration may determine speed limits which are reasonable and safe on any state highway, bridge or parkway built or maintained by the state, and differing limits may be established for different types of vehicles, and may erect or cause to be erected signs indicating such speed limits. The traffic authority of any town, city or borough may establish speed limits on streets, highways and bridges or in any parking area for ten cars or more or on any private road wholly within the municipality under its jurisdiction; provided such limit on streets, highways, bridges and parking areas for ten cars or more shall become effective only after application for approval thereof has been submitted in writing to the Office of the State Traffic Administration and a certificate of such approval has been forwarded by the office to the traffic authority; and provided such signs giving notice of such speed limits shall have been erected as the Office of the State Traffic Administration directs, provided the erection of such signs on any private road shall be at the expense of the owner of such road. The presence of such signs adjacent to or on the highway or parking area for ten cars or more shall be prima facie evidence that they have been so placed under the direction of and with the approval of the Office of the State Traffic Administration. Approval of such speed limits may be revoked by the Office of the State Traffic Administration at any time if said office deems such revocation to be in the interest of public safety and welfare, and thereupon such speed limits shall cease to be effective and any signs that have been erected shall be removed. Any speed in excess of such limits, other than speeding as provided for in section 14-219, shall be prima facie evidence that such speed is not reasonable, but the fact that the speed of a vehicle is lower than



such limits shall not relieve the operator from the duty to decrease speed when a special hazard exists with respect to pedestrians or other traffic or by reason of weather or highway conditions.

(b) The Office of the State Traffic Administration shall establish a speed limit of sixty-five miles per hour on any multiple lane, limited access highways that are suitable for a speed limit of sixty-five miles per hour, taking into consideration relevant factors including design, population of area and traffic flow.

[\(NEW\) \(c\) The Commissioner of Transportation shall have the authority to change the speed limits on limited access highways during a weather-related event or emergency.](#)

(d) Any person who operates a motor vehicle at a greater rate of speed than is reasonable, other than speeding, as provided for in section 14-219, shall commit the infraction of traveling unreasonably fast.