

Legislative History for Connecticut Act

**PA 14-31**

SB336

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**CONNECTICUT  
GENERAL ASSEMBLY  
HOUSE**

**PROCEEDINGS  
2014**

**VOL.57  
PART 13  
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The bill passes in concurrence with the Senate.

Would the Clerk please call Calendar 475.

THE CLERK:

On page 31, House Calendar 475, favorable report of the joint standing committee on Judiciary, Substitute, or Senate Bill 336, AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero of the 29th, you have the floor, sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Nice to see you this evening.

DEPUTY SPEAKER ALTOBELLO:

A pleasure, indeed.

REP. GUERRERA (29th):

Mr. Speaker, I move acceptance of the Joint Favorable Committee's Report and passage of the bill in concurrence with the Senate.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is concurrence with the Senate and passage. Please proceed, sir.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. This bill raises awareness for vulnerable users, which places a fine of no more than \$1,000 for any person operating a motor vehicle in a public way who fails to exercise reasonable care.

Mr. Speaker, as we all know in this Chamber, this bill's been in front of us I believe this is the third time. It didn't have enough time to make it up in the Senate and now it's passed in the Senate and is back down here.

It has passed the Transportation Committee with unanimous votes and also through the Judiciary Committee. So with that, I move adoption.

DEPUTY SPEAKER ALTOBELLO:

The question before the Chamber is passage of the bill. Passage of the bill. Will you remark further?

Representative Scribner of the 107th. You have the floor, sir.

REP. SCRIBNER (107th):

Thank you, Mr. Speaker. I rise in strong support of the vulnerable user bill, Senate Bill 336 in front of us. As Chairman Guerrero pointed out, this is familiar language to us. We've actually acted on it

several times previously but it's never crossed paths with our friends in the upper Chamber.

I want to thank the members of the Transportation Committee, in particular, where the bill originated where it gained unanimous support, and from the beginning of when this bill was first introduced, we've negotiated areas of concern about the actual enforcement of the bill and how it would apply and even the reasonable care aspect to apply at the discretion of the law enforcement officer.

So I can feel comfortable and confident that all of those concerns have been addressed and I urge strong support from my colleagues here in the House.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Scribner.

Representative Lemar of the Elm City, the 96th District. You have the floor, sir.

REP. LEMAR (96th):

Thank you, Mr. Speaker. Good to see you up there. I just want to say a few quick words. This has been a bill that so many passionate people have come and testified for, for a number of years and the Transportation Committee really worked strongly to

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make sure that we had a bipartisan bill that could receive that unanimous support and really put in place these protections that we believe in that all of our users of the roadway deserve. Pedestrians, cyclists, whoever you are on the roadway, you need to be treated with respect and afforded the safety and courtesy that we expect from everyone.

And for too long, cyclists and pedestrians have felt like they were second-class citizens on the roadway and so this has been a remarkable effort led by the Chairman Guerrera and Ranking Member Scribner and I couldn't be more excited and more proud to vote for this, and so thank you very much.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Lemar.

Representative Lavielle of the 143rd, you have the floor, madam.

REP. LAVIELLE (143rd):

Mr. Speaker, good evening. You and my last name have a very special relationship. I just want to make a couple of comments on the bill.

It is a long time in coming. We've been with it for two or three years now and I'm very pleased that

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we've arrived at something that everyone seems to agree on.

I live in a part of the state that is so heavily wooded and has such curving roads, even the state roads. We call it the Enchanted Forest. It's very difficult when you're trying to ride a bicycle or walk on these roads, and I think that this is, this bill is an acknowledgment of how careful drivers need to be in realizing how difficult it is for people to get out and enjoy the open air and get exercise and feel safe on their roads.

So I rise in very strong support of the bill and I hope everyone in the Chamber will do the same.

Thank you.

DEPUTY SPEAKER ALTOBELLO:

Thank you, madam.

Representative Smith of the 108th. You have the floor, sir.

REP. SMITH (108th):

Thank you, Mr. Speaker, and good evening.

DEPUTY SPEAKER ALTOBELLO:

Good evening, sir.

REP. SMITH (108th):

I find this bill to be an interesting bill in many ways. I mean, I look at the language of the bill and people have to exercise reasonable care.

I think they already have a duty to exercise reasonable care when they're driving, and I'm not sure how the police will make that determination of whether someone is or is not exercising reasonable care if they were to strike a vulnerable user.

I certainly think they need protection. Being one who's taken that old 10 speed out on the roadways in New Fairfield and it's a little dangerous and people drive a little fast, or even if they're not driving fast, if they come around a curve they don't necessarily have a lot of time to see you.

I'm more anxious to have the state do something to actually protect the vulnerable users in a different way. I would love to see some extra bike paths in the State of Connecticut where people can safely get on a bike or get on a, or just walk along the roadway and not be fearful of who's going to clip them as they're driving along.

I know that's not part of this bill. I'm not sure if it was ever discussed, but I think that's something as a state, especially if we're trying to

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attract people to come in. It's a beautiful state as we all know. There's a lot to see, and it would be nice to be able to do that, to take a nice, long ride through the hills of Connecticut without being worried about who's going to come up from behind us and knock us off the path. There's been too many deaths, too many injuries.

So I'll certainly support the bill. I think it has great intentions. I think there's already a reasonable care requirement but I would love to see going forward, some money allocated for some actual paths where we can all use it with the idea of being safe.

So I thank the proponents of the bill and those who have worked on it and hopefully we can move forward from here. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Smith. Further on the bill?

Representative Sampson, you have the floor, sir.

REP. SAMPSON (80th):

Thank you, Mr. Speaker. A couple of questions to the proponent of the bill if I could, through you, Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Please proceed, sir.

REP. SAMPSON (80th):

Thank you very much. I guess the first question I would have, because I see in the language of the bill that there is a definition for vulnerable users. It includes pedestrians, highway workers and so on.

I'm curious to know if we could find an example of what is not a vulnerable user.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker. Through you to the good Representative. I would have to say that everything that's not on that list.

DEPUTY SPEAKER ALTOBELLO:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker, and I thank the gentleman for his answer. Forgive me, but I think that's pretty obvious that the things that are included as vulnerable users would be included in the things that are not included are not.

But I would like just one single example of someone who is not a vulnerable user under the definition of this bill. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Mr. Speaker, to the good Representative, I would probably have to say to that maybe somebody like who's on an ATV or maybe a motorcyclist, something of that nature in regards to those types of vehicles. Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker. So if I get this right, it only applies to folks that are not otherwise operating a car or a motorcycle at the time of the incident. Is that correct? Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero.

REP. GUERRERA (29th):

Thank you, Mr. Speaker, through you, Mr. Speaker, it would basically apply to those individuals you see on the bill there in a more narrow definition.

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Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker. Just one more question, and that would be, I'm wondering what this bill actually creates. Is this a traffic violation?

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Mr. Speaker, it's just an additional penalty that the judge can levy on the individual.

Through you, Mr. Speaker, to the good

Representative.

DEPUTY SPEAKER ALTOBELLO:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker. I know I said that was the last question but that created a follow up and I'm sorry. I'm wondering if this would affect someone's motor vehicle driving history in the form of points or otherwise affect their insurance rates potentially and that kind of thing. Through you, Mr. Speaker.

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DEPUTY SPEAKER ALTOBELLO:

Representative Guerrero.

REP. GUERRERA (29th):

Through you, Mr. Speaker, to the good Representative, I would have to probably say it could affect their driving history or their driving record.

Through you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Representative Sampson.

REP. SAMPSON (80th):

Thank you, Mr. Speaker, and thanks to the good chairman. I'm done with the questions.

Like the speakers before me, I appreciate the intentions of this bill. I mean, certainly we want to make sure that we take proper care as drivers on our roadways and I think that applies to us the moment we obtain a driver's license and have the ability to drive.

And we certainly want to take special care around people that are, indeed, vulnerable. I don't know that it warrants more care and I don't know that it warrants special attention, because I believe that we should be offering the most care at all times.

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I'm going to support the bill because I don't see any reason not to, but I wonder exactly where we're going here and what the purpose is when we start determining that we should be more careful around some people than others. Thank you, Mr. Speaker.

DEPUTY SPEAKER ALTOBELLO:

Thank you, Representative Sampson. Further on the bill? Further on the bill?

If not, Representative Lemar, do you have an additional comment on the bill? Further on the bill? Further on the bill?

I would ask the staff and guests to retire to the well of the House, but I don't see any, so why don't we just go to the vote. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll.

The House of Representatives is voting by roll. Will members please return to the chamber immediately.

(Deputy Speaker Sayers is in the Chair.)

DEPUTY SPEAKER SAYERS:

Have all the members voted? Have all the members voted? Please check the board to see that your vote has been properly cast.

If all the members have voted, then the machine will be locked and the Clerk will take a tally. The clerk will announce the tally.

THE CLERK:

Senate Bill 336 in concurrence with the Senate.

Total number voting 139

Necessary for passage 70

Those voting Yea 136

Those voting Nay 3

Those absent and not voting 12

DEPUTY SPEAKER SAYERS:

The bill passes in concurrence with the Senate.

Will the Clerk please call Calendar Number 139.

THE CLERK:

On page 35, Calendar Number 139, favorable report of the joint standing committee on Appropriations, Substitute House Bill Number 5378, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CONCERNING MEDICAID FUNDED EMERGENCY DEPARTMENT VISITS.

DEPUTY SPEAKER SAYERS:

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objectionable provisions and was the subject of a veto because of a bill that was attached to it. I think this Chamber supported it by overwhelming numbers last year, and we introduce the same legislation unchanged.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

Senator Boucher.

SENATOR BOUCHER:

Yes. Madam President, I rise to support the bill as was just stated. It was a bill that went through in a fairly bipartisan manner, was a bit complicated, and now it's become simplified again and easy to support. I hope the Chamber does pass this bill up.

Thank you.

THE CHAIR:

Will you remark further? Will you remark further? Seeing none, Senator Maynard.

SENATOR MAYNARD:

Yes, Madam President, if there is no objection, I'd ask that this be placed on Consent.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 28, Calendar 189, Senate Bill Number 336, AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY, favorable report of the Committee on Transportation.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

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Thank you, Madam President. I ask again -- I move the Joint Committee's favorable report and passage of the bill.

THE CHAIR:

Motion is on acceptance and passage. Will you remark?

SENATOR MAYNARD:

Yes, thank you, Madam President. This is a bill that is near and dear to the heart of our own Senator Beth Bye, who for a number of years, as we know, has been a bicycle enthusiast. We've move this bill a number of times in each Chamber, regrettably not achieving a uniformity of thought on it, but it did pass this Chamber last year 35 to nothing with an understanding that the bill really does a great deal to improve the safety for vulnerable users, which include pedestrians, bicyclists, those with disabilities, et cetera.

And it provides some additional penalties for those who -- just to remind the Body here that those who fail to use reasonable care in the operation of a motor vehicle that results in the injury of a vulnerable user, this would provide for \$1,000 fine if the failure to use reasonable care is determined, and I urge my colleagues to, again support this effort. Thank you.

THE CHAIR:

Thank you.

Will you remark? Senator Boucher.

SENATOR BOUCHER:

Thank you, Madam President. Madam President, I rise to support this bill. In fact, this bill was reached in agreement with provisions so that any objections could be dealt with, and one of them was that there would be reasonable care on both sides, both by the vulnerable user and also the individual that might be driving a motor vehicle so that there was due care on both. And that's why it received bipartisan support.

I feel like this bill is having its own "Groundhog Day" life, because I think we've seen this bill more times than almost any other bill we've had and not because of any problems with the bill at all, but other circumstances to the process. So let's hope that this time it does get

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through the process in a simpler way and finally makes to the Governor's desk for a signature.

Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. Madam President, a question to the proponent through you, please.

THE CHAIR:

Please proceed, sir.

SENATOR CHAPIN:

Thank you, Madam President.

I heard you say we passed this last year in this Chamber 35 to zero. Is this bill substantially the same as what was passed last year, or is it exactly the same, or if it's different, how is it different? Through you, Madam President.

THE CHAIR:

Senator Maynard.

SENATOR MAYNARD:

Yes. Through you, Madam President, it is exactly the same, except for the LCO number.

THE CHAIR:

Senator Chapin.

SENATOR CHAPIN:

Thank you, Madam President. I thank the gentleman for his answer.

THE CHAIR:

Thank you.

Will you remark? Will you remark?

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SENATOR MAYNARD:

Thank you, Madam President. I do appreciate the support of the distinguished Ranking Member on Transportation. She's correct. The bill was improved by negotiations that made sure that we were not lopsided in our assessment of who was needing to exercise reasonable care. And I think, with that understanding, we move the bill forward. So I thank the gentlewoman for her support and urge passage.

THE CHAIR:

All right. Senator --

SENATOR MAYNARD:

Oh, I'm sorry, and yes, would ask that it be placed on the Consent Calendar without objection.

THE CHAIR:

Seeing no objection, so ordered, sir.

Mr. Clerk.

THE CLERK:

On page 7, Calendar 203, Senate Bill Number 321, AN ACT CONCERNING MEDICAID COST SAVINGS, favorable report of the Committee on Human Services. There are amendments.

THE CHAIR:

Senator Slossberg.

SENATOR SLOSSBERG:

Thank you --

THE CHAIR:

Good afternoon, ma'am.

SENATOR SLOSSBERG:

Thank you, Madam President. Good afternoon.

THE CHAIR:

I'm sorry. Good evening.

SENATOR SLOSSBERG:

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Total Number Voting	32
Necessary for Adoption	17
Those voting Aye	32
Those voting Nay	0
Those absent and not voting	4

THE CHAIR:

The bill has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President. Madam President, if the Clerk would now read the items on our second Consent Calendar so that we might proceed to a vote on that second Consent Calendar.

THE CHAIR:

Mr. Clerk.

THE CLERK:

On page 7, Calendar 203, Senate Bill 321; on page 8, Calendar 266, Senate Bill 325 and Calendar 267, Senate Bill 326; on page 27, Calendar 167, Senate Bill 34; and on page 28, Calendar 189, Senate Bill 336.

THE CHAIR:

Thank you. Will you please call for a roll call vote on the second Consent Calendar, and the machine is open.

THE CLERK:

Immediate roll call has been ordered in the Senate on the second Consent Calendar for today. Immediate roll call ordered in the Senate.

THE CHAIR:

Senator Maynard, thank you.

If all members have voted, all members have voted, the machine will be closed. Mr. Clerk, will you call the tally.

THE CLERK:

On the second Consent Calendar for today:

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April 24, 2014

Total Number Voting	33
Necessary for Adoption	17
Those voting Aye	33
Those voting Nay	0
Those absent and not voting	3

THE CHAIR:

The Consent Calendar passes.

Points of personal privileges at this time.

Senator Fonfara.

SENATOR FONFARA:

Thank you, Madam President. For the purposes of an announcement.

THE CHAIR:

Please proceed, sir.

SENATOR FONFARA:

Madam President, for the members of the Finance Committee, we'll be meeting tomorrow in Room 2E at eleven o'clock to take up referred bills. Thank you, Madam President.

THE CHAIR:

Thank you.

Senator Osten.

SENATOR OSTEN:

Madam President, for purposes of announcement, the Planning and Development Committee will be meeting tomorrow at eleven, place to be determined.

THE CHAIR:

Thank you.

Senator Coleman.

SENATOR COLEMAN:

Thank you, Madam President. Just to inform the members of the Judiciary Committee that the committee will be meeting

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March 5, 2014  
10:30 A.M.

REP. SCRIBNER: Have a good afternoon.

REP. GUERRERA: Steven Higashide followed by Representative Vargas.

STEVEN HIGASHIDE: Good afternoon and thank you for the opportunity to testify. My name is Steven Higashide and I'm the senior planner for the Tri-State Transportation Campaign, which is a -- no problem -- it is a nonprofit transportation watch dog group that works in Connecticut, New York and New Jersey.

I'm here today in strong support of Senate Bill 336, the vulnerable user bill. This bill has been endorsed by 23 organizations, some of whom are here today, and all of whom are listed on the - on the fact sheet, which should be in your packet. The bill defines "vulnerable users" of the state's public ways and creates a fine of up \$1,000 for motorists convicted of inflicting serious physical injury or death to a vulnerable user. We see this as a much needed step towards increasing accountability for careless drivers. And in fact, Tri-State would also support language that has been introduced in prior sessions, which would require persons committing an infraction under the law to attend driver retraining and perform community service.

I want to note the testimony of three Yale School of Medicine professors and practicing physicians who work in pediatric emergency medicine. Doctors Kirsten Bechtel, Antonio Rivera and Karen Santucci. They couldn't be here today for obvious reasons, but they ask that I share their testimony with you. So I'm going to

deviate somewhat from my testimony just to read a few experts from them.

Dr. Kirsten Bechtel writes "Roadway accidents are responsible for the majority of serious injury and death among the pediatric population that I serve, the very definition of a "vulnerable user" of the roadway." Dr. Karen Santucci writes, "I have personally witnessed several family units, mothers pushing baby carriages or strollers nearly run over by carelessly reckless drivers. Events like these have to stop." And Dr. Antonio Rivera writes, "As a pediatric emergency department physician, I cannot stress enough the multifaceted burdens associated with traumatic injury of pedestrians and bicyclists. We often care for these victims who have lost their lives, limbs and/or have become permanently disabled from reckless drivers. These injuries add to preventable health care dollars wasted and the emotional impact cannot be understated and post-traumatic stress experienced by family members can last a lifetime."

Senate Bill 336 passed the State Senate unanimously last session and the session before. We're not aware of any substantive objections to the bill. Since 2010, more than 130 pedestrians and cyclists have been killed on Connecticut's roadways. Thousands have been injured. We just feel that we can't wait any longer. And finally, I want to note Tri-State's support for the joint resolution, Number 23, the constitutional amendment. As -- you know, as we just discussed, you know, the committee is well aware of the special transportation fund's troubled

history and had so much money not been diverted from the fund, it's possible that we could have avoided some of the problems now occurring on the New Haven Line. We could have fixed some of the more than 400 bridges, which remain structurally deficit.

Last year, statutory law changes was a strong first step, but we agree that it's time to lock the lockbox once and for all. So thank you.

REP. GUERRERA: Thank you, Steve.

I couldn't agree with you more obviously with the last one and again with the vulnerable user, also. Representative Scribner and I were just discussing this. It did pass the Senate, as you know, but unfortunately, did not make it in time in the House. At the last almost 30 seconds, it was about to be called, but time ran out. But it's something that I think the majority of us all support and hopefully we get it out there early this -- this session so therefore, we're not going to wait until midnight to try to push it through.

STEVEN HIGASHIDE: We thank you for that support.

REP. GUERRERA: Any comments?

Yes, Representative Lemar.

REP. LEMAR: Again, thank you very much. And as the guy, sitting there holding on to the -- to the information about to bring it out with that last 30 seconds to go, it was heartbreaking to watch it fall in the

last few moments of the session last year and I do appreciate your willingness to kind of organize the supporters to come up here. Again, I know it gets difficult for advocates year after year to come up and testify on the same bill so I appreciate your ability to bring it together and hopefully have enough support again this year to get it over the finish line.

STEVEN HIGASHIDE: Well, we appreciate your championing this effort for so many years.

REP. LEMAR: You mentioned your support of the -- of the sequester of special transportation funds. We've been using the lockbox terminology. But you work in multiple states, how do other states, like you know, New Jersey, New York, treat those funds? Do they treat them similar? I'm just looking for how they do them different from here in Connecticut.

STEVEN HIGASHIDE: There are -- there are dedicated funds in both New York and New Jersey. I believe that neither of them is protected with a constitutional amendment and as a consequence, there are actually quite frequent raids in both New Jersey and New York as well. So I think it just goes to show that you really do need sort of a constitutional amendment to really, you know, to really lock it.

REP. LEMAR: Terrific. Thank you, Steven.

Thank you, Mr. Chair.

REP. GUERRERA: Thank you, Representative.

Any other comments?

WILLIAM DYSON: Thank you.

REP. GUERRERA: It's nice to see you, Bill.

Good afternoon, Gloria.

GLORIA COLES: Good afternoon, Mr. Chairman, committee members and ladies and gentlemen. I'm here to support the -- Bill Number 336, AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY. And I'm going to take everybody back to the cars of the future and I'm going to go all the way back to the horse. I am a charter member for 52 years of Remington Riding Club, a member of the Connecticut Horse Council, the DEEP volunteer patrol, and I also am a member of the Connecticut Farm Bureau and I own a farm tractor so this is very important to me.

In part, about two and a half years ago, I was riding at a state forest in Somers and I was coming down Somers Mountain with a friend. We were both riding our horses. There is a paved road that winds down and I looked out to my friend and coming up the hill was a car full of young teenage boys. They swerved from one side of the road to the other right at my 72-year-old friend. Her horse jumped off into the side of the road and she was safe. They swerved back. They looked at me and I looked at them and I could see them coming at me all laughing and they got to within inches of the shoulder of my horse and she had to leap over an 8-foot, approximately 8-foot concrete drainage ditch and she landed on the hillside on the other side.

All her legs were scratched up. I lost my first aid kit and other things.

Later on, I called the state police, the resident state trooper in Somers, and I explained to them what had happened and they said that there was nothing they could do about it. I could have been killed. It was just as dangerous as anybody waving a loaded gun at me because my horse could have fallen in a ditch, broken its leg. I could have hit the concrete barrier. I have had other experiences where cars have backed into me, and again, young teenagers, and they sped off throwing the gravel.

So I am very much in favor of this bill and I am grateful that you gave me the opportunity to testify today.

REP. GUERRERA: Thank you, Gloria.

GLORIA COLES: Thank you very much.

REP. GUERRERA: I'm sad to hear that you even went through that.

Did you testify before last year on this bill, too?

GLORIA COLES: NO, I didn't.

REP. GUERRERA: You didn't, okay.

GLORIA COLES: No.

REP. GUERRERA: As I stated before, this bill does have a tremendous amount of support. . . Unfortunately, it didn't make it -- it passed the Senate and as I said, at the last second before we adjourned in the

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House, it did not make it, but I'm hoping that we get it out of the committee relatively soon and have it in the House relatively soon and pass it up to the Senate.

GLORIA COLES: Thank you very much.

REP. GUERRERA: I know Representative Scribner would like to say a few words.

REP. SCRIBNER: Thank you, Mr. Chair.

Good afternoon, Gloria.

GLORIA COLES: Good afternoon.

REP. SCRIBNER: Thank you for taking the time to be here and share your first-hand experience with us. As Representative Guerrero pointed out, I think this is at least the third if not fourth time we've had similar bills before us and it has really grown and gained much broader and much stronger support along the way including my own. And I do -- I know that there is lot of circumstance that people including pedestrians, people riding horse, people riding bicycles are subject to aggressive driving by motorists. One of the things that we tried to accomplish in an effort to gain the strength and support in the bill was to ensure that there was an mechanism in there that would make sure that those vulnerable users as identified were also exercising responsibility in using our roads.

And I think that's an important aspect to point out. And I think sometimes -- and you know, I don't know about you, but even when you drive through a parking lot and

you see people just aimlessly wandering into moving traffic without looking either direction while they're texting or reading a message or whatever it might be. I think it's important that we try to educate and advocate to the people like yourself who are representing a group of people that they also exercise responsibility when they use our public roadways. And I say that for all the right reasons. It's not condemning anyone. I would just prefer that we all exercise caution, awareness and discipline ourselves not to almost ignore that there are dangers out there and there clearly are.

So I think we have to advocate on each other's behalf. We can't have it all one way or the other. And so I would ask that you and other members of the public continue to strengthen that awareness. We don't want to put a law into place and then have it either not enforced or have it create a false sense of security so that those very vulnerable users that it seeks to protect wind up becoming victims because they assume that because the law is in place, everyone is abide by it. We know that they don't and I think we have to be honest about that in our true efforts to promote and heighten public security -- safety -- excuse me -- thank you.

GLORIA COLES: And I agree with you, Representative Scribner. And I certainly do. I'm always trying to keep a safe environment and I would never, ever expect that I would be safe on the roadway when there is people who decide to use their vehicles in the manner in which other

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people have used them. And again, I appreciate that.

REP. GUERRERA: Thank you, Representative Scribner.

Any other comments?

Thank you, Gloria.

GLORIA COLES: Thank you.

REP. GUERRERA: Charles Tate followed by Kelly Kennedy. Is Kelly Kennedy here?

CHARLES TATE: (Inaudible.)

REP. GUERRERA: Excuse me. Mr. Tate, could you press the microphone button so it's on and we can hear you. Thank you.

CHARLES TATE: Okay. All right. Thank you.

A comment was made this morning that the state of Texas had tried out the program that is being proposed in House Bill 5458 and I've been in touch with the state of Texas on several occasions and they have classic plates, which are available for sale if they are over 25 years and they also have souvenir plates that a Texan can buy. They can cost anywhere from \$50 to \$150. These are custom made license plates and they have a cowboy on it or a lasso or something like that.

But Texas has over 17 million registered license plates and none of those plates are available for sale as proposed in this House Bill 5458. I -- just to make one last comment on that. I have an e-mail from the Texas Department of Motor

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CHARLES TATE: Yes. As you may know, most of the lottery funds that each state has are designated usually for education, but certainly, in this case, this would be generated basically by transportation and it could, I would think, be designated for transportation use.

REP. SCRIBNER: Fair enough. That's your assessment, but other sources of revenue including from the casinos and the lottery that were originally stated or intended to be applied to things like public education don't necessarily go there. So again, I appreciate your time and effort in bringing this concept forward to us and the time that you've spent in putting together the information. We appreciate it.

Any other questions for Mr. Tate?

Thank you, sir.

CHARLES TATE: Thank you.

REP. SCRIBNER: Kelly Kennedy followed by Eric from CBIA.

KELLY KENNEDY: Good afternoon. My name is Kelly Kennedy. I'm the executive director of Bike Walk Connecticut. We're a member-supported not-for-profit organization that works to make Connecticut a better place to bike and walk. And we support Senator Bill 336, the vulnerable user bill. Thank you to the committee to bringing this bill up again this year. This is the fifth year that the bill has come before the Legislature. And for anyone outside this committee who thinks it's an insignificant

measure, the number 10,793 suggest otherwise..

According to federal and state crash registries from 2006 to 2012, a total of 10,793 pedestrians or cyclists have been killed or injured on Connecticut's roads. That's over seven years, 10,793, that's a startling number, even to me, as I was compiling this data. Excessive speed, distracted driving and sometimes outright driver hostility too often play a role in these tragedies. Senator Maynard earlier this morning mentioned complaints that you get about the increased prevalence of bad driver behavior. I know that dozens of our members have been sharing their personal experiences with you about their adventures and misadventures as a cyclist or a pedestrian trying to navigate Connecticut's roads. We urge you to read the remarks and take them to heart.

Passing the vulnerable user bill and then enforcing it will raise awareness across the board about the need to be alert for the various users of all of our public roads. The vulnerable user bill is good public policy. We urge you to vote the bill out of the committee this morning -- this afternoon, today, and work with your colleagues in both chambers to move this bill across the finish line this year and get it passed.

Thank you for the opportunity to comment on this.

REP. SCRIBNER: Thank you, Kelly.

Your advocacy is very much appreciated. And as I think you are aware, there is

strong and broad support on this committee for this measure, one that I believe has improved over the period of time that we've attempted to get it over that finish line. And it just about made it last year, as you know, it passed in the Senate and it was on a consent calendar in the House before the clock struck twelve. And we all know what can happen then. But you probably heard me early genuinely mention one of our concerns is not only the passage of this bill, it has to do with awareness, educated awareness for all who use our public roadways including those very vulnerable users that we seek to protect.

And it's my hope that we don't pass the measure and then find that people are not properly obeying it and people are put into any sense of false security just because the law is on the books. You're right. It has to be enforced. It has to be obeyed and it has to be understood by everyone that uses our roadways. I particularly appreciate you providing us with the statistical information which I think will strengthen our message as it goes through the process and we will do everything we can to ensure that it makes it before the clock strikes twelve this year.

KELLY KENNEDY: We hope so. Thank you very much.

REP. SCRIBNER: Thank you.

Any other questions?

Thank you.

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sales tax, but the vast majority of the states that I looked did not.

REP. STEINBERG: So to your knowledge, we're pretty much alone in this next of the woods in New England and thereabouts.

ERIC GJEDE: To my knowledge, yes.

REP. STEINBERG: Thank you.

ERIC GJEDE: You're welcome.

REP. SCRIBNER: Any other questions for Eric?

Thank you. Have a good afternoon.

ERIC GJEDE: Thank you so much.

REP. SCRIBNER: Henry Talmage followed by John Holstein.

HENRY TALMAGE: Good afternoon, Representative Scribner, and members of the committee. My name is Henry Talmage, executive director of the Connecticut Farm Bureau. I represent 5,000 family member farmers and farm supporters in the state and I come before you today in support of Raised Bill 336, an act concerning the penalty for causing harm to a vulnerable user of a public way. My comments are going to concentrate on the agricultural piece of this legislation. In particular, the definition of person riding or driving an animal as well as a person operating or riding on an agricultural tractor.

One comment that we would say would be a suggestion to amend and insert the words "or other agricultural equipment" just to be clear that there may be pieces of

equipment that aren't technically considered tractors, but under the same set of circumstances. One thing I think this law does -- it does bring awareness and it does try to get people aware of the fact that they're sharing the road with agricultural users. I think one of the things that's interesting is that as -- as people come out to the country for tourism and other functions, they're interacting with agriculture on the roads in a way that might be increasing and then on the other sides, we're seeing farms kind of reconcentrating in areas where there are high density populations. So this last farm in town, often times when that happens, these farms are pretty fragmented and have fields in different locations which means that a fair amount of their equipment and their people are traveling on public roads.

So we're in favor of this. We think it's a good idea. We think, you know, the idea of kind of having agriculture in our communities, both rural and even in more suburban and urban settings, we should be paying attention to how they interact on these public ways. So with that, I think I'll stop and if there are any questions, I would be happy to answer them.

REP. SCRIBNER: Thank you, Henry.

I appreciate you bringing this aspect forward. I think it's definitely worthy of our consideration and perhaps inclusion on the bill as it moves forward. I don't even recall in the four prior years that we heard this bill and supported it out of the committee, that aspect being brought forward to our attention, but it's

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certainly one that is important and they clearly are another potentially vulnerable user of our public road system. So that is something that we will talk about beyond today's public hearing.

Any other questions for Mr. Talmage?

Thank you, sir.

HENRY TALMAGE: Thank you.

REP. SCRIBNER: John Holstein followed by Don Cusson.

JOHN HOLSTEIN: Good afternoon. Thank you, vice chairman and members of the committee. My name is John Holstein, vice president of Spicer Gas in Groton, Connecticut. I am here in support of Senate Bill 333, which promotes the increased use of propane as an alternative fuel for over the road vehicles. In the interest of the committee's time and with your permission, I would like to ask other members that were going to speak on behalf of Senate Bill 333 to join me as a panel.

REP. SCRIBNER: Absolutely. That would be fine. I would just ask that as each of you participate that you identify yourselves for the benefit of the committee. Thank you.

JOHN HOLSTEIN: Thank you.

MICHAEL MORRISSEY: I'm Mike Morrissey, state director to the National Propane Gas Association.

DONALD CUSSON: Don Cusson, Cusson Automotive, South Windsor.



March 5, 2014

The Honorable Andrew Maynard  
 The Honorable Antonio Guerrero  
 Co-Chairpersons, Transportation Committee  
 Legislative Office Building  
 Hartford, CT 06106-1591



Re: **SUPPORT for SB 336, the Vulnerable User Bill**

Dear Chairmen Maynard and Guerrero:

Bike Walk Connecticut is a member-supported not-for-profit organization that works to make Connecticut a better place to bike and walk. We SUPPORT SB 336, *An Act Concerning The Penalty For Causing Harm To A Vulnerable User Of A Public Way*

Thank you for again raising this important bill to help hold accountable careless drivers who injure or kill non-motorized users of the road.

**Connecticut Cyclist and Pedestrian Crash Data 2006 – 2012**

Federal and state data report that **10,793** pedestrians and cyclists were injured or killed in Connecticut from 2006 through 2012.

Year	Total Bike/Ped Fatalities	Cyclist Fatalities	Pedestrian Fatalities	Total Bike/Ped Injuries	Cyclist Injuries	Pedestrian Injuries	Total Bike/Ped Injuries & Fatalities
2006	43	5	38	1687	579	1108	1730
2007	36	5	31	1820	655	1165	1856
2008	53	6	47	1630	596	1034	1683
2009	27	1	26	1580	544	1036	1607
2010	53	7	46	1357	220	1137	1410
2011	34	8	26	1198	168	1030	1232
2012	49	4	45	1226	210	1016	1275
Total	295	36	259	10,498	2972	7526	10,793

A majority of these accidents deaths occur along "arterial" roadways--streets designed for speeding traffic with little or no provision for people on foot, on bicycles or in wheelchairs. Excessive speed, distracted driving, and sometimes outright driver hostility too often play a role in these tragedies.

Dozens of our members have been sharing their personal experiences with you about their adventures, and misadventures, as a cyclist or pedestrian trying to navigate Connecticut's roads. We urge you to read their remarks and take them to heart.

Study after study reveals that more people would be willing to make more trips by bike or on foot if only they felt they could do so without taking their lives in their hands. Passing the Vulnerable User bill, then enforcing it, will raise awareness across the board about the need to be alert for the various users of our public roads.

**Bike Walk Connecticut**

PO Box 270149, West Hartford, CT 06127-0149 | 860.904.2420 | bikewalkct@bikewalkct.org | www.bikewalkct.org

March 4, 2014

Bike Walk Connecticut Support for SB 336, the Vulnerable User Bill

Page 2

This is the fifth year this bill has been proposed. In the last two years, the VU bill has had broad support and passed the Senate unanimously, but it was not brought to a vote in the House in either year.

Vulnerable User legislation is good public policy. Making Connecticut a better, safer place to bike and walk will reduce traffic congestion; create more vibrant town centers; save money; and give us cleaner air and a healthier population. We urge you to vote in favor of the Vulnerable User bill today and help move this bill across the finish line this year.

Thank you for considering our views.

Sincerely,



Kelly Kennedy, Executive Director  
Bike Walk Connecticut

Sources:

- <http://www-fars.nhtsa.dot.gov/>
- <http://www.ctcrash.uconn.edu/>
- <http://www.tstc.org/reports/danger12/>
- <http://t4america.org/tag/dangerous-by-design>



**AARP Testimony in Support of Proposed S.B. No. 336  
AAC the Penalty for Causing Harm to a Vulnerable User of a Public Way  
Transportation Committee  
March 5, 2014**

**Submitted by Nora Duncan, State Director**

AARP is a nonpartisan social mission organization with an age 50+ membership of nearly 37 million nationwide, and over 603,000 here in Connecticut. AARP believes that one's possibilities should never be limited by their age and that, in fact, age and experience can expand your possibilities. AARP is a network of people, tools and information and an ally on issues that affect the lives of our members and the age 50+ population as a whole. A major priority for AARP is to expand mobility options that help residents of all ages and abilities participate fully in their local community.

AARP asks members of the Transportation Committee to support S.B.#336, which promotes pedestrian and bicycle safety and enhances penalties for drivers causing harm to "vulnerable users." This proposal lays the ground work for safer roads, especially for older residents who are disproportionately killed in pedestrian fatalities.

Nationally, while adults 65 and older represent less than 13 percent of the population, they represented about 19 percent of the pedestrian fatalities in 2008\*. Compared to their younger counterparts, an older pedestrian is 61 percent more likely to die from a crash than a younger pedestrian

S B. #336 adds penalties for negligent drivers that harm pedestrians and other vulnerable users. It strikes an appropriate balance between the rights of motor vehicle operators and those of pedestrians, cyclists and other vulnerable users to use public roads by requiring all users to exercise due care. The proposal does not absolve vulnerable users from safely and responsibly using public roads. In fact, the bill requires a showing that the vulnerable user exercised "reasonable care" in their use of the public road, before a fine or penalty can be imposed on a motor vehicle operator.

Oregon was the first state to pass a "vulnerable users" law in 2007. Since then, at least ten states including Connecticut have considered "vulnerable user" legislation. The proposal has attracted bipartisan support in Connecticut and AARP believes vulnerable user legislation will build on Connecticut's 2009 Complete Streets law, 2013 Livable Communities legislation and 2014 proposals related to Aging in Place. The legislation will also promote work done in local communities like New Haven to encourage walking, biking and other non-motorized methods of transportation

Safety is a major reason why people choose not to walk to local destinations. In 2008, AARP conducted a survey of people age 50 and over and found nearly 47 percent felt they could not safely cross main roads close to their home. S.B. #336 could improve pedestrian safety by deterring negligent behavior that puts vulnerable users at risk of injury or death.

AARP supports public policy that encourages safer streets for all users, regardless of their method of transportation. We look forward to working with you to make Connecticut roadways safer for older pedestrians and other vulnerable users. Thank you

\*

Pedestrian Fatalities by Age, 2008						
	Connecticut			United States		
Age	Fatalities	Population	Fatalities per 100,000	Fatalities	Population	Fatalities per 100,000
16-24	3	433,698	0.69	568	38,742,194	1.47
25-49	6	1,199,383	0.50	1,729	106,000,489	1.63
50+	24	1,155,114	2.08	1,866	93,854,500	1.99
65+	13	480,326	2.71	875	38,799,891	2.26

Source: AARP Public Policy Institute analysis of 2008 Fatality Analysis Reporting System (FARS) data

\* Note that the number of fatalities of those aged 50+ includes the number of fatalities of those aged 65+

Find AARP Connecticut Online at: [www.aarp.org/ct](http://www.aarp.org/ct)



FB.com/AARPCT



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Youtube.com/AARPCT

March 1, 2014

Sen. Andrew Maynard and Rep. Antonio Guerrero, Co-Chairs  
Connecticut General Assembly Transportation Committee  
Room 2300  
Legislative Office Building  
Hartford, CT 06106

**Re: SB 336**

Dear Senator Maynard and Representative Guerrero

As a Pediatric Emergency Medicine physician, I write to you to express my support for Senate Bill 336, "An Act Concerning the Penalty for Causing Harm to a Vulnerable User of a Public Way". SB 336 is an important step to raise awareness of vulnerable road users and hold drivers accountable for crashes that involve the serious injury or death of a vulnerable road user. Roadway accidents are responsible for the majority of serious injury and death among the pediatric population that I serve, who are the very definition of a vulnerable user of the roadway.

The proposed legislation would:

- Define a "vulnerable user" of the state's roads as a pedestrian, highway worker, person riding or driving an animal, person riding a bicycle, person using a skateboard, roller skates or inline skates, person operating or riding on an agricultural tractor or person using a wheelchair or motorized chair; and
- Provide that a person who fails to exercise reasonable care while driving, and injures or kills a vulnerable user, shall be fined up to \$1,000.

I would also support provisions, which were included past proposed bills, to require a person committing an infraction under SB 336 to attend driver retraining and perform community service. Vulnerable user laws in states such as Oregon, Washington, and Delaware include these requirements to ensure that drivers are held accountable and operate their vehicles safely in the future. I hope you will support strengthening SB 336 by working to add these provisions.

SB 191 reflects the spirit of the state's 2009 Complete Streets legislation: That our roadways should be safe for everyone who uses them, even the most vulnerable. Thank you for your leadership on this issue.

Sincerely,

Kirsten Bechtel MD  
Section of Pediatric Emergency Medicine  
Department of Pediatrics-Yale School of Medicine

# MAKING CONNECTICUT'S ROADS SAFER FOR EVERYONE

## Support SB 336: AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY

### The Need

Careless drivers injure hundreds of people every year in Connecticut. **130 pedestrians and cyclists were killed between 2010 and 2012 and approximately 1,400 pedestrians and cyclists are injured every year.**

Connecticut has made strides towards creating safer environments for everyone who uses the State's roadways. The 2009 Complete Streets law requires road projects to incorporate infrastructure for all users of the road. **To encourage non-motorized transportation and improve safety, better enforcement tools are also needed.**

Unless there is evidence of drug or alcohol use, or a hit and run, careless drivers are rarely held accountable for their devastating, preventable, actions. Driving that injures or kills is often penalized with little more than a fine. The vulnerable user law recognizes that "vulnerable road users," such as pedestrians, bicyclists, first responders, and highway workers need additional legal protections. It provides enhanced penalties for careless driving resulting in injury or death of a vulnerable road user.



### Bill Overview

The vulnerable user bill does not require any additional revenue from the State for enactment and would:

- Establish a class of vulnerable users of a public way.
- Define vulnerable users of a public way as pedestrians, highway workers, a person using a wheelchair or motorized chair, persons riding or driving an animal, blind persons and their service animals, and persons operating farm tractors, bicycles, scooters, roller or inline skates, and skateboards.
- Establishes a fine of not more than \$1,000 for infliction of serious physical injury or death to a vulnerable user when a person fails to operate due care when using a motor vehicle.

### Bill Myth

While the vulnerable user bill increases fines and penalties for those that operate motor vehicles carelessly, it does not absolve vulnerable users from safely utilizing roadway infrastructure.

**Supporters** AARP Connecticut • Bike and Pedestrian Alliance of Clinton • Bike Walk Connecticut • Connecticut Bicycle and Pedestrian Advisory Board • Connecticut Chapter, Sierra Club • Connecticut Citizens Transportation Lobby • Connecticut Fund for the Environment • Connecticut Horse Council • Connecticut League of Conservation Voters • Connecticut Livable Streets Campaign • Connecticut PIRG • Elm City Cycling • Farmington Valley Trails Council • Greenwich Safe Cycling • People-Friendly Stamford • Regional Plan Association • Shoreline Bicycle and Pedestrian Coalition • Sound Cyclists Bicycle Club • Transit for Connecticut • Tri-State Transportation Campaign • 1000 Friends of Connecticut • Yale Traffic Safety Committee

## Vulnerable User Laws: Improving Traffic Justice in Other States

Five states – Delaware, Hawaii, Oregon, Vermont, and Washington – have vulnerable user laws that define a set of road users as vulnerable and provide specific processes and penalties for actions directed at those users. The District of Columbia and 17 states address vulnerable road users in some way by prohibiting certain actions — such as harassment or the throwing of objects — or by providing the ability for persons to be charged with greater penalties when their actions result in the injury or death of a vulnerable road user.

In Oregon, the passage of the state's vulnerable user law led to increased police enforcement of crashes involving pedestrians and cyclists. In response to the law, local police reformed their practices and now investigate all crashes where a "vulnerable user" is transported by ambulance.

In New York, "Hayley and Diego's Law," which requires that careless drivers who injure or kill take a driver re-education course and potentially face a fine and license suspension, has been applied in over 250 cases since 2008

## Supporters of Safer Public Ways

*AARP Connecticut*  
Nora Duncan, State Director

*Bike and Pedestrian Alliance of Clinton*  
Debbie Lundgren, Chair

*Bike Walk Connecticut*  
Kelly Kennedy, Executive Director

*Connecticut Bicycle and Pedestrian Advisory Board*  
Neil Pade, Chair

*Connecticut Chapter of the Sierra Club*  
Martin Mador, Legislative Chair

*Connecticut Citizens Transportation Lobby*  
Jill Kelly and Carol Leighton, Co-Chairs

*Connecticut Fund for the Environment*  
Roger Reynolds, Senior Attorney

*Connecticut Horse Council*  
Fred Mastele, President

*Connecticut League of Conservation Voters*  
Lori Brown, Executive Director

*Connecticut Livable Streets Campaign*  
Mark Abraham

*Connecticut Public Interest Research Group*  
Sean Doyle, Program Associate

*Elm City Cycling*  
William Kurtz, Board of Directors

*Farmington Valley Trails Council*  
R. Bruce Donald, President

*Greenwich Safe Cycling*  
Vince DiMarco, Chairman

*People-Friendly Stamford*  
Jerry Silber, Member

*Regional Plan Association*  
Amanda Kennedy, Connecticut Director

*Shoreline Bicycle and Pedestrian Coalition*  
Kathy Connolly

*Simsbury Bike Walk Advisory Committee*  
Ann Marie Potter, Member

*Sound Cyclists Bicycle Club*  
Nancy Rosett

*Transit for Connecticut*  
Karen Burnaska, Coordinator

*Tri-State Transportation Campaign*  
Steven Higashide, Senior Planner

*1000 Friends of Connecticut*  
Susan Merrow, Board Chair

*Yale Traffic Safety Committee*  
Kirsten Bechtel, M.D. (Pediatrician, New Haven)



For more information, contact Steven Higashide, Tri-State Transportation Campaign, at [steven@tstc.org](mailto:steven@tstc.org) or 860-796-6988.

February 28, 2014

Sen. Andrew Maynard and Rep. Antonio Guerrero, Co-Chairs  
Connecticut General Assembly Transportation Committee  
Room 2300  
Legislative Office Building  
Hartford, CT 06106

Re: SB 336

Dear Sen. Maynard and Rep. Guerrero,

I write to you as a supporter of Senate Bill 336, "An Act Concerning the Penalty for Causing harm to a Vulnerable User of a Public Way" and to call your attention to a key difference between the bill as proposed and as drafted by the committee. As originally proposed, SB336:

- Defines a "vulnerable user" of the state's roads as a pedestrian, highway worker, person riding or driving an animal, person riding a bicycle, person using a skateboard, roller skates or inline skates, person operating or riding on an agricultural tractor or person using a wheelchair or motorized chair; and
- Provides that a person who fails to exercise reasonable care while driving, and injures or kills a vulnerable user, shall be required to attend a driver's retraining program and to perform community service, and may be fined up to \$1,000.

As a pediatric emergency department physician, I cannot stress enough the multi-faceted burdens associated with traumatic injury of innocent pedestrians and cyclists. We often care for these vulnerable victims who have lost their life, limb, and/or have become permanently disabled from reckless motor vehicle drivers. These injuries add to preventable health care dollars wasted. The emotional impact cannot be understated and post-traumatic stress experienced by family members can last a lifetime. This bill is a step in the right direction to change motorist behaviors and will add much needed additional protections to our street's vulnerable users as described above.

Sincerely,

Antonio Riera, MD  
Assistant Professor  
Pediatric Emergency Medicine  
Yale University School of Medicine

100 York Street  
Suite 1F  
New Haven, CT 06511  
phone: 203-737-7439  
fax: 203-737-7447

CC: Senator Beth Bye  
Representative Roland Lemar  
Members of the Joint Transportation Committee

February 28, 2014

Sen. Andrew Maynard and Rep. Antonio Guerrero, Co-Chairs  
Connecticut General Assembly Transportation Committee  
Room 2300  
Legislative Office Building  
Hartford, CT 06106

Re: SB336

Dear Sen. Maynard and Rep. Guerrero,

I write to you as supporter of Senate Bill SB336, "An Act Concerning the Penalty for Causing harm to a Vulnerable User of a Public Way".

As a Pediatrician/Pediatric Emergency Medicine Specialist working in New Haven, Connecticut I am horrified by the commonplace act of motorists making left hand turns on red. Specifically the illegal maneuvers have taken place on George Street as the individual is turning onto York Street without stopping at a firmly red traffic light. I have personally witnessed several family units (mothers pushing baby carriages or strollers) nearly run over by these carelessly reckless drivers. I would have called in license plate numbers to police but each time it is impossible secondary to the egregious and surprising nature of the event, the need to assist the nearly injured highly vulnerable population, coupled with the speed at which the vehicles are moving to read the license plate number. Events like these have to stop!

Vulnerable user laws in other states such as Oregon, Washington, and Delaware include these requirements to ensure that drivers are held accountable for crashes that involve the serious injury or death of a vulnerable road user. Moreover, these provisions help ensure that drivers operate their vehicles safely in the future. While a fine is an important deterrent to careless driving, the bill as originally proposed better reflects the spirit of the state's Complete Streets legislation: That our roadways should be safe for everyone who uses them, even the most vulnerable.

Thank you for your past and current support of vulnerable user legislation.

Sincerely,

Karen Santucci, MD  
Professor of Pediatrics  
Medical Director and Section Chief  
Pediatric Emergency Medicine/Yale School of Medicine

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**Connecticut Farm Bureau Association**  
775 Bloomfield Ave., Windsor, CT 06095-2322  
(860) 768-1100 • Fax (860) 768-1108 • [www.cfba.org](http://www.cfba.org)

March 5, 2014

Submitted by: Henry N. Talmage, Executive Director, Connecticut Farm Bureau Association

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*The following testimony is submitted on behalf of the Connecticut Farm Bureau, a statewide nonprofit membership organization of over 5,000 families dedicated to farming and the future of Connecticut agriculture.*

Senator Maynard, Representative Guerrero and Members of the Transportation Committee:

**Raised Bill No. 336 AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.**

The Connecticut Farm Bureau supports the adoption of RB 336. The bill provides for special consideration and protections for vulnerable users as defined in Section 1 through the assessment of a fine up to \$1,000 for individuals who fail to exercise reasonable care in the event of injury or death of a vulnerable user. From an agricultural perspective, the definition includes "a person riding or driving an animal" as well as "a person operating or riding on an agricultural tractor". We would suggest the bill be amended to include "or other agricultural equipment" following the word "tractor". Agricultural operators often encounter motorists who exceed the speed limit or drive recklessly or aggressively on public roads. The potential for serious accidents increase as road congestion expands away from population centers and farm operations are reestablished in more populated areas. We feel SB 336 will help draw attention to the issue of sharing the roads with vulnerable users and encourage a higher level of caution.

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## TRI STATE TRANSPORTATION CAMPAIGN



**Testimony of Steven Higashide, Senior Planner/Connecticut Coordinator  
Connecticut General Assembly, Transportation Committee Public Hearing  
March 5, 2014**

Good morning. My name is Steven Higashide and I am the senior planner and Connecticut coordinator for the Tri-State Transportation Campaign, a nonprofit transportation watchdog group that works in Connecticut, New York, and New Jersey.

I am here today in strong support of **SB 336, "An Act Concerning the Penalty for Causing Harm to a Vulnerable User of a Public Way."** This bill has been endorsed by 23 organizations, some of whom are here today and all of whom are listed on the attached fact sheet. The bill defines vulnerable users of the state's public ways. These include pedestrians, highway workers, cyclists, a person driving or riding an animal, a person using a skateboard, roller skates, or inline skates; a person operating an agricultural tractor or farm implement, and a blind person and his or her service animal.

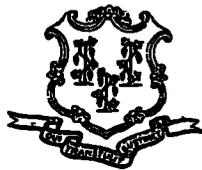
This legislation also creates a fine of up to \$1,000 for motorists convicted of inflicting serious physical injury or death to a vulnerable user. The bill does not absolve vulnerable users from using the road responsibly, but creates needed penalties for motorists who do not.

SB 336 is a much-needed step towards increased driver accountability. Careless drivers who injure or kill are often not held accountable except in cases of drug or alcohol use, or hit-and-run. We need to close this enforcement gap and remind everyone that motor vehicles must be operated with due care. In fact, Tri-State would also support language that was introduced in prior sessions, which would require persons committing an infraction under this law to attend driver retraining and perform community service.

I want to note the testimony of three Yale School of Medicine professors and practicing physicians who work in pediatric emergency medicine. Drs. Kirsten Bechtel, Antonio Riera, and Karen Santucci could not be here today, but they asked that I share their testimony with you and I've included all three in the packet.

The vulnerable user bill passed the State Senate unanimously last session, and the session before. We are not aware of any substantive objections to this bill. Since 2010, more than 130 pedestrians and cyclists have been killed on Connecticut's roadways, and thousands have been injured. We can't wait any longer.

I also want to note Tri-State's support for **SJ 23, "Resolution Proposing an Amendment to the State Constitution Limiting the Use of Moneys Contained in the Special Transportation Fund."** This committee is well aware of the Special Transportation Fund's troubled history. Had over a billion dollars not been diverted from the transportation fund, it's possible that we could have avoided some of the problems now occurring on the New Haven Line, and could have fixed some of the more than 400 bridges which remain structurally deficient. This is a chance to lock the lockbox once and for all. Thank you.



STATE OF CONNECTICUT  
DEPARTMENT OF TRANSPORTATION

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Office of the  
Commissioner

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**Public Hearing – March 5, 2014  
Transportation Committee**

**Testimony Submitted by Commissioner Jim Redeker  
Department of Transportation**

**Raised S.B. 336 – An Act Concerning the Penalty for Causing Harm to a Vulnerable User of a Public Way.**

The Department of Transportation (CTDOT) supports Raised S.B. 336, AAC the Penalty for Causing Harm to a Vulnerable User of a Public Way.

The intent of this bill is firmly in line with the Department's mission to provide "...a safe and efficient intermodal transportation network that improves the quality of life...in the State and the Region". CTDOT suggests that the definition be all encompassing to include all users such as persons on a legal non-motorized device (i.e. scooters, skateboards), etc.

For further information or questions, please contact Pam Sucato, Legislative Program Manager for the Department of Transportation, at (860) 594-3013 or [pamela.sucato@ct.gov](mailto:pamela.sucato@ct.gov).