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[Reports](#)

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Title: ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS ESTABLISHING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES IN THE CITY OF NEW HAVEN PURSUANT TO THE AUTHORITY GRANTED IN PUBLIC ACT 23-116, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL

Attachments:
[1. 0 - CHECKLIST - ATESD March 8 2024 - Copy.pdf](#),
 [2. 1 - BOA COVER LTR - ATESD March 8 2024 \(001\) - Copy.pdf](#),
 [3. 2A - Ordinance ATESD March 8 2024 \(001\) - Copy.pdf](#),
 [4. 2B - Ordinance ATESD March 8 2024 \(001\) - Copy.pdf](#),
 [5. 3 - PRIOR NOTIF FORM - Plan ATESD March 8 2024 \(001\) - Copy.pdf](#),
 [6. 4 - FISCAL IMPACT STMT - ATESD March 8 2024 \(001\) - Copy.pdf](#),
 [7. 5 - SUPPORTING DOC - ATESD Program Draft Plan.pdf](#),
 [8. ATESD Consolidated BOA Communication March 8 2024.pdf](#),
 [9. signed checklist Or-2024-0014 Red Light Camera ordinance.pdf](#),
 [10. 240416 LEG PS Public Testimony](#),
 [11. signatures](#)

[History \(4\)](#) [Text](#)

TITLE
ORDINANCE OF THE NEW HAVEN BOARD OF ALDERS ESTABLISHING THE USE OF AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES IN THE CITY OF NEW HAVEN PURSUANT TO THE AUTHORITY GRANTED IN PUBLIC ACT 23-116, AN ACT IMPLEMENTING THE RECOMMENDATIONS OF THE VISION ZERO COUNCIL

BODY
 WHEREAS, speeding and red-light running are significant problems in New Haven with respect to roadway safety and traffic violations;

WHEREAS, studies have shown that both speeding and collisions involving red light violations have a significantly large impact on fatal and serious injury motor vehicle accidents, with particularly destructive effects on economically and socially disadvantaged communities;

WHEREAS, both driving behaviors can be greatly mitigated by improved enforcement;

WHEREAS, automated traffic enforcement is one such enforcement tool that can be utilized by the City of New Haven (the “City”) to reduce the prevalence of excessive speed and the running of red lights, thereby improving roadway safety for all users;

WHEREAS, the State of Connecticut on June 27, 2023, enacted Public Act No. 23-116, providing in section 11 thereof that “any municipality may authorize the use of automated traffic enforcement safety devices (“ATESD”) at locations within school zones, pedestrian safety zones and other places in such municipality, provided (1) the municipality adopts an ordinance in accordance with the provisions of this section, and (2) the locations of such devices are identified in a plan approved by the Department of Transportation pursuant to section 17 of this act;”

WHEREAS, the City’s vision of significantly reducing and eventually eliminating serious roadway injuries and deaths, known as “Vision Zero” aligns with the City’s long-term safety vision plan (“Safe Routes for All”) and the United States Department of Transportation’s National Roadway Safety Strategy; and

WHEREAS, it is in the interest of the City to create an ATESD program as a tool for more effectively prioritizing those enforcement resources and strategies that have the greatest impact on traffic safety, while keeping equity and fair distribution of the program throughout the City at the forefront;

WHEREAS, by adopting the ordinance and ultimately implementing an ATESD program, the City will move closer to fulfilling the goal of eliminating deaths and serious injuries resulting from motor vehicle collisions;

WHEREAS, the City’s ATESD program shall be implemented, administered, and overseen by the City’s Transportation, Traffic and Parking Department;

WHEREAS, the Department of Transportation, Traffic and Parking staff have formulated a draft operations plan for an ATESD program in collaboration with residents and other stakeholders; and

WHEREAS, the “new ordinance” (as defined below) expressly contains the various requirements of Public Act 23-116, including stipulating the conditions under which a motor vehicle may be cited for speeding or running a red light and the associated fine as well as various operational protocols such as permissible uses of the technology, privacy, alleged violation adjudication and available recourse for appeal all as set forth in the new ordinance or companion operational plan; AND

WHEREAS, the ATESD Program Operations Plan approved in LM-2023-0334, is hereby approved for submission to the Connecticut Department of Transportation.

NOW, THEREFORE, BE IT ORDAINED that there shall be permitted within the City the use of ATESD pursuant to the authority granted in Public Act 23-116, an act implementing the recommendations of the Vision Zero Council, in accordance with an amendment to Chapter 29 of the New Haven Code of Ordinances, in the form attached hereto (the “new ordinance”) as follows

body

TITLE III - CODE OF GENERAL ORDINANCES

CHAPTER 29 - TRAFFIC AND MOTOR VEHICLES

Article VII - Automated Traffic Enforcement Safety Devices

Sec. 29-137. Use of automated traffic enforcement safety devices.

Pursuant to the authority granted in Public Act 23-116, Section 11, of the 2023 Session of the Connecticut General Assembly (the “Public Act”) as may be amended from time to time, the City of New Haven (the “City”) hereby authorizes the use of automated traffic enforcement safety devices at locations within school zones, pedestrian safety zones, and other places within the boundaries of the City, provided that the locations of such devices are identified in a plan submitted to and approved by the Connecticut Department of Transportation, together with any other requirements of the Public Act (the “ATESD Program”). The ATESD Program shall be implemented, administered, and overseen by the City’s Transportation, Traffic and Parking Department.

Sec. 29-138. Definitions.

The following words, terms, and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Automated traffic enforcement safety device (“ATESD”) means a device designed to detect and collect evidence of alleged traffic violations by recording images that capture the number plate, date, time, and location of a motor vehicle that

(i) exceeds the posted speed limit by ten (10) or more miles per hour, or (ii) fails to stop such vehicle when facing a steady red signal on a traffic control signal.

Automated traffic enforcement safety device operator (“ATESD Operator”) means a person who is trained and certified to operate an automated traffic enforcement safety device.

"Driver," "motor vehicle," "number plate," and "owner" have the same meanings as provided in C.G.S. § 14-1 of the general statutes.

Pedestrian safety zone means an area designated by the Office of State Traffic Administration or the traffic authority of the City pursuant to C.G.S. § 14-307a.

Personally identifiable information means information obtained, created or maintained by the City or a vendor as part of the ATESD Program that identifies or describes an owner and includes, but is not be limited to, the owner’s name, address, social security number, telephone number, email address, number plate, photograph, bank account information, credit card number, debit card number, or the date, time, location, or direction of travel on a highway.

School zone means an area designated by the Office of State Traffic Administration or the traffic authority of the City pursuant to C.G.S. § 14-212b.

Traffic authority, traffic control sign, and traffic control signal shall all have the same meanings as provided in C.G.S. § 14-297.

Vendor means a person or entity that (i) provides services to the City under this ordinance and the ATESD Program; (ii) operates, maintains, leases, or licenses an ATESD; or (iii) is authorized to review and assemble the recorded images captured by an ATESD and forward such recorded images to the City.

Sec. 29-139. Contractual Services.

The City may enter into agreements for contractual services including vendors for the design, installation, operation, or maintenance, or any combination thereof, of ATESDs. If a vendor designs, installs, operates, or maintains an automated traffic enforcement safety device, the vendor’s fees may not be contingent on the number of citations issued or fines paid pursuant to this ordinance.

Sec. 29-140. Operation of automated traffic enforcement safety device.

All ATESDs shall be operated by an automated traffic enforcement safety device operator.

Sec. 29-141. Violation.

- (a) An owner of a motor vehicle commits a violation of this ordinance if the person operating the motor vehicle:
- (1) Exceeds the posted speed limit by ten (10) or more miles per hour and such operation is detected by an ATESD; or
 - (2) Fails to stop such motor vehicle when facing a steady red signal on a traffic control signal and such failure is detected by an ATESD.
- (b) ATESD shall be used solely for identifying violations of this ordinance.
- (c) For the first thirty (30) days after a location is equipped with an operational ATESD, the owner of a motor vehicle that allegedly violates this ordinance that is detected by such device shall receive a written warning instead of a citation.

Sec. 29-142. Penalty for violation.

(a) Whenever an ATESD detects and produces recorded images of a motor vehicle allegedly committing a violation of this ordinance, a sworn member or employee of the City’s Police Department or an employee of the City’s

Transportation, Traffic and Parking Department, as designated by the Local Traffic Authority (“ATESD Official”), shall review and approve the recorded images provided by such device. If, after such review, the ATESD Official determines that there are reasonable grounds to believe that a violation occurred, the City may issue by first class mail a citation to the owner of such motor vehicle pursuant to Section 11, subsection (i) of the Public Act.

(b) A citation under this ordinance shall include the following:

- (1) The name and address of the owner of the motor vehicle;
- (2) The number plate of the motor vehicle;
- (3) The violation charged;
- (4) The location of the automated traffic enforcement safety device and the date and time of the violation;
- (5) A copy of or information on how to view, through electronic means, the recorded images that captured the alleged violation;
- (6) A statement or electronically generated affirmation by the sworn member or employee who viewed the recorded images and determined that a violation occurred;
- (7) Verification that the automated traffic enforcement safety device was operating correctly at the time of the alleged violation and the date of the most recent calibration check performed pursuant to the Public Act;
- (8) The amount of the fine imposed and how to pay such fine; and
- (9) The right to contest the violation and request a hearing pursuant to C.G.S. § 7- 152c.

(c) In the case of an alleged violation involving a motor vehicle registered in Connecticut, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the Department of Motor Vehicles. In the case of an alleged violation involving a motor vehicle registered in another jurisdiction, the citation shall be sent by first class mail not later than thirty (30) days after the identity of the owner is determined and shall be mailed to the address of the owner that is in the records of the official in the other jurisdiction issuing such registration.

(d) A citation shall be invalid unless mailed to an owner not later than sixty (60) days after the alleged violation.

Sec. 29-141. Fine for violation.

(a) The City shall impose a fine against the owner of a motor vehicle who commits a violation of this ordinance.

(b) The fine for a first violation of this ordinance shall be not more than fifty dollars (\$50.00). The fine for each subsequent violation of this ordinance shall be not more than seventy-five dollars (\$75.00). These fines shall be imposed against the owner of the motor vehicle committing a violation of this ordinance.

(c) Payment of a fine and any associated fees may be made by electronic means.

(d) A reasonable fee, not to exceed fifteen dollars (\$15.00), may be imposed for the costs associated with the electronic processing of the payment of a fine.

(e) Any funds received by the City from fines imposed pursuant to this ordinance shall be used for the purposes of improving transportation mobility, investing in transportation infrastructure improvements, traffic safety or paying the costs associated with the ATESD Program within the City.

Sec. 29-141. Appeal.

(a) In accordance with C.G.S. § 7-152c, any owner issued a citation for violating the provisions of this ordinance may, within ten (10) days of the date of the citation, deliver or mail an appeal in writing requesting a hearing to the ATESD Official, in care of the City's Transportation, Traffic and Parking Department.

(b) Any person who timely requests a hearing pursuant to subsection (a) of this section shall be given written notice of the date, time, and place for the hearing. The hearing shall be held not less than fifteen days nor more than thirty days from the date of the mailing of the citation, provided the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the citation issued by a sworn member or employee of the City's Police Department or ATESD Official shall be filed and retained by the City and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the sworn member or employee of the City's Police Department or ATESD Official shall be required at the hearing if the person so requests. A person wishing to contest the person's liability shall appear at the hearing and may present evidence. A designated municipal official, other than the hearing officer, may present evidence on behalf of the municipality. If the person fails to appear, the hearing officer may enter an assessment by default against the person upon a finding of proper notice and liability under this ordinance. The hearing officer may accept from the person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as the hearing officer deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce the decision at the end of the hearing. If the hearing officer determines that the person is not liable, the hearing officer shall dismiss the matter and enter this determination in writing accordingly. If the hearing officer determines that the person is liable for the violation, the hearing officer shall forthwith enter and assess the fines, penalties, costs or fees against the person as provided by this ordinance.

Sec. 29-142. Defenses.

The defenses available to the owner of a motor vehicle that is alleged to have committed a violation of this ordinance shall include, but are not limited to, any one or more of the following:

- (a) The operator was driving an emergency vehicle in accordance with the applicable provisions of C.G.S. § 14-283.
- (b) The traffic control signal was inoperative, which is observable on the recorded images.
- (c) The violation was necessary for the operator to comply with an order or direction from a law enforcement officer, which is observable on the recorded images.
- (d) The violation was necessary to allow the passage of an authorized emergency vehicle, which is observable on the recorded images.
- (e) The violation took place during a period of time in which the motor vehicle had been reported as being stolen to a law enforcement unit, as defined in C.G.S. § 7-294a, and had not yet been recovered prior to the time of the violation.
- (f) The ATESD was not in compliance with the annual calibration check required pursuant to the applicable provisions of subsection (h) of Section 11 of Public Act 23-116.

Sec. 29-142. Disclosure of personally identifiable information.

(a) No personally identifiable information shall be disclosed by the City or a vendor to any person or entity, including any law enforcement unit, except where the disclosure is made in connection with the charging, collection, and enforcement of the fines imposed pursuant to this ordinance.

(b) No personally identifiable information shall be stored or retained by the City or a vendor unless such information is necessary for the charging, collection, and enforcement of the fines imposed pursuant to this

ordinance.

(c) The City or a vendor shall destroy all personally identifiable information and other data that specifically identifies a motor vehicle and relates to a violation of this ordinance not later than thirty (30) days after any fine is collected or the resolution of a hearing conducted for the alleged commission of such violation, whichever is later.

(d) Any information and other data gathered from automated traffic enforcement safety devices shall be subject to disclosure under the Freedom of Information Act, as defined in C.G.S. § 1-200, except that no personally identifiable information may be disclosed.

Sec. 29-143. Reporting.

In addition to the reporting requirements set forth in Section 13 of Public Act 23-116, the Transportation, Traffic and Parking Department shall, on a biannual basis, provide the Board of Alders with a written report that gauges the effectiveness of the ATESD Program. The first report shall be provided six months after the implementation of the ATESD Program.

Sec. 29-144. The Public Act.

To the extent of applicability, any provisions of Public Act 23-116 that are necessary to further and/or effectuate this ordinance are hereby incorporated and adopted in toto, herein.

Sec. 29-145. Severability.

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by any decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

Sec. 29-146. Repealer.

All City ordinances, bylaws, orders, resolutions, or parts thereof, inconsistent herewith are hereby repealed only to the extent of such inconsistency. This repealer shall not be construed to revive any ordinances, bylaws, orders, resolutions, or parts thereof, heretofore repealed.

This ordinance shall take effect upon adoption.