

1 * * * Automated Traffic Law Enforcement System in Work Zones Pilot * * *

2 Sec. 13. DEFINITIONS

3 As used in Secs. 13–16 of this act:

4 (1) “Agency” means an agency of State government authorized under
5 Vermont law to issue citations for a violation of State motor vehicle laws or
6 rules that employs at least one law enforcement officer certified in automated
7 license plate recognition (ALPR) operation by the Vermont Criminal Justice
8 Council.

9 (2) “Automated traffic law enforcement system” means a device with
10 one or more sensors working in conjunction with a speed measuring device to
11 produce recorded images of motor vehicles traveling at more than 10 miles
12 above the speed limit.

13 (3) “Automated traffic law enforcement system pilot” or “pilot” means
14 a pilot program during which automated traffic law enforcement systems are
15 deployed in Vermont by an agency.

16 (4) “Recorded image” means a photograph, microphotograph, electronic
17 image, or electronic video that shows the front or rear of the motor vehicle
18 clearly enough to identify the registration number plate of the motor vehicle.

19 (5) “Traffic control device” means any sign, signal, marking,
20 channelizing, or other device that conforms with the Manual on Uniform
21 Traffic Control Devices, which is the standards for all traffic control signs,

1 signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is
2 used to regulate, warn, or guide traffic and placed on, over, or adjacent to a
3 highway, pedestrian facility, or bicycle path by authority of the State or the
4 municipality with jurisdiction over the highway, pedestrian facility, or bicycle
5 path.

6 Sec. 14. FINDINGS

7 The General Assembly finds that:

8 (1) There are times, either because of insufficient staffing or inherent
9 onsite difficulties, where law enforcement personnel cannot practically be
10 utilized in a work zone.

11 (2) The objectives of utilizing an automated traffic law enforcement
12 system in a work zone are improved work crew safety and reduced traffic
13 crashes resulting from an increased adherence to traffic laws achieved by
14 effective deterrence of potential violators, which could not be achieved by
15 traditional law enforcement methods.

16 (3) The use of automated traffic law enforcement systems in work zones
17 is not intended to replace traditional law enforcement personnel, nor is it
18 intended to mitigate problems caused by deficient road design, construction, or
19 maintenance. Rather, it provides deterrence and enforcement at times when
20 and in locations where law enforcement personnel cannot be utilized safely or
21 are needed for other law enforcement activities.

1 (4) Two integral parts of a temporary automated traffic law enforcement
2 pilot are:

3 (A) a community-wide informational campaign directed toward the
4 traveling public; and

5 (B) the gathering of non-personal information—such as aggregate
6 data on the number of motor vehicles traveling through a work zone at more
7 than 10 miles above the speed limit when workers are present and an analysis
8 of the clarity of recorded images—to determine both the possible efficacy of
9 automated traffic law enforcement systems at reducing speeding in work zones
10 and the administrability of using automated traffic law enforcement systems as
11 a means of enforcing Vermont’s motor vehicle laws.

12 (5) The primary goal of a temporary automated traffic law enforcement
13 pilot is to reduce crashes in work zones by deterring traffic violations.

14 (6) The issuance of warnings, traffic violation complaints, and
15 generation of revenue are not the goals of a temporary automated traffic law
16 enforcement system pilot.

17 Sec. 15. **TEMPORARY** AUTOMATED TRAFFIC LAW ENFORCEMENT
18 SYSTEM PILOT

19 (a) Design and implementation.

20 (1) The Agency of Transportation, in consultation with the Department
21 of Public Safety, shall design and implement a temporary automated traffic law

1 enforcement system pilot that shall deploy automated traffic law enforcement
2 systems in work zones in Vermont for no longer than one year and conclude
3 not later than March 1, 2024. At no point during the temporary pilot shall
4 warnings, traffic violations, or mailings be sent to members of the traveling
5 public.

6 (2) The temporary pilot shall be preceded by and not commence until
7 after the Agency of Transportation engages in the necessary planning and
8 contractor procurement and conducts a comprehensive public outreach and
9 informational campaign.

10 (3) The Agency of Transportation may retain one or more contractors to
11 assist in the implementation of the temporary pilot and compensation paid to
12 these contractors shall be based on the value of the equipment or the services
13 provided.

14 (4) Except as otherwise provided in this section, automated traffic law
15 enforcement systems shall be regulated as an automated license plate
16 recognition system under 23 V.S.A. §§ 1607 and 1608 during the temporary
17 pilot.

18 (b) Public outreach.

19 (1) The public outreach and informational campaign shall continue
20 throughout the temporary pilot, including whenever automated traffic law
21 enforcement systems are deployed in work zones in Vermont.

1 (2) Any agencies utilizing an automated traffic law enforcement system
2 shall maintain a website that lists the locations where automated traffic law
3 enforcement systems are utilized.

4 (c) Location. An automated traffic law enforcement system may only be
5 utilized at a location in the vicinity of a work zone and if the agency with
6 jurisdiction over the location determines, in its sole discretion, that it may be
7 impractical or unsafe to utilize traditional law enforcement, or that the use of
8 traditional law enforcement personnel has failed to deter violators, provided
9 that:

10 (1) the agency confirms, through a traffic engineering analysis of the
11 proposed location, that the location meets highway safety standards;

12 (2) the automated traffic law system is not used as a means of combating
13 deficiencies in roadway design or environment;

14 (3) signs notifying members of the traveling public of the use of an
15 automated traffic law enforcement system are in place before any recorded
16 images or other data is collected by the automated traffic law enforcement
17 system; and

18 (4) the automated traffic law enforcement system is only in operation
19 when workers are present in the work zone.

20 (d) Recorded images.

1 (1) If an automated traffic law enforcement system collects a recorded
2 image of a motor vehicle, an employee of the agency shall promptly review the
3 recorded image to determine if:

4 (A) the recorded image shows the front or rear of the motor vehicle
5 clearly enough to identify the registration number plate of the motor vehicle;

6 (B) the recorded image clearly shows the operator of the motor
7 vehicle; and

8 (C) whether, based on the recorded image and any other data
9 collected by the automated traffic law enforcement system, it would be
10 possible to determine if the motor vehicle was being operated in violation of a
11 traffic control device.

12 (2) The automated traffic enforcement system shall only be used to
13 collect recorded images of violations of a traffic control device and shall not be
14 used for any other surveillance purposes.

15 (3) All recorded images and copies or backups made of the original
16 recorded images shall be destroyed after 24 hours.

17 (e) Data collected by automated traffic law enforcement systems. Except
18 for recorded images and copies or backups made of original recorded images,
19 data collected by a traffic law enforcement system during the temporary pilot
20 shall be considered data collected under an automated license plate recognition

1 system, as defined under 23 V.S.A. § 1607, and shall only be released pursuant
2 to 23 V.S.A. §§ 1607 and 1608.

3 Sec. 16. REPORTING

4 (a) To the Agency of Transportation by agencies with jurisdiction over a
5 location where an automated traffic law enforcement system is utilized. Not
6 later than two months after the conclusion of the first six months of the
7 temporary automated traffic law enforcement system pilot and not later than
8 two months after the conclusion of the last six months of the temporary pilot,
9 the agencies with jurisdiction over a location where an automated traffic law
10 enforcement system was utilized shall report the following for each location
11 where an automated traffic law enforcement system was utilized to the Agency
12 of Transportation:

13 (1) the number of crashes and related serious injuries and fatalities;

14 (2) recorded speed data; and

15 (3) a summary of the quality of recorded images and whether it was
16 possible to determine if the motor vehicle was being operated in violation of a
17 traffic control device.

18 (b) To the General Assembly by the Agency of Transportation.

19 (1) Not later than February 15, 2024, the Agency of Transportation shall
20 submit a written report on the use of automated traffic law enforcement

1 systems in work zones in Vermont to the House and Senate Committees on
2 Judiciary and on Transportation.

3 (2) The report shall include the following for each location where an
4 automated traffic law enforcement system was utilized as part of the automated
5 traffic law enforcement:

6 (A) the number of crashes and related serious injuries and fatalities;

7 (B) recorded speed data; and

8 (C) a summary of the quality of recorded images and whether it was
9 possible to determine if the motor vehicle was being operated in violation of a
10 traffic control device.

11 (3) The report shall also include the amount paid under each contract
12 that the Agency of Transportation enters into under Sec. 15(a)(3) of this act.

13 * * * Effective Dates * * *

14 Sec. 17. EFFECTIVE DATES

15 (a) Secs. 13–16 (temporary work zone pilot) shall take effect on July 1,
16 2021 and be repealed as of five months after the conclusion of the temporary
17 automated traffic law enforcement system pilot.

18 (b) All other sections shall take effect on July 1, 2021.