

1 ***[EXCERPT OF SECS. 13–16 of [DR REQ 21-0655 v. 1.4](#) (T. BILL)]***

2 ***AGENCY OF TRANSPORTATION PROPOSALS AS MODIFIED BY LEG.***

3 ***COUNSEL AND LEG. COUNSEL TECHNICAL CORRECTIONS]***

4 ***[SECS. 1–12 OMITTED]***

5 \* \* \* Automated Traffic Law Enforcement System in Work Zones Pilot \* \* \*

6 Sec. 13. DEFINITIONS

7 As used in Secs. 13–16 of this act:

8 (1) “Agency” means an agency of State government that is authorized to  
9 issue citations for a violation of State motor vehicle laws or rules.

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

14 (3) “Automated traffic law enforcement system pilot” or “pilot” means  
15 a pilot program during which automated traffic law enforcement systems are  
16 used to issue warnings for motor vehicles that are in violation of a traffic  
17 control device.

18 (4) “Owner” means the registered owner of a motor vehicle or a lessee  
19 of a motor vehicle under a lease of one year or more.

20 (5) “Recorded image” means a photograph, microphotograph, electronic  
21 image, or electronic video that shows the front or rear of the motor vehicle  
22 clearly enough to identify the registration number plate of the motor vehicle.

1           (6) “Traffic control device” means any sign, signal, marking,  
2           channelizing, or other device that conforms with the Manual on Uniform  
3           Traffic Control Devices, which is the standards for all traffic control signs,  
4           signals, and markings within the State pursuant to 23 V.S.A. § 1025, and is  
5           used to regulate, warn, or guide traffic and placed on, over, or adjacent to a  
6           highway, pedestrian facility, or bicycle path by authority of the State or the  
7           municipality with jurisdiction over the highway, pedestrian facility, or bicycle  
8           path.

9           Sec. 14. FINDINGS

10           The General Assembly finds that:

11           (1) There are times, either because of insufficient staffing or inherent  
12           on-site difficulties, where law enforcement personnel cannot practically be  
13           utilized in a work zone.

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

19           (3) The use of automated traffic law enforcement systems in work zones  
20           is not intended to replace traditional law enforcement personnel, nor is it  
21           intended to mitigate problems caused by deficient road design, construction, or  
22           maintenance. Rather, it provides deterrence and enforcement at times when

1 and in locations where law enforcement personnel cannot be utilized safely or  
2 are needed for other law enforcement activities.

3 (4) An integral part of an automated traffic law enforcement pilot is a  
4 community-wide informational campaign directed toward the traveling public.

5 (5) The goal of an automated traffic law enforcement pilot is to reduce  
6 crashes in work zones by deterring traffic violations.

7 (6) The issuance of traffic violation complaints and generation of  
8 revenue are not the goals of an automated traffic law enforcement system pilot.

9 Sec. 15. AUTOMATED TRAFFIC LAW ENFORCEMENT SYSTEM

10 PILOT

11 (a) Design and implementation.

12 (1) The Agency of Transportation, in consultation with the Department  
13 of Public Safety, shall design and implement a one-year automated traffic law  
14 enforcement system pilot.

15 (2) The pilot shall be preceded by and not commence until after the  
16 Agency of Transportation engages in the necessary planning and contractor  
17 procurement and conducts a comprehensive public outreach and informational  
18 campaign.

19 (3) The Agency of Transportation may retain one or more contractors to  
20 assist in the implementation of the pilot. However, compensation paid to these  
21 contractors shall be based on the value of the equipment or the services  
22 provided and not the number of warnings issued.

1        (b) Public outreach.

2            (1) The public outreach and informational campaign shall continue  
3 throughout the one-year automated traffic law enforcement system pilot.

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

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

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

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

17            (3) signs notifying members of the traveling public of the use of an  
18 automated traffic law enforcement system are in place before any warnings are  
19 issued based on recorded images collected by the automated traffic law  
20 enforcement system; and

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

1        (d) Warnings.

2            (1) If an automated traffic law enforcement system collects a recorded  
3 image of a motor vehicle in violation of a traffic control device, the agency  
4 with jurisdiction over the location where the automated traffic law enforcement  
5 system is utilized shall mail to the owner of the motor vehicle in the recorded  
6 image a warning that includes:

7            (A) the name and address of the registered owner of the motor  
8 vehicle in the recorded image;

9            (B) the issuing jurisdiction and registration number of the motor  
10 vehicle in the recorded image;

11           (C) a copy of the recorded image;

12           (D) the location of the automated law enforcement system that  
13 collected the recorded image;

14           (E) the date and time of the recorded image;

15           (F) a signed statement by an employee of the agency that, based on  
16 inspection of recorded images, the motor vehicle was being operated in  
17 violation of a traffic control device; and

18           (G) a statement that recorded images may be used as evidence of a  
19 violation of a traffic control device.

20           (2) A warning issued under this section shall be mailed not later than  
21 14 days after the date of the recorded image if the motor vehicle is registered in  
22 Vermont and not later than 30 days after the date of the recorded image if the

1 motor vehicle is registered in a jurisdiction outside of Vermont.  
2 Notwithstanding 23 V.S.A. § 114, the Department of Motor Vehicles shall  
3 provide registration information to agencies and any of the Agency of  
4 Transportation’s contractors retained pursuant to subdivision (a)(3) of this  
5 section free of charge and pursuant to 23 V.S.A. § 104 and 18 U.S.C.  
6 § 2721(b)(1) for purposes of mailing a warning pursuant to this subsection.

7 (e) Limitations on the usage of recorded images.

8 (1) The automated traffic enforcement system shall only be used to  
9 collect recorded images of violations of a traffic control device and may not be  
10 used for any other surveillance purposes. The restrictions provided in this  
11 subsection shall not preclude a court of competent jurisdiction from ordering  
12 the release of recorded images and any corresponding data to law enforcement  
13 officials, provided that the information is requested solely in connection with a  
14 criminal prosecution.

15 (2) Recorded images and any corresponding data collected by an  
16 automated traffic enforcement system are exempt from public inspection and  
17 copying under the Public Records Act and shall be kept confidential except to  
18 the extent necessary to comply with this section.

19 (3) Recorded images and any corresponding data collected by an  
20 automated traffic enforcement system shall be destroyed within one year of  
21 recording, except that recorded images and any corresponding data collected  
22 by an automated traffic enforcement system that is subject to a court order

1 under subdivision (1) of this subsection shall be destroyed within two years  
2 after the date of the court order, unless further extended by court order.

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 automated traffic law enforcement system pilot and not later than two months  
8 after the conclusion of the last six months of the pilot, the agencies with  
9 jurisdiction over a location where an automated traffic law enforcement system  
10 was utilized shall report the following for each location where an automated  
11 traffic law enforcement system was utilized to the Agency of Transportation:

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

13 (2) recorded speed data; and

14 (3) the number of warnings issued.

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

16 (1) Not later than four months after the conclusion of the automated  
17 traffic law enforcement system pilot, the Agency of Transportation shall  
18 submit a written report on the use of automated traffic law enforcement  
19 systems in work zones in Vermont to the House and Senate Committees on  
20 Transportation and to the Joint Transportation Oversight Committee if the  
21 General Assembly is not in session.

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

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

5                   (B) recorded speed data; and

6                   (C) the number of warnings issued.

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

9                                   ***[SEC. 17 OMITTED]***