



Legislative Testimony  
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**Written Testimony Opposing House Bill 5429, An Act Concerning Pedestrian Safety, Vision Zero Council, Speed Limits in Municipalities, Fines and Charges for Certain Violations, The Greenways Commemorative Account and Maintenance Work Zone and School Zone Safety Enforcement**

Representative Lemar, Senator Cassano, Ranking Member Carney, Ranking Member Somers, and distinguished members of the Transportation Committee:

My name is Kelly McConney Moore, and I am the interim senior policy counsel for the American Civil Liberties Union of Connecticut (ACLU-CT). I am submitting this testimony in opposition to House Bill 5429.

Senate Bill 5429 is certainly attempting to achieve a laudable goal: reducing injuries and deaths from traffic incidents. These are real problems that need strong, innovative solutions. Many of the provisions of this bill, however, are likely to impose serious harms on people – mostly lower-income people, people in Connecticut cities, and people of color – without any proven concomitant benefits to safety. Too many social problems in the U.S. and in Connecticut have been dealt with through policing and criminal justice, leading to unwanted police interactions, overcriminalization, and mass incarceration. Connecticut's roads must become safer for all users, but the solutions proposed by this bill are too punitive to be the best solution.

Senate Bill 5429 first creates a number of privacy concerns. Most significantly, the bill allows license plate data to be handed over to state police in addition to potentially allowing it to be accessed by federal agencies. This raises serious privacy concerns and could particularly lead to abuse by federal governmental agencies. One of the

largest providers of license plate reader databases in the country contracted with Immigration and Customs Enforcement (ICE) to give it access to the information it collects, which jeopardizes the safety and wellbeing of immigrants throughout the country.<sup>1</sup> At least eight Connecticut police agencies were later shown to be sharing license plate information with ICE through that company.<sup>2</sup> This problem is compounded because the data retention limits set by the bill are a start, but do not set strong enough limits to meaningfully protect people's privacy. Police surveillance is real and expanding; giving police and federal agencies broad access to so much geolocation data would be a significant further expansion of the surveillance state at the expense of individual privacy, particularly for already-vulnerable people.

In addition, we have due process concerns about the speed cameras permitted under Senate Bill 5429. The bill fails to sufficiently ensure that the car owner will have notice of the citation. Even with a reasonably limited time frame for issuing tickets, a car owner's ability to recall the incident and mount an adequate defense may be impaired in the intervening days and weeks. In part because a wide variety of entities (including third-party contractors) is responsible for issuing citations, there are inadequate guarantees that an alleged speeder will actually receive notice of the ticket. Car owners could have late payments or even tickets piling up, increasing the likelihood that alleged speeding will cause a person to lose their license and incur significant fines. The bill also does not require transparency around where cameras will be placed, and why. Because municipalities may tend to target school zones in lower-income communities or communities of color,<sup>3</sup> it is essential that communities have the opportunity to (1) learn why the municipality is placing cameras there, (2)

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<sup>1</sup> See, e.g., Zack Whittaker, "ICE has a huge license plate database targeting immigrants, documents reveal." Tech Crunch, Mar. 13, 2019, *available at* <https://techcrunch.com/2019/03/13/ice-license-plates-immigrants/>.

<sup>2</sup> "Records reveal eight Connecticut law enforcement agencies sharing residents' location information with ICE." ACLU of Connecticut, Mar. 13, 2019, *available at* <https://www.acluct.org/en/press-releases/records-reveal-eight-connecticut-law-enforcement-agencies-sharing-residents-location>.

<sup>3</sup> See, e.g., William Farrell, "Predominately black neighborhoods in D.C. bear the brunt of automated traffic enforcement." D.C. Policy Center, Jun. 28, 2018, *available at* <https://www.dcpolicycenter.org/publications/predominately-black-neighborhoods-in-d-c-bear-the-brunt-of-automated-traffic-enforcement/>.

weigh in on the need for and location of cameras, and (3) ask for removal of the camera once speeding has abated.

Senate Bill 5429 would also worsen existing inequities. Municipalities that locate cameras in communities of color will cause drivers of color to disproportionately bear the costs. In addition, Section 4 of the bill creates a new infraction for carelessly opening a car door or leaving a car door open longer than necessary. These kinds of infractions leave much discretion up to police employees. When police are given discretion about enforcement, they are most likely to target Black and Latinx people.<sup>4</sup> Lower-income people are also disproportionately harmed by this bill. Traffic fees, especially late fees and license reinstatement fees, take up a bigger share of income for people living in poverty.<sup>5</sup> Low-income people are less likely to be able to pay and therefore more likely to be harmed by such provisions.

Despite these problems, Senate Bill 5429 contains good provisions that we support, such as speed thresholds for enforcement, explicit defenses for people caught by speeding cameras, and data audits.<sup>6</sup> Our concerns regarding privacy, due process, and equity, however, are too great for us to support Senate Bill 5429 at this time. If this Committee does support this bill, we hope we can work with the members of this Committee and proponents of the bill to make improvements in those areas to create a policy that will make Connecticut streets safer without creating unintended harms to vulnerable people in the state. For now, though, we urge members of this Committee to oppose Senate Bill 5429.

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<sup>4</sup> “The level of discretion afforded to officers for traffic enforcement is generally greater than it is for other policing decisions,” while at the same time “[a]n important source of racial disparity in policing is traffic enforcement.” Jeffrey S. Nowacki & Tyrell Spencer, “Police discretion, organizational characteristics, and traffic stops: an analysis of racial disparity in Illinois.” *International Journal of Police Science and Management*, Apr. 3, 2019, *available at* <https://journals.sagepub.com/doi/full/10.1177/1461355719832617>.

<sup>5</sup> Maura Ewing, “Should States Charge Low-Income Residents Less for Traffic Tickets?” *The Atlantic*, May 13, 2017, *available at* <https://www.theatlantic.com/politics/archive/2017/05/traffic-debt-california-brown/526491/>; *see also* Monica Llorente, “Criminalizing Poverty Through Fines, Fees, and Costs.” *American Bar Association*, Oct. 3, 2016, *available at* <https://www.americanbar.org/groups/litigation/committees/childrens-rights/articles/2016/criminalizing-poverty-fines-fees-costs/>.

<sup>6</sup> The data audits suggested by the bill could be made even better by including an annual racial impact analysis.