

**Statement of Michael J. Riley  
President  
Motor Transport Association of Connecticut  
Before  
The Joint Committee on Transportation  
February 25, 2013**

Re: Proposed Senate Bill No. 5125 AN ACT ESTABLISHING  
TOLLS ON CONNECTICUT'S HIGHWAYS

Proposed House Bill No. 6050 AN ACT CONCERNING TOLLS  
AT CONNECTICUT'S BORDERS

Proposed House Bill No. 6051 AN ACT ESTABLISHING  
TOLLS AT CONNECTICUT'S BORDERS AND REDUCING  
THE GASOLINE TAX

Proposed Senate Bill No. 699 AN ACT DECREASING THE  
GASOLINE TAX AND ESTABLISHING ELECTRONIC TOLLS  
ON CONNECTICUT'S HIGHWAYS USING A CONGESTION  
PRICING SYSTEM.

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 1,000 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

**MTAC OPPOSES ALL OF THESE BILLS**



- **TOLLING OF EXISTING HIGHWAY LANES IS NOT PERMITTED**

The United States Department of Transportation, has announced its opposition to tolling existing interstate highways. While in general a supporter of tolls, former Secretary LaHood said that tolls should only be used to increase capacity or relieve congestion. Since its creation, the Interstate System has been financed under the philosophy that tax-supported roads are preferable to toll roads, and tolling (other than on Interstate segments that pre-date the establishment of the Interstate System in 1956) is limited to the reconstruction or replacement of Interstate bridges and tunnels.

- **Tolling of existing Interstate highways is simply wrong.** Turning highways into cash cows for individual states is unfair to the highway users who have paid for the construction and maintenance of these roads through the payment of fuel taxes. Fuel taxes have been the preferred funding method of the Interstate Highway System since its establishment in 1956. Subjecting users to additional tolls represents double taxation. Tolling on existing highways is nothing more than an ill-conceived quick fix for transportation funding shortfalls. Often toll revenue doesn't even end up funding highway projects.
- **CONNECTICUT ALREADY HAS HIGH FUEL TAXES AND COLLECTS FROM EVERY LARGE TRUCK THAT COMES HERE**

Passenger car drivers can avoid paying Connecticut's high gas tax (45¢ per gallon 1/01/13 and higher now because the Gross Receipts Tax has gone up with the price of gasoline) by purchasing their fuel in other states and using it here.

However, every large truck from other states pays Connecticut the fuel tax on every gallon of fuel which it consumes in our state. Trucks don't pay taxes where they buy fuel . . . trucks pay the taxes in the states where they use the fuel.



**At 52.3¢ per gallon, Connecticut now has the highest diesel fuel tax in the country.** (See attached comparison). The next closest is still 10¢ per gallon lower.

**Connecticut's diesel fuel tax is adjusted** annually to reflect the cost of fuel over the previous year. Since the last adjustment, the cost of fuel has increased, it may require another increase on July 1, 2013.

**Two years ago this legislature, at Governor Malloy's suggestion, increased the diesel tax an additional 3 cents per gallon at the same time it capped the gasoline tax.**

Fuel taxes, registration, license and permit fees, fines and other motor vehicle charges are "user fees" and should be deposited into the Special Transportation Fund (STF). However, there are many examples of several fines, fees and numerous surcharges go to the General Fund or other special funds like those that provides restitution to victims of crime or traumatic brain injury.

- **TRUCKERS ALSO PAY HIGHER FEDERAL FUEL TAXES**

Additionally, truckers currently pay a federal diesel fuel tax of **24.4 cents per gallon, a 12% excise tax on new tractors and trailers, an annual vehicle use tax of up to \$550, and a tax on tires.** According to the Federal Highway Administration (FHWA), commercial vehicles paid a total of \$14.3 billion in federal highway user taxes, or approximately 40% of all federal highway user fees. Imposing an even greater tax burden through tolls would be both unfair and inequitable.

In Connecticut, the trucking industry paid over \$289 million dollar in combined state and federal taxation. This represents 31% of total federal and state taxes and fees for all vehicles.

**Tolls would be an expensive additional tax.**

- **THE GROSS RECEIPTS TAX, A HIGHWAY USER FEE, IS DIVERTED TO THE GENRAL FUND**



**Since 2006, Connecticut has diverted almost \$1 billion from the Gross Receipts tax, a highway user fee, to the General Fund.**

Connecticut has historically diverted revenue generated by the Gross Earnings Tax on Petroleum Products (GET), a tax on the wholesale sale of gasoline and (until recently) diesel fuel, into the General Fund. This diversion has cost the Special Transportation Fund hundreds of millions of dollars of highway user fees, which have been collected as general revenues of the state and not deposited in the Special Transportation Fund to be used for transportation expenditures. Before Connecticut imposes tolls, it should first make sure that all highway user funds are used on transportation.

It appears from Governor Malloy's proposed budget that he has recommended that 100% of GET revenue go to the STF. However, it appears that he then transfers a great deal of that money into the General Fund. This is the same old game only done backwards.

- **THE LEGISLATURE AND ADMINISTRATIONS HAVE A RECORD OF RAIDING FUNDS**

Connecticut has a long history of moving revenue streams back and forth from the General Fund to the Special Transportation Fund. We cannot expect that to change without guaranteeing, through a **constitutional amendment, if necessary, that funds generated by transportation users are used for transportation.**

- **IT'S TIME FOR CONSTITUTIONAL PROTECTION OF THE SPECIAL TRANSPORTATION FUND.**

On February 20, we were pleased to see the Transportation Committee raise a Resolution Concerning an Amendment to the Connecticut State Constitution Ensuring the Use of Certain Revenues for Transportation Expenditures. Before the legislature imposes tolls



in this state, this amendment to the Constitution of the State of Connecticut should be adopted by the citizens of this state.

- **BORDER TOLLS ARE UNFAIR**

If tolls are established, their **burden should be spread across the state** and not be borne disproportionately by citizens who live along the borders with neighboring states.

Additionally, border tolls charge everyone who enters the state the same amount. **People who get off at the first exit in Greenwich, should not pay the same as people who travel I-95 all the way to Rhode Island**

- **Imposing tolls on existing lanes of the Interstate System would have a devastating effect on the trucking industry.** The trucking industry's historical average profit margin is between two and four cents per mile. Financing the Interstate System with tolls would require tolls well above this level. The trucking industry is highly competitive and taxes of this magnitude simply cannot be passed along to shippers.

- **TOLLS WOULD RESULT IN TRAFFIC BEING DIVERTED**

Tolls would create **diversion** to already overburdened local roads.

- **TOLLS WILL INCREASE COST OF DOING BUSINESS**

Tolls would add to the **cost of living** and the cost of doing business in the state.



- **TOLL REVENUE MUST BE DEDICATED**

Tolls should not be enacted without identifying the specific projects, for which toll revenue would be spent. Toll revenues should finance improvements in the state's transportation infrastructure. **Tolls imposed upon those improvements should be dedicated to pay off the costs of those improvements**, and then it should be used for maintenance and repair of those improvements. These revenues should not be used for other transportation facilities and absolutely not be diverted to general or other special funds.

Connecticut has capacity problems on I-95, I-84 West of Waterbury, Route 11, and Route 7. Interchange improvements are needed at the intersection of I-95 and I-91 in Waterbury as well as I-84 and Route 8. Additional needs are the Aetna Viaduct in Hartford and the Moses Wheeler Bridge.



**STATE AND PROVINCIAL MOTOR FUEL TAX RATES  
FOR HEAVY VEHICLES  
January 1, 2013**

<u>State</u>	<u>Tax Rate in ¢/Gallon</u>		<u>Notes</u>
	<u>Gasoline</u>	<u>Diesel</u>	
Alabama	16	19	
Alaska	8	8	
Arizona	19	27	[includes 1¢ clean-up fee, paid at pump only; [1¢ credit on D available by application
Arkansas	21.8	22.8	[includes 0.3¢ clean-up fee paid at pump only
California	44.1	40.5	[includes 2.25% sales tax G, 9.12% D
Colorado	22	20.5	
Connecticut	45	52.3	[incl. 7% wholesale tax, G only, currently 25¢
Delaware	23	22	
District of Columbia	23.5	23.5	
Florida	30.87	33.07	[incl. 6% sales tax, unif. local tax, clean-up fees
Georgia	16.6	18.2	[incl. 3% sales tax – 4% sales tax charged at pump
Hawaii	17.263	15.263	[includes 0.263 clean-up fee; D plus 4% sales tax [added at pump
Idaho	25	25	
Illinois	41.1	42.2	[includes 6.25% sales tax paid on report; 1.1¢ clean- [up fee paid at pump only
Indiana	29	27	[D includes 1¢ surtax, paid on report only; [G 15¢ at pump but 16¢ on report, plus surtax
Iowa	22	23.5	[includes 1¢ clean-up fee, paid at pump only
Kansas	25	27	[includes 1¢ clean-up fee, paid at pump only
Kentucky	35.1	39.2	[includes 4.8¢ surcharge on G, 11.2¢ on D, [paid on report only; includes 1.4¢ tank fee, [paid at pump only
Louisiana	20	20	
Maine	31.45	31.87	[includes 1.45¢ G and 0.67¢ D clean-up fees, paid [at pump only
Maryland	23.5	24.25	
Massachusetts	21	21	
Michigan	39.471	37.575	[includes 6% sales tax paid on report and 0.875¢ [clean-up fee paid at pump only
Minnesota	28.5	28.5	
Mississippi	18.4	18.4	[includes 0.4¢ clean-up fee paid at pump only
Missouri	17	17	
Montana	27.75	28.5	[includes 0.75¢ clean-up fee paid at pump only
Nebraska	25.5	24.8	[includes clean-up fees, 0.9¢ G, 0.3¢ D, paid at pump only
Nevada	23.81	27.81	[includes 0.75¢ inspection fee, paid at pump [only, and clean-up fee
New Hampshire	19.625	19.625	[includes 1.625¢ in clean-up fees paid at pump only
New Jersey	14.5	17.5	[includes petroleum tax
New Mexico	18	22	[includes 1¢ load fee paid at pump only
New York	42.15	40.35	[includes 8¢ sales tax, and petroleum tax, paid on report; [clean-up fees of 0.35¢ G and 0.3¢ D, paid at pump only

<u>State</u>	<u>Tax Rate in ¢/Gallon</u>		<u>Notes</u>
	<u>Gasoline</u>	<u>Diesel</u>	
North Carolina	37.5	37.5	
North Dakota	23	23	
Ohio	28	28	
Oklahoma	16	13	
Oregon	30	0	[D taxed through weight-distance tax
Pennsylvania	31.2	38.1	[includes petroleum tax
Rhode Island	32	32	
South Carolina	16.75	16.75	[includes 0.75¢ clean-up fees paid at pump only
South Dakota	24	24	[includes 2¢ distributor tax, paid at pump only
Tennessee	21.4	18.4	[incl. 0.4¢ clean-up fee and G 1¢ inspection fee, [at pump only
Texas	20	20	
Utah	24.5	24.5	
Vermont	20	29	[includes clean-up fee
Virginia	21.6	21.6	[includes 3.5¢ surtax, paid on report only; [0.6¢ clean-up fee paid at pump only
Washington	37.5	37.5	
West Virginia	34.7	34.7	[includes 5% sales tax
Wisconsin	32.9	32.9	[includes clean-up fee
Wyoming	14	14	[includes clean-up fee, paid at pump only
U. S.	18.4	24.4	[includes Underground Storage Tank tax

G : gasoline    D : diesel, special fuels

### CANADA

<u>Province</u>	<u>Fuel Tax Rate in ¢CN/Liter</u>		
	<u>Gasoline</u>	<u>Diesel</u>	
Alberta	9	9	
British Columbia	21.17	22.67	[includes a "carbon tax" component
Manitoba	14	14	
New Brunswick	13.6	19.2	[prov. sales tax add'l, paid at pump only
Newfoundland	16.5	16.5	[prov. sales tax add'l, paid at pump only
Nova Scotia	15.5	15.4	[prov. sales tax add'l, paid at pump only
Ontario	14.7	14.3	
Prince Edward Island	15.8	20.2	[composite qtrly rate; rate at pump can [change monthly
Quebec	18.2	19.2	[prov. sales tax add'l, paid at pump only
Saskatchewan	15	15	
Northwest Territories	10.7	9.1	
Yukon Territory	6.2	7.2	

This chart was compiled by the American Trucking Associations. It represents the total state or provincial fuel tax paid by motor carriers in each jurisdiction as of January 1, 2013. Local taxes are not included, except where they are uniform statewide. "Paid at pump only" refers to amounts not included in fuel use taxes paid through IFTA. "Paid on report" or "paid on report only" refers to amounts included in IFTA fuel use taxes.



**Statement of Michael J. Riley  
President  
Motor Transport Association of Connecticut  
Before  
The Joint Committee on Transportation  
February 25, 2013**

Re:

Proposed Senate Bill No. 634 AN ACT ALLOWING MUNICIPALITIES TO OPERATE AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AT INTERSECTIONS.

Proposed House Bill No. 5554 AN ACT ENABLING CERTAIN MUNICIPALITIES TO INSTALL TRAFFIC SIGNAL ENFORCEMENT CAMERAS.

Proposed House Bill No. 6056 AN ACT CONCERNING THE USE OF MUNICIPAL AUTOMATED TRAFFIC ENFORCEMENT SAFETY DEVICES AT CERTAIN INTERSECTIONS.

**MTAC OPPOSES THESE BILLS**

I am Michael J. Riley, President of Motor Transport Association of Connecticut (MTAC), a statewide trade association, which represents around 1,000 companies that operate commercial motor vehicles in and through the state of Connecticut. Our membership includes freight haulers, movers of household goods, construction companies, distributors, tank truck operators and hundreds of companies that use trucks in their business and firms that provide goods and services to truck owners.

This year the Transportation Committee has chosen to hold public hearings on proposed bills dealing with many topics including “red light cameras”. Since these proposals consist only of statements of the purpose of the bills, it is very difficult to draft testimony to refute or support any of the provisions of the bills.



MICHAEL J. RILEY  
PRESIDENT

However, I would like to give the committee a sense of where we are coming from in our opposition to the bills being heard today. Therefore, I am submitting testimony which we offered on a similar fully drafted Committee bill in the past as an illustration, of our opinion of these bills in general.

\*\*\*\*\*

MTAC was founded in 1920 and over the past 89 years has fought long and hard to improve the safety of the highway and road systems and the vehicles which use them. We supported the establishment of mandatory drug testing for truck drivers, creation of the Commercial Drivers License, tough safety standards for vehicles and we have always advocated for strict enforcement of traffic laws. We opposed the increase in the speed limit from 55 mph to 65 mph. We have been strong proponents of the Motor Vehicle Department's Commercial Vehicle Safety Division and the State Police Truck Squads. We have supported the construction and operation of scale houses and safety inspections and moving vehicle enforcement programs. We have been working to expand the number and quality of truck rest areas throughout the state, so that tired truckers can get their needed rest. We have supported the Governor's campaign to deal with tailgating, the "Click it or Ticket" program and the Construction Zone Safety effort. We believe in safety. We stand for safety. And, we are committed to do all that we can to improve the safety of our transportation system in this state. Our record on safety speaks for itself. It is not lightly that we have decided to oppose;

**Senate Bill No. 345 AN ACT AUTHORIZING MUNICIPALITIES TO CONDUCT A PILOT PROGRAM FOR THE USE OF AUTOMATED TRAFFIC CONTROL SIGNAL ENFORCEMENT DEVICES AT CERTAIN INTERSECTIONS.**

The proponents of this bill say that it will improve safety. However, a close look at the bill exposes several provisions, which raise serious questions which need to be considered, especially by the Transportation and Judiciary Committees.

- The bill would charge the owner of a motor vehicle for a moving violation. This is contrary to current and past procedure where the driver is the liable party when the vehicle is operated in an unlawful manner. Often, someone other than the owner of the vehicle is driving the vehicle. Drivers, not owners, commit moving violations. It is not fair to impose a fine on a party who may not have had anything to do with the violation. Additionally, the owner of the vehicle, contrary to the constitutionally guaranteed presumption of innocence, is presumed to be guilty unless he proves himself to be innocent. **This tampers with a fundamental concept of American justice.**

Additionally, it is unclear how the bill would affect violations that occur in rental or leased vehicles. If the rental company is going to be charged with the



violation, there is absolutely no motivation on the part of the renter to abide by the law. Owners of rented or leased vehicles should not be fined for violations which they did not commit.

- One of the strongest objections we have to this bill is that it replaces law enforcement officers with cameras. There is no better deterrent to hazardous moving traffic violations than visible and consistent professional police presence. Real cops are the gold standard of effective law enforcement

**We want more than pictures of vehicles going through red lights. We want the vehicle stopped. We want the driver given a ticket for running the light. We want the officer to talk to the driver and determine if he is under the influence of drugs or alcohol. We want the trained police officer to check the driver's credentials such as license, registration, hazardous materials shipping papers, permits for over size loads, bills of lading, and proof of up to date fuel tax status. We want the vehicle to be inspected for physical defects, including broken, worn out or malfunctioning equipment. We want the truck to be weighed and we want to make sure that there is no contraband or improper cargo on board. You cannot get these things from a camera.**

All you get from a camera is - a picture of truck driven by someone breaking the law - a \$100 fine for the owner (not the driver) and a \$100 revenue item to one of the towns authorized in this bill. Depending on the arrangements, much of this fine may be sent to the company leasing the camera to the town. That is not improving safety. That is improving revenue.

- This bill would, for the first time, allow municipalities to collect fines for moving violations and retain half of all the revenue generated in their jurisdiction. This is a major change in state policy and one which should not be implemented. Heretofore, all fines for traffic violations have been paid, through the Central Infractions Bureau, of the Judicial Department to the State Special Transportation Fund. Unfortunately, in 2006, the Legislature passed a bill which adds a \$10 surcharge to all traffic tickets, which goes to the town wherein the tickets are issued. It would be an unwise decision to allow municipalities to use traffic fines as an additional local revenue generator. **When the entity which issues the ticket gets the money for the fine, the incentive is obvious to use law enforcement to produce a steady, if not increasing stream of revenue for the local budget.**
- The bill purports to establish a "Pilot Program" allowing communities to install as many as 12 cameras for up to two years. Yet the bill would allow as many municipalities that want to, to install cameras. With the approval of the Commissioner of Public Safety, cameras could go up all over the state and begin to force violators of even minor offenses, such as rolling through a right turn on



red, to begin to supplement municipal revenue in every town within which they operate. **A pilot program ought not to be “open enrollment” and should be launched in only one town or city.**

- The cameras used to employ photo ticketing tactics can cost as much as \$60,000 each. They are sold on a promise that they are self-amortizing in a short period of “concentrated” enforcement and then begin to turn a profit.

We are concerned that some manufacturers of electronic traffic enforcement equipment receive a kickback on all tickets which their equipment issues. This arrangement permits them to offer preferential pricing to municipalities who later become “partners”. **Traffic enforcement should not be an entrepreneurial opportunity. If this bill proceeds, it should carry a provision which prohibits any “revenue sharing” with manufacturers or distributors of photo ticketing equipment.**

- **This bill recreates a Municipal Court, an anachronism which was eliminated in this state fifty years ago, because of its inherent abuses and corruption.** This court would be run by a hearing officer, a person with no particular qualifications or training, who is appointed by the Chief Executive Officer of the municipality. This hearing officer decides on appeals against tickets generated by the cameras. This person is authorized to conduct the hearings any way he deems fair and appropriate. This bill provides that the rules regarding the admissibility of evidence are not strictly applied.

A designated municipal official, again with no required training or experience, can represent the municipality at these hearings, as some sort of prosecutor. The hearing officer renders a decision and judgment and if payment is not made, the whole matter is referred to the Superior Court.

The bill requires the police officer who authorized the issuance of the citation to attend all hearings contesting photo tickets. We would prefer that that officer be out on patrol enforcing all traffic violations - not just red lights.

**This bill creates a costly bureaucracy in order to justify the use of the cameras. This is money that can, and should be, used to hire professional policemen and to task them with dealing with traffic enforcement problems.**

- We also object to the bill in that it allows municipalities to install photo-ticketing devices wherever the town wants to put them, with the approval of the Commissioner of the Department of Public Safety.. The State Traffic Commission is merely notified as to where the device is located. We believe that the State Traffic Commission should review the necessity and justification of installing any and all electronic traffic enforcement devices. **Towns and cities ought not be allowed to install these cameras without the STC reviewing the**



geometry, signage and possibility that the devices could actually cause more accidents than it prevents.

- There are other major problems with this bill. There are no provisions in this bill which limit how the pictures produced by these traffic cameras can be used. Are the pictures admissible in a criminal proceeding, a civil matter, a divorce case? What happens to the photos after they are recorded? Are they saved or are they destroyed? By whom? Who besides the officer can see them? Are they obtainable through FOI requests? Is the public's right to privacy even considered? **All implications affecting privacy and confidentiality must be addressed before this program could be implemented.**
- The bill, says that any violations "detected and recorded by electronic device shall not constitute a moving traffic violation, be reported to the Department of Motor Vehicles for inclusion on a person's driving record or cause the assessment of points against the operator's license of the person found to have violated section 14-218a or 14-219 of the general statutes." **This reinforces our opinion that this is more a revenue-raising scheme than a safety program. We want drivers who run red lights to be stopped and issued tickets, with all of the ramifications from their violation implicit.**
- Finally, on the face it seems logical that these devices would reduce accidents. **However, all across the country there have been reports of increased accident rates at intersections after installations.** Apparently, rear ending is more prevalent at intersections where photo-ticketing devices are installed.

Let me once again restate MTAC's absolute commitment to safety. If we believed that this would have a significant impact on public safety, without any other adverse impacts, we could support it. However, there are far too many problems with this bill to convince us that we could recommend its adoption.

As with many issues, you must weigh the pros and cons of this proposal. The proponents promise significant improvements which passage of this bill will provide. We believe that there is more to lose than to gain if this bill passes and we urge members of this committee to reject it.

Thank you.

