

Honolulu, Hawaii
March 16, 2006

RE: S.B. No. 2385
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2385, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAY SAFETY,"

begs leave to report as follows:

The purpose of this bill is to enhance pedestrian safety by establishing a three-tiered sentencing structure with graduated penalties for drivers who violate Hawaii's pedestrian crosswalk law.

The Department of Transportation (DOT) and Honolulu Police Department testified in support of this bill.

Your Committee finds that pedestrians crossing the street are suffering too many injuries and fatalities and that these numbers continue to increase every year. These incidents are often caused by inattentive drivers, but pedestrians also share some of the blame. Although many of these incidences occur outside of a marked crosswalk, far too many occur while a pedestrian is crossing the street in a marked crosswalk. In fact, according to DOT, in 2005, there were 36 traffic fatalities involving pedestrians of which 13, or 36.1 percent, occurred while the pedestrian was within a crosswalk.

Pedestrians are also at risk from drivers who fail to heed traffic signals at intersections. Your Committee finds that the

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prevalence of drivers violating Hawaii's traffic-signal laws, especially on the island of Oahu, has become intolerable. These violations endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. Many senseless tragedies occur nationwide and on Hawaii's roadways because of drivers running red lights. Your Committee finds that establishing a red light photo enforcement program at intersections will enhance the safety of pedestrians at crosswalks with lighted signals.

Accordingly, your Committee has amended this measure by inserting language that:

- (1) Authorizes that fines collected under county-administered programs are to be deposited into a general fund special account;
- (2) Authorizes that funds from this general fund account may only be expended by the county and in the county in which the fine was collected for the establishment, operation, management, and maintenance of a photo red light imaging detector systems program;
- (3) Improves enforcement of traffic signal laws by establishing a photo red light imaging detector systems program that:
 - (A) Allows county implementation of photo red light imaging detector systems programs;
 - (B) Establishes that information contained in the summons or citation mailed in accordance with provisions of the photo red light imaging detector system program constitutes prima facie evidence that the registered owner of the motor vehicle was the person who committed the violation;
 - (C) Makes the intentional disclosure or intentional provision of personal and confidential information obtained from a photo red light imaging detector system to any unauthorized person or agency subject to a fine;
 - (D) Specifies that proof of receipt by the owner from the post office that the summons or citation was



received is prima facie evidence of notification to the registered owner; and

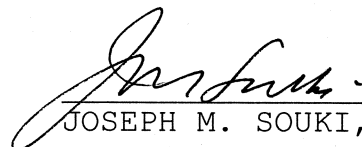
- (E) Allows a registered owner to rebut evidence presented against the registered owner by stating or showing that the registered owner was not the driver or by identifying the driver of the vehicle at the time of the offense;
- (4) Appropriates an unspecified amount of funds for the implementation of the photo red light imaging detector systems program; and
- (5) Provides a purpose section.

Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

While your Committee notes that these are first steps in increasing highway safety, especially for pedestrians, there are other methods that DOT may use to increase pedestrian safety, including a pedestrian flag project and increased public service announcement campaigns. Your Committee urges DOT to examine alternative forms of increasing pedestrian safety and implementing these ideas whenever possible.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2385, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2385, S.D. 1, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,


JOSEPH M. SOUKI, Chair



