
A BILL FOR AN ACT

RELATING TO MOTOR VEHICLE ACCIDENT INVESTIGATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that traffic accident
2 management is of utmost public importance, especially when a
3 fatality occurs. Although the evidence collected at traffic
4 accident scenes may be crucial to determining their cause, these
5 accident investigations proceed at a slower rate in Hawaii than
6 in comparable metropolitan areas in the United States. The
7 average length of time for lane closures in Hawaii ranges from
8 two to four hours for major traffic accidents and to upward of
9 eight hours when a fatality occurs. In contrast, the California
10 highway patrol average for lane closures ranges from thirty
11 minutes for major collisions to sixty minutes for fatal
12 accidents.

13 The legislature also finds that these prolonged closures of
14 traffic lanes adversely affect the public and our economy
15 because students can not reach school, school activities, or get
16 home afterwards, employees can not reach their place of work or
17 attend meetings at remote locations, and businesses cannot
18 receive or deliver products necessary to do business. These



1 traffic jams also bode ill for the economy because tourists can
2 not reach their destinations to spend money and may leave Hawaii
3 without feeling they have been on vacation at all. Moreover,
4 these prolonged investigative delays may result in secondary
5 accidents that cause further delays.

6 The legislature also finds that the Honolulu police
7 department currently conducts on-site measurements of accidents
8 using surveying equipment to collect data, which is then used to
9 complete accident investigations. In contrast, the California
10 highway patrol, the Oregon state police, the Washington state
11 patrol, the Utah highway patrol, and the Arizona department of
12 public safety use what is known as a multidisciplinary accident
13 investigation team system that employs digital photography and
14 other equipment that has reduced the duration of lane and road
15 closures.

16 The legislature also finds that the Washington state patrol
17 multidisciplinary accident investigation team is comprised of
18 two detective investigators who are certified collision
19 reconstructionists specializing in digital and print-based
20 photography, as well as occupant kinematics, vehicle dynamics,
21 and interviewing and interrogation. The multidisciplinary
22 accident investigation team also consists of other investigators



1 with specialized training in traffic and automotive engineering
2 and other disciplines that improve focus and data collection
3 times at accident scenes.

4 The legislature also finds that multidisciplinary accident
5 investigation teams use total station survey systems that employ
6 laser technology to record specific reference points that are
7 recorded in an on-board data collector. Total station survey
8 systems significantly accelerate data collection, thereby
9 minimizing the time the roadway is closed and reducing the
10 exposure of officers and civilian personnel to the inherent
11 hazards of traffic congestion caused by roadway closures. The
12 data can then be downloaded into a computer-aided drawing
13 program and printed in a large format.

14 The legislature further finds that the use of total station
15 survey systems have proven to be more efficient than other
16 generally accepted methods, but requires the use of two team
17 members to operate the equipment and document measurements. One
18 member locates points of evidence with a reflector while the
19 second member aims and "shoots" the laser beam and records the
20 information. Data collection can be accelerated even further by
21 use of a robotic total station survey system that can be managed
22 effectively with one member. The robotic total station survey



1 system is faster, more efficient, and more accurate, because the
2 system uses state-of-the-art technology to "follow" the
3 movements of the investigator as the investigator moves about
4 the scene of the incident locating evidence and recording the
5 information. This approach frees the second investigator to
6 assist in expediting the investigation in other ways.

7 The purpose of this Act is to require the police department
8 of any county with a population in excess of five hundred
9 thousand persons to establish a multidisciplinary accident
10 investigation team for Hawaii that will be composed of skilled,
11 trained investigators equipped to conduct expeditious
12 investigations of serious accidents on major state roadways and
13 thereby alleviate the harm caused by extended road closures
14 currently caused by major accident investigations.

15 SECTION 2. The police department of any county with a
16 population in excess of five hundred thousand persons shall
17 establish a multidisciplinary accident investigation team for
18 the purpose of investigating major accidents on roadways in the
19 county in a manner that limits the length of time road closures
20 are necessary for the data collection phase of the
21 investigation. The multidisciplinary accident investigation
22 team shall consist of personnel with specialized training in



1 traffic collision reconstruction, traffic engineering,
2 automotive engineering, vehicle dynamics, occupant kinematics,
3 interviewing and interrogation, and other appropriate
4 investigation techniques. Multidisciplinary accident
5 investigation team personnel may be drawn from the ranks of
6 state and county employees as well as from the private sector.
7 The police department shall also develop a program of training
8 to enhance and maintain the skills of multidisciplinary accident
9 investigation team members. The police department shall also
10 acquire the equipment necessary to accomplish the purposes of
11 this Act, including robotic total station survey systems,
12 digital cameras and related equipment, computer-aided drawing
13 software, and printers and equipment necessary to transport the
14 multidisciplinary accident investigation team equipment to
15 accident scenes.

16 SECTION 3. (a) For purposes of establishing the
17 multidisciplinary accident investigation team program under this
18 Act, the police department of any county with a population in
19 excess of five hundred thousand persons shall:

20 (1) Identify the personnel necessary to establish the
21 multidisciplinary accident investigation team and,
22 where those personnel are not found within the ranks



1 of the police department, enter into such memoranda of
2 understanding, agreements, or contracts with other
3 state or county departments or the private sector as
4 are necessary to obtain the services of personnel
5 required by this Act;

6 (2) Identify and acquire, by purchase, lease, or usage
7 agreement, the equipment necessary to accomplish the
8 purposes of this Act;

9 (3) Identify and arrange for the training of
10 multidisciplinary accident investigation team
11 personnel necessary to acquire and maintain the
12 expertise required for the purposes of this Act
13 whereby those trained may be retained in such
14 positions by direction of the chief of police;

15 (4) Identify the roadways, or class of roadways, that are
16 most critical to the free movement of persons and
17 commerce and that will be the focus of
18 multidisciplinary accident investigation team
19 investigations when a major accident occurs on those
20 roadways;

21 (5) Identify what constitutes a "major accident" for
22 purposes of a multidisciplinary accident investigation



1 team investigation, considering factors such as
2 whether a fatality is involved, hazardous waste has
3 been spilled, or the roadway has been substantially
4 blocked by the accident itself;

5 (6) Enter into such memoranda of understanding or
6 agreement or establish such protocol as are necessary
7 to coordinate major accident investigations with law
8 enforcement and other authorities having jurisdiction
9 over the location of a major accident, including:

10 (A) Minimizing the duration of lane closures in the
11 case of a fatality by immediately notifying the
12 medical examiner so that the medical examiner can
13 conduct the medical examiner's investigation
14 simultaneously with the police, to the extent
15 practical;

16 (B) Preservation of evidence;

17 (C) Documentation of the investigation; and

18 (D) Testimony in any subsequent court proceedings;

19 and

20 (7) Develop a mechanism for collecting, measuring, and
21 reporting data to determine the effectiveness of the
22 multidisciplinary accident investigation team program,



1 including reduction in the duration and extent of road
2 closures during major accident investigations,
3 findings relating to highway or vehicle design, and
4 the outcome of any criminal prosecutions arising from
5 multidisciplinary accident investigation team
6 investigations.

7 (b) This Act shall not be construed to restrict the
8 appropriate police department's authority to enforce any of the
9 powers otherwise granted to it by law.

10 (c) The appropriate police department shall adopt rules in
11 accordance with chapter 91 to implement this Act.

12 (d) Not later than twenty days prior to the convening of
13 each regular session, each police department to which this Act
14 applies shall submit a report to the legislature setting forth
15 the number or major accidents to which it responded, the length
16 it took each responding to arrive at the scene, and the length
17 of any lane closures.

18 SECTION 4. The appropriate police department shall report
19 to the legislature not later than twenty days prior to the
20 convening of the regular sessions of 2008, 2009, and 2010 on the
21 progress of the program.



1 SECTION 5. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$400,000, or so much
 3 thereof as may be necessary for fiscal year 2007-2008 as a
 4 grant-in-aid to any county with a population in excess of five
 5 hundred thousand persons for the multidisciplinary accident
 6 investigation team program.

7 The sum appropriated shall be expended by the department of
 8 transportation as a grant-in-aid to the county or counties
 9 meeting the population requirement established in section 2 of
 10 this Act for the purposes of this Act.

11 SECTION 6. This Act shall take effect on July 1, 2007.
 12

INTRODUCED BY:

John T. R. Cronilla
John M. Nippono
Maui B. Lee
Jim Smith
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

COEN. 7-
Tom Berner

F. J. [Signature]



Report Title:

Highway Safety; Accident Investigation

Description:

Establishes a multidisciplinary accident investigation team in the police department of any county with a population in excess of 500,000 persons for the purpose of investigating major accidents on state roadways in a manner designed to minimize lane and roadway closures during the investigation. Appropriates funds.

