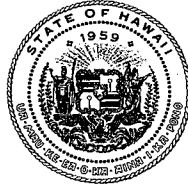


LINDA LINGLE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA  
INTERIM DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

February 11, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 3248

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

We support this bill with a recommended amendment.

The Department of Transportation agrees that vehicles can be reversed safely without an audible reverse warning system under certain circumstances and that the bill provides adequate safeguards. However, under section 2, subsection (c), there is a requirement that the audible warning system be turned off "after a fixed period of time." We respectfully request that this wording be changed to "when the transmission is shifted out of reverse." The Department believes that this amendment would also eliminate the need to promulgate rules.



February 11, 2008

**TESTIMONY BEFORE THE SENATE COMMITTEE ON  
TRANSPORTATION AND INTERNATIONAL AFFAIRS  
ON SB 3248 RELATING TO MOTOR VEHICLES**

Thank you Chair English and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) which has 360 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association has concerns about this bill.

As a principal, it is worrisome whenever a safety device is eliminated or disengaged. This one is especially so because it involves the act of reversing a vehicle - the most dangerous maneuver a large vehicle can undertake.

The danger is exacerbated because the safety device is disengaged during a period when it is dark and there are people in the area having a good time (i.e. inebriated and/or socializing) and not paying attention - at least in Waikiki.

A measure of safety is attempted by allowing the disengagement when rearview cameras are operated. However, a number of motor carriers in Hawaii have operated with rear view cameras, but drifted away from their use because drivers began to rely on them too much and forgot about the critical procedures for reversing. Camera angles were also found to be too limited.

It has been accepted in the construction industry that a warning system is not necessary when a guide is assisting the driver. However, the guiding is done by personnel familiar with the type of vehicles, and this movement takes place in a controlled area populated by people who are also knowledgeable of the situation.

A watchperson who is unfamiliar with, or is unaware of the limitations of, large vehicles can miss critical directional needs. A watchperson may miss detecting pedestrians or obstructions because of the darkness and/or limited line of sight because of the vehicle's size.

This watchperson's role is extremely critical and that person should assume the liability for any damage, injury, or fatality that occurs while guiding the vehicle. We suggest an amendment to page 3, line 20 to read, ". . . a watchperson "who shall be liable for any damages, injuries, and/or fatalities that occur while guiding the vehicle" is continuously on duty to ensure safety.

Thank you.

**testimony**

**From:** Marc Rubenstein @ Royal Star [mrubenstein@superstarhawaii.com]  
**Sent:** Sunday, February 10, 2008 12:55 PM  
**To:** testimony  
**Subject:** Testimony in OPPOSITION to SB3248

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

Senator J. Kalani English, Chair  
 Senator Mike Gabbard, Vice Chair

NOTICE OF HEARING

**DATE:** Monday, February 11, 2008  
**TIME:** 2:05 p.m.  
**PLACE:** Conference Room 224

State Capitol

415 South Beretania Street

A G E N D A

<u>SB 3248</u>	RELATING TO MOTOR VEHICLES.	TIA
<u>Testimony</u>	Permits motor vehicle backup warning beepers to be disabled if the vehicle is equipped with a rear view camera system or a watchperson is on duty.	
<u>Status</u>		

Dear Senators,

My name is Marc Rubenstein, I am the Vice President & General Manager of Royal Star Hawaii. I operate of fleet of over 40 vehicles, including over 25 tour buses that are 45 feet in length. I wish to voice my strong opposition to this bill. We would love to disable the reverse alarms, but they are installed by the ORIGINAL EQUIPMENT MANUFACTURER as a way to WARN PEOPLE of the impending 54000 lb vehicle coming in their direction. To remove this device (despite our reverse cameras) would increase the chances of crushing someone, especially someone who was BLIND. In addition, this would expose us to unacceptable liability and legal action from rabid plaintiffs attorneys.

Just so you know, we install VARIABLE reverse alarms on our fleet. They are quieter when the ambient noise level is low, and louder when it is not. Why not mandate this instead?

As written, this is POOR LEGISLATION and could kill someone.

Thank you.

Sincerely,

Marc Rubenstein  
Vice President / General Manager  
Royal Star Hawaii Motorcoach Tours & Destination Services  
"Oahu's Deluxe Motorcoach Charter Service"

Visit us online at: [www.royalstarhawaii.com](http://www.royalstarhawaii.com)

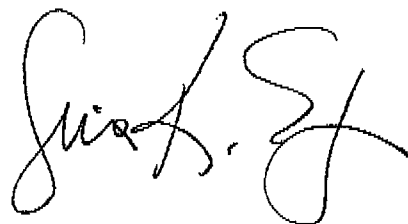
PUC 1505-C

February 9, 2008

Subject: SB3248 Backup Beeper Bill

Thank you, Senator English, for this hearing. I support any curbs on back-up beepers, and I hope that the silencing of them will go through the night and a reasonable morning time. I live at the Colony Surf, and it is a nightmare of noise from the trucks and vans—and we hope that leaf blowers are next on the agenda! Mahalo. Gina K. Schultz  
gschu63724@aol.com

FAX: 808-587-~~7225~~ 7230



## testimony

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**From:** Bill Sweatt [nosweatt@worldnet.att.net]  
**Sent:** Sunday, February 10, 2008 5:26 PM  
**To:** testimony  
**Subject:** BILL # SB 3248 Dept of Transportation Backup Beepers

We live at 2240 Kuhio Ave. #3307 Honolulu 96815 corner of Seaside and Royal Hawaiian. This problem is finally being heard by people who can make it happen. The noise at all hours and at so many ranges of loudness needs to stop. It is maddening . Between the Garbage trucks beginning at 4:00 AM almost everyday to the construction vehicles at 6:30 Am and then throughout the day. It has made us consider leaving our condo we have owned since 1985. We cannot enjoy our lanai for much of the morning hours. Add the beepers to the buses the work on the sewers the loud motorcycles and cars without mufflers and it has become a bedlam of noise. Please consider restraining the backup beepers by having mirrors along with warning blinking backup lights. Aloha ad Mahalo William L. and Helen A. Sweatt 808-922-3983 [nosweatt@att.net](mailto:nosweatt@att.net)

TO: Senator J. Kalani English, Chair, Senate Committee on Transportation and  
International Affairs  
Senator Mike Gabbard, Vice Chair

FROM: Robert R. Kessler, Citizen

DATE: February 11, 2007

RE: **SUPPORT FOR SB 3248, Relating to Motor Vehicles**

At community meetings where Waikiki community concerns are voiced, **NOISE** always is at or near the top of the list. Noise is a constant in Waikiki and seriously detracts from the enjoyment of Waikiki by both residents and visitors. **Nighttime noise means not taking advantage of our natural climate but being forced to close up sleeping rooms and depend on energy-consuming air conditioning.**

We all recognize that life in a densely populated area like Waikiki always will involve noise, whether sirens, vehicles, or just plain traffic. But the unavoidable noises often are compounded by gratuitous noise from sources such as blaring auto stereos, auto alarms, and loud vehicle mufflers. **Back up beepers on large trucks and service vehicles should be optional**, able to be silenced during night time hours when safety permits, such as when a safety observer is available.

**I believe SB 3248 is in the Community's best interest.** It offers a common sense solution that will permit operators of service vehicles and trucks to show consideration without compromising safety. Implementation of this bill can only enhance the Waikiki experience not only for our residents but also for our visitors.

**I urge the Committee to approve this bill. It is long overdue!**

Sincerely,



Robert R. Kessler  
444 Nahua St., PH 09  
Honolulu, HI 96815  
Ph. 922-6188