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

IN REPLY REFER TO:

January 27, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2020

COMMITTEE ON TRANSPORTATION

We support House Bill 2020, because it will provide enforcement on private roadways, which will make them safer for the people who use them.

House Bill 2020 expands the county enforcement of various motor vehicle and traffic laws on private streets and roads to include laws relating to county vehicular taxes, motor vehicle safety responsibility, traffic violations, use of intoxicants while operating a vehicle, odometers, and motor vehicle insurance.

Traffic crashes and fatalities occur upon private roadways which vehicles travel or those private roadways that are open for public use. The enforcement of traffic laws should apply to private roadways that are opened to the public to ensure everyone's safety.

William P. Keno
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai`i

POLICE DEPARTMENT

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January 26, 2010

The Honorable Joseph M. Souki
Chair and Members
Committee on Transportation
State Capitol
415 South Beretania Street, Room 309
Honolulu, Hawai`i 96813

Re: House Bill 2020, Relating to Counties

Dear Representative Souki and Members:

The Hawai`i Police Department supports the amendments proposed to Sections 46-15.9 and 46-16 of the Hawai`i Revised Statutes. These amendments are intended to provide clarity in regards to enforceable traffic laws on private roadways which are open to the public and to extend certain traffic code provisions to these roads, thereby ensuring continued public safety on these roadways.

The Big Island of Hawai`i has hundreds of miles of private roadways which are open to the public. Numerous private subdivisions including, but not limited to, Hawaiian Paradise Park, Orchidland Estates, Hawaiian Acres, and Hawaiian Ocean View Estates are all subdivisions with privately maintained roadways which are open to the public. The main roads run for several miles, from the publicly maintained highway to the end of the subdivision.

Recently, questions have been raised as to the legality of officers enforcing traffic laws on the roadways within these vast subdivisions, thus creating confusion for community members, subdivisions' land holders, and law enforcement.

The inability of law enforcement to enforce traffic laws on these roadways would present a public safety issue. This proposed amendment will be beneficial to the public interest as it clearly defines enforceable traffic code statutes and helps ensure continued public safety on these roadways.

The Honorable Joseph M. Souki
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The District Court of the Third Circuit has questioned whether traffic laws such as seatbelt and child restraint violations, DUI, no-fault insurance requirements and other traffic related statutes are enforceable on these roadways. If this amendment is not passed, it may deter enforcement on these roadways, thereby increasing the likelihood of unsafe roadways and becoming a risk to the general motoring public who make use of these roads on a daily basis.

For these reasons, we urge this committee to support this legislation. Thank you for allowing the Hawai'i Police Department to testify on H.B. No. 2020.

Sincerely,


HARRY S. KUBOIRI
POLICE CHIEF

January 26, 2010

The Honorable Joseph M. Souki
Chair and Members
Committee on Transportation
State House/State Capitol
415 So. Beretania St., Room 309
Honolulu HI 96813

RE: HB 2020, Relating to Counties

Dear Representative Souki and Members,

I am writing in support of HB 2020 and the amendments proposed to Sections 46-15.9 and 46-16 of the Hawaii Revised Statutes.

Please let me explain why I feel this is déjà vu.....

I moved to Hawaiian Ocean View Estates in 1980. At that time, because of concern over safety on our 156 miles of private roads our freshman representative, Andy Levin, introduced the bill which I believe became Section 46-15.9. We all relaxed and thought the matter was taken care of.

In September 1994 a very close friend of mine was killed on our roads. He was hit by a driver who had a revoked driver's license, a stolen safety sticker and a forged insurance card. He went to trial and was let go because the accident occurred on "private" roads. Needless to say, the community was horrified. We had thought vehicle/traffic laws could be enforced because even though our roadways were private, they had been open to the public for years.

We contacted local and state authorities and had the legislature pass enabling legislation, which was later adopted by Hawaii County and, again, we thought the matter was taken care of.

Lately, we have heard reports of scofflaws who apparently found a loophole(s) in the current statutes, so here we go again. I hope and pray that this third time is a charm.

Our population has doubled since the last legislative attempt and I personally have witnessed many near accidents due to drivers ignoring stop signs and speed limits. All one has to do is check the license plates of vehicles in our local shopping center parking lots and you can see a number of them with expired plates, no insurance, etc.

PLEASE support HB 2020 for the safety of our community. Thank you.

Beverly Byouk