

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

February 1, 2012

HB 2030
RELATING TO STATEWIDE TRAFFIC CODE
HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation supports HB 2030 with the following concerns:

This bill is similar to the national movement for "move over laws" already implemented in the other 49 states in the United States. The intent of the "move over laws" is to enhance safety for personnel utilizing emergency vehicles while performing vital public safety and convenience tasks. The Department of Transportation (DOT) supports the objectives of the "move over law". Our concerns are as follows:

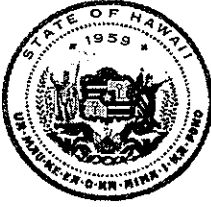
1. HB 2030 requires motorists who are unable to change lanes to slow down to a speed 20 miles per hour below the posted speed limit when the posted speed limit is 25 mph or more; or 5 mph when the posted speed limit is less than 25 mph. It would be impractical for vehicles to drive on several major roadways at 5 or 10 mph. Therefore, the DOT recommends that subsection (2) be revised as follows to be consistent with the majority of other State's "move over laws":

(2) If that action would be unsafe or impracticable, slow to a reasonable and prudent speed that is safe for existing weather, road, vehicular or pedestrian traffic concerns.

2. HB 2030, section (c) defines visual signals as "flashing vehicle emergency lights or any other reasonable visual means". The DOT recommends deleting "any other reasonable visual means" from the definition. By restricting visual signals to "flashing vehicle emergency lights", it would give the driver clear notice of what he is supposed to do.

Thank you for the opportunity to provide testimony.





Office of the Public Defender State of Hawaii



Timothy Ho, Chief Deputy Public Defender

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committees on Transportation and Public Safety and
Military Affairs**

Wednesday, February 1, 2012, 10:30 a.m.

RE: H.B. 2030: Relating To Statewide Traffic Code

Chairs Souki, Aquino and Members of the Committees:

This measure would require a motorist to move over one lane beyond a stationary emergency vehicle rendering assistance to another vehicle or person, or to slow down by twenty miles per hour less than the posted speed limit, or to five miles per hour if the posted limit is less than twenty-five miles per hour. Failure to either move over or slow down for a stationary emergency vehicle would be punishable as a full misdemeanor.

While we believe that the deaths of Officers Fontes and Davis were both tragic and unnecessary, we do not believe that a violation of this measure should be punishable as a full misdemeanor, and that this measure would have prevented their unfortunate deaths. Therefore, we oppose House Bill 2030.

Legislation that is proposed and debated during or after a sensational and tragic incident has a tendency to be ushered through the legislative process fueled by emotion and a push for "justice." A common sense and/or logical analysis of the ramifications of such legislative proposals may lead to a result that is unpopular with the general public. Your duty, as elected officials, is to have as much courage to make a decision which may prove unpopular with the general public, if it is the correct decision, as making a correct decision that is favored by our populace.

Would a "move over" law have prevented the deaths of officer Fontes and Davis? Probably not. The driver who crashed into the police vehicle that had stopped to help a stranded motorist and killed officer Fontes had fallen asleep at the wheel. He did not see the stopped vehicles, including the police cars that had stopped to render assistance. His failure to move into the right-hand lane, or to slow his speed was not based on an intentional or willful act. Had he not fallen asleep, he most likely would have avoided crashing into the vehicles. The driver who hit officer Davis' police car is a federal fire firefighter, more than likely would have moved one lane over had he noticed the police cruiser stopped behind the stalled vehicle.

The public may want these drivers to be punished for their actions. What criminal offenses could they be charged with? Either driver could be prosecuted for Negligent Homicide and Negligent Injury, for causing the death or injury to another person while operating a motor vehicle in a negligent manner. Proof of these offenses does not require an intentional, knowing, or reckless state of mind, but that the driver acted in a negligent manner, like driving above the speed limit.

What are the ramifications of creating a misdemeanor offense for a violation of this measure? First of all, anyone who is cited for failing to move over or slow down for a stationary emergency vehicle could be sentenced to a year in jail. Consequently, all individuals charged with this offense would be entitled to a jury trial. Furthermore, an SR-22 requirement would mean the loss of the driver's license for three years, if he/she were unable to post a \$25,000 certificate of deposit, or to purchase insurance for that amount. These may all be appropriate penalties for someone found guilty of negligent homicide or negligent injury, but are excessive penalties for every individual who fails to move over or slow down for a stationary emergency vehicle. As a result of the seriousness of the proposed penalty of this measure, all defendants will be entitled to an attorney, private or court-appointed, and will be entitled to a jury trial. This will have a significant impact on our judicial system.

We ask this committee to amend this bill by striking the "misdemeanor" language in subsection (b) and making the punishment a violation exempt from the SR-22 requirement. We oppose H. B. 2030 in its current form. Thank you for the opportunity to comment on this bill.

TO THE HOUSE COMMITTEES ON TRANSPORTATION AND
THE HOUSE COMMITTEE ON PUBLIC SAFETY AND MILITARY AFFAIRS

TWENTY-SIXTH LEGISLATURE
Regular Session of 2012
Wednesday, February 1, 2012
10:30 a.m.

TESTIMONY ON HOUSE BILL NO. 2030 – RELATING TO THE STATEWIDE TRAFFIC CODE

PERSON TESTIFYING: TENARI MA'AFALA, SHOPO PRESIDENT

TO THE HONORABLE JOSEPH M. SOUKI, CHAIR, HENRY J.C. AQUINO, CHAIR, AND MEMBERS OF THE COMMITTEES:

I respectfully submit this testimony on behalf of the State of Hawaii Organization of Police Officers ("SHOPO"). SHOPO supports passage House Bill 2030 if the committees do not recommend passage of a similar bill, HB2070. Although the two bills are similar in purpose and structure, HB2070 provides broader protection and is better worded to carry out the intent of the legislation.

The tragic events that occurred on January 21, 2012, and September 13, 2011, should serve as notice that Hawaii needs additional laws protecting our first responders on the roads and highways. Hawaii is the only state in the nation that does not have a "Move Over Law" to protect stopped emergency vehicles. HB 2030 is similar if not identical to legislation already in place in states like Texas, California, Washington, and Oregon. See V.T.C.A., Transportation Code § 545.157(a); Ann. Cal. Vehicle Code §21809; RCWA 46.61.100; O.R.S. § 811.147.

Our first responders are completely unprotected when they are conducting traffic stops or assisting stalled motorists. Currently, motorists are free to pass and drive at full speed immediately next to the stopped emergency vehicle. On the highways, only a couple of feet might separate a police officer from motorists traveling at speeds greater than forty-five miles per hour. The police community strongly believes that this represents an unreasonable risk of harm to our police officers and fellow first responders.

House Bill 2030 is a necessary step forward to protect our first responders. Furthermore, we believe that the penalties for failing to comply with the law are appropriate and commensurate with the imminent harm motorists pose to police officers, emergency medical technicians, firefighters, and tow truck drivers.

SHOPO recommends passage of HB2030 should this committee not recommend passage of HB2070. The legislature must do what it can to prevent tragic events like the passing of officers Eric

Fontes and Garrett Davis. Clearly, the time has come for Hawaii to bring its laws in conformance with laws and standards already in place throughout the rest of the Union.

SHOPO would like to thank this Committee for the opportunity to present testimony on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-6552

KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

THE HONORABLE JOSEPH M. SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE
THE HONORABLE HENRY J.C. AQUINO, CHAIR
HOUSE PUBLIC SAFETY & MILITARY AFFAIRS COMMITTEE
Twenty-sixth State Legislature
Regular Session of 2012
State of Hawai'i

Wednesday, February 1, 2012

RE: H.B. 2030; RELATING TO STATEWIDE TRAFFIC CODE.

Chair Souki, Chair Aquino, Vice Chair Ichiyama, Vice Chair Cullen, and members of the House Committee on Transportation and House Committee on Public Safety Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 2030.

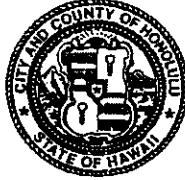
The purpose of this bill is to require motorists to vacate the lane closest to the emergency vehicle that is using visual signals and rendering assistance to another vehicle or person when driving on a highway with two or more lanes traveling in the direction of the emergency vehicle; or slow to a speed not to exceed: twenty miles per hour less than the posted speed limit when the posted speed limit is twenty-five miles per hour or more; or five miles per hour when the posted speed limit is less than twenty-five miles per hour. A violation of this new law would be a misdemeanor.

The intent of this legislation is to provide safety for persons who provide emergency roadside assistance from vehicles traveling by on highways and roads that are often busy and have little area on the side of the traveling lanes to provide assistance.

For the following reasons, we strongly support the passage of H.B. 2030. Thank you for the opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE KK-LC

February 1, 2012

The Honorable Joseph M. Souki, Chair
and Members
Committee on Transportation
The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
and Military Affairs
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Souki and Aquino and Members:

Subject: House Bill No. 2030, Relating to the Statewide Traffic Code

I am Kurt Kendro, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD strongly supports the passage of House Bill No. 2030, Relating to the Statewide Traffic Code. The passage of this bill would require that a vehicle that approaches a stationary emergency vehicle would have to vacate the closest lane to the emergency vehicle or reduce their speed until they pass. This bill would protect first responders throughout the state who are trying to assist others and their duty.


The HPD recommends three changes to the bill. The first is to remove "and rendering assistance to another person or vehicle, including stalled vehicles or vehicles involved in a motor vehicle collision" on page 1, lines 6 through 8. The second would be to change the penalty from a misdemeanor to a petty misdemeanor on page 2, line 3. Finally, on page 2, lines 10 and 11, in the definition of emergency vehicle, to remove "or any other vehicle rendering assistance to another vehicle or person."

Thank you for the opportunity to testify.

APPROVED:

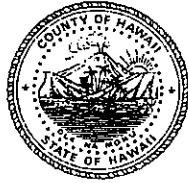

LOUIS M. KEALOHA
Chief of Police

Sincerely,


KURT KENDRO, Major
Traffic Division

Serving and Protecting With Aloha

William P. Kenoi
Mayor



Harry S. Kubojiri
Police Chief

Paul K. Ferreira
Deputy Police Chief

County of Hawai'i

POLICE DEPARTMENT

349 Kapiolani Street • Hilo, Hawai'i 96720-3998
(808) 935-3311 • Fax (808) 961-8865

January 31, 2012

Representative Joseph Souki
Chairperson and Committee Members
Committee On Transportation
415 South Beretania Street, Room 224
Honolulu, Hawai'i 96813

Re: House Bill 2030, Relating To the Statewide Traffic Code


Dear Representative Souki:

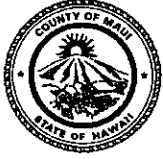
The Hawai'i Police Department strongly supports the passage of House Bill 2030, Relating to the Statewide Traffic Code. The purpose of this bill is to require motorists to either vacate the lane closest to an emergency vehicle that is using emergency visual signals when approaching said vehicle or to slow to a speed not to exceed 20 miles less than the posted speed when it is 25 miles per hour or more or 5 miles per hour when the posted speed is less than 25 miles per hour.

The passage of this legislation will provide public safety officers a little more protection in fulfilling their duties. It is no secret that Public Safety work is inherently dangerous by nature and this Bill, although originally conceived prior to the recent tragic deaths of Officers Eric Fontes and Garret Davis on Oahu, is a measure with the ability to lessen some of that danger. The manner of death for those two public protectors serves as a further reminder of the importance of this Bill. Admittedly, this Bill alone may not protect public safety officers from the perils of a driver under the influence of alcohol and/or drugs, nor from the perils of someone intent on injuring a public safety officer. This bill will instead serve to make the officers feel a little more secure in their surroundings while trying to do that which the community expects, whether it is to contact a traffic violator or to assist an injured or stranded motorist.

For these reasons, we most emphatically urge this committee to approve this legislation. Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 2030.

Sincerely,


HARRY S. KUBOJIRI
POLICE CHIEF



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE

YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

January 31, 2012

The Honorable Joseph M. Souki, Chair
And Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, HI 96813

The Honorable Henry J.C. Aquino, Chair
And Members of the Committee on Public Safety & Military Affairs
House of Representatives
State Capitol
Honolulu, HI 96813

Re: HB 2030 RELATING TO THE STATEWIDE TRAFFIC CODE

Dear Chairs Souki and Aquino and Members of the Committees:

The Maui Police Department strongly supports HB 2030. The Maui Police Department is responsible for the safety and traffic enforcement of laws on the public roadways throughout the County of Maui. As a law enforcement entity we face many dangers everyday in our careers. One of these dangers is the possibility that while performing our duties in stopping or assisting a motorist, we could be seriously injured or killed by an inattentive driver.

We would like to add language in the bill that would cover police officers in the act of enforcing traffic laws on a traffic stop. The bill appears to cover instances of "rendering assistance to another person or vehicle, including stalled vehicles or vehicles involved in motor vehicle collision." It does not appear to cover police officers who conduct traffic stops for traffic infractions. This activity also places officers in harms-way. We would also like to have the penalty reduced from a misdemeanor to a petty misdemeanor in order to expedite court proceedings and prevent the burden of judicial courts with offenders requesting jury trials.

The basic reasoning in support of this bill appears to be obvious being that it will slowdown motorists and give emergency service providers a cushion of room to react to the dynamic and moving environment of a traffic stop, or while assisting in a traffic accident on a busy roadway. Versions of this bill are already law in 49 states with the exception of Hawaii and

The Honorable Joseph M. Souki, Chair
Committee on Transportation

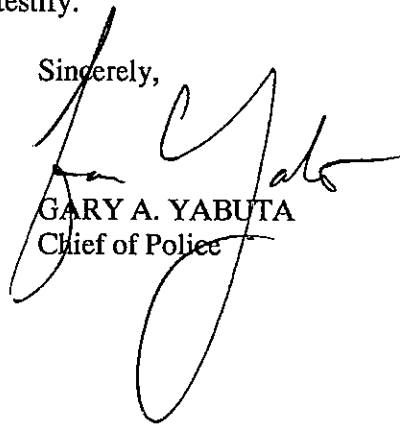
The Honorable Henry J.C. Aquino, Chair
Committee on Public Safety & Military Affairs
January 31, 2012
Page 2

the District of Columbia. As these states have seen the benefits of this type of law, we hope this legislature will help to support the safety for everyone on our roadways in Hawaii.

In closing, this bill is one of several in the current legislative session that will make it safer on the roadways for our police officers and other emergency service providers. It is time to support the safety of all of our emergency services providers that sacrifice to keep our community safe.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary A. Yabuta', is written over the typed name and title.

GARY A. YABUTA
Chief of Police

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 10:38 PM
To: TRNtestimony
Cc: kwc.manoa@gmail.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: Yes
Submitted by: Kirk Caldwell
Organization: Individual
E-mail: kwc.manoa@gmail.com
Submitted on: 1/31/2012

Comments:
Support. Written testimony to be submitted at hearing.

February 1, 2012, 10:30 a.m., Conference Room # 309

The Honorable Joseph Souki, Chair
House Committee on Transportation
Hawai'i State Capitol

The Honorable Henry Aquino, Chair
House Committee on Public Safety and
Military Affairs
Hawai'i State Capitol

Re: SUPPORT OF HOUSE BILL 2030, Relating to the Statewide Traffic Code

Chairman Souki and members of the House Transportation Committee and
Chairman Aquino and members of the House Public Safety and Military Affairs Committee:

I am Kirk Caldwell, former Mayor and Managing Director of the City and County of Honolulu and a former colleague of yours. I am in favor of the passage of HB 2030, which will require motorists to slow down and move over at least one lane and to get out of any lane occupied by a police, fire, or emergency response vehicle.

According to the Move Over America and Police Chief Magazine websites, 49 states have enacted some form of a "Move Over" law. These laws are intended to create awareness of the danger posed to first responders on our highways and roadways, provide a margin of safety clearance for law enforcement officers and tow truck drivers, and to enable police to enforce these needed safety restrictions. Move Over notes that between 1999 to 2010, 164 law enforcement officers have been killed by being struck by vehicles while assisting motorists. A report by a local television news station the other night indicated that upwards of 100 tow truck operators are killing doing their job each year. Hawaii is now the only state without such a law. Two of Honolulu's finest have lost their lives in such accidents over the past six months. Some may say such a law may not have prevented those tragedies. Some may say it will be hard to enforce but I say even if it raises awareness of the problem among motorists, if it has a chance of saving one life, it's worth a try. It is important to our emergency responders. The men and women of the police, fire, emergency medical departments, tow truck operators and other highway assistance providers put their lives on the line for us everyday. The Honolulu Police Department, SHOPO, tow truck operators, and other emergency responders say they need this bill. Let's assist and support them. I would also ask you to consider amending the bill to specifically mention road maintenance workers, and construction crews, who are also risk their lives, by being exposed to speeding vehicles on our roadways as they do their work for all of us. Saving one life is more precious than saving a few minutes.

We all need to pay more attention, slow down, and do the right thing by providing safety clearance space to those assisting motorists or otherwise working on our roadways.

Mahalo for the opportunity to present my views.

Sincerely,

Kirk Caldwell



February 1, 2012

**TESTIMONY BEFORE THE HOUSE COMMITTEES ON TRANSPORTATION,
AND ON PUBLIC SAFETY & MILITARY AFFAIRS
ON HB 2030 RELATING TO THE STATEWIDE TRAFFIC CODE**

Thank you Chair Souki, Chair Aquino and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association supports this bill with one comment.

Our comment is to stress the importance of (2) providing for the slowing of speed as an option to moving over one lane. Our concern is it can be difficult for a commercial motor vehicle to move over one lane in a tightly congested scenario simply because motorists tend not to want to allow such a vehicle to pull in front of them.

Thank you.



888 Mililani Street, Suite 601
Honolulu, Hawaii 96813-2991

Telephone: 808.543.0000
Facsimile: 808.528.4059

www.hgea.org

The Twenty-Sixth Legislature, State of Hawaii
House of Representatives
Committee on Transportation
and
Committee on Public Safety & Military Affairs

Testimony by
Hawaii Government Employees Association
February 1, 2012

H.B. 2030 – RELATING TO
STATEWIDE TRAFFIC CODE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly supports the purpose and intent of H.B. 2030 that requires motorists to move over when passing a stationary emergency vehicle on a highway. One hundred sixty four (164) U.S. law enforcement officers have been killed since 1999 after being struck by vehicles along America's highways, according to the National Law Enforcement Officers Memorial Fund. HGEA represents more than 300 deputy sheriffs in the Department of Public Safety.

Hawaii is the only state without this type of legislation along with the District of Columbia. As drafted, H.B. 2030 will require anyone approaching a stationary emergency vehicle with its lights on to: 1) vacate the lane closest to the emergency vehicle if there are two or more lanes going in the direction of the emergency vehicle; or 2) slow to a speed not to exceed 20 miles per hour if the speed limit is 25 miles per hour or more and 5 miles per hour when the posted speed limit is less than 25 miles per hour.

Hawaii must pass H.B. 2030 to adequately protect emergency responders from serious injury or death while in the line of duty. The recent crashes resulting in two HPD officers being killed while stopped along the freeway to render aid indicate the need for H.B. 2030.

Thank you for the opportunity to testify in support of H.B. 2030.

Respectfully submitted,

Leiomalama Desha
Deputy Executive Director



Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
www.maddhawaii.com

Feb. 1, 2012

To: Representative Joe Souki, Chair –House Committee on Transportation; Rep. Linda Ichiyama, Vice Chair, and members of the Committee

Representative Henry Aquino, Chair, House Committee on Public Safety & Military Affairs; Rep. Ty Cullen, Vice Chair, and members of the Committee

From: Arkie Koehl/Carol McNamee—Co-chairmen, Public Policy Committee - MADD Hawaii

Re: House Bill 2030 – Relating to the Statewide Traffic Code

I am Arkie Koehl, offering testimony on behalf of the Hawaii members of Mothers Against Drunk Driving in support of House Bill 2030, relating to the Statewide Traffic Code.

MADD Hawaii strongly supports this commonly termed “move over” measure to provide greater protection for law enforcement officers and other first responders who are engaged in providing assistance to vehicles or individuals on Hawaii’s roads and highways. MADD has had direct contact with families of law enforcement officers who have been killed after being hit by another vehicle and our organization has adopted the position that more needs to be done to prevent these tragedies. Most other states have already taken action to adopt laws requiring drivers to “move over” when first responders are providing assistance to others on the road.

We encourage the committees to pass Senate Bill 61.

Thank you for this opportunity to testify.

ichiyama1 - Curi

From: Judi Rod [judirod@hawaii.rr.com]
Sent: Friday, January 27, 2012 10:34 AM
To: TRNtestimony
Subject: Hb 2030

Dear Sir,

We have had two HPD officers killed on our highways within an 8 month period. All 49 states in the United States has this law in force. Please we strongly Approve this bill and feel it is imperative that it take effect as soon as possible. Oahu is a busy major city with high speed and a large population, we need this bill to be approved.

RON and JUDITH ROD

Waianae, Hi.

808 268-7716

Please see this link for more info on Move over law nationally.

<http://www.moveoveramerica.com/>

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 27, 2012 11:26 AM
To: TRNtestimony
Cc: debrab@financefactors.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Comments Only
Testifier will be present: No
Submitted by: Debra Bringman
Organization: Individual
E-mail: debrab@financefactors.com
Submitted on: 1/27/2012

Comments:

I know why this bill is being introduced, due our two most recent, tragic incidents. I am all for the safety of our women and men who serve. However, I don't know if a bill is really necessary. I know one of the accidents were caused by a driver who fell asleep at the wheel. I don't think this bill would have prevented that accident. If a driver is drunk, it probably would not have prevented an accident either. The other issue is how will we enforce this. Will we need one police officer attending the stalled vehicle, and one police officer to chase down violators of this bill. Enforcing it might be difficult.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, January 29, 2012 1:50 PM
To: TRNtestimony
Cc: Localfire808@yahoo.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Sapphire Schubert
Organization: Individual
E-mail: Localfire808@yahoo.com
Submitted on: 1/29/2012

Comments:

**Committee on Transportation
Representative Joseph M. Souki, Chair
Representative Linda Ichiyama, Vice Chair**

**Committee on Public Safety & Military Affairs
Representative Henry J.C. Aquino, Chair
Representative Ty Cullen, Vice Chair**

**Wednesday, February 1, 2012
10:30 A.M. Conference Room 309, State Capitol**

**TESTIMONY IN SUPPORT OF H.B. 2030
Relating to the Statewide Traffic Code**

Chairs Souki and Aquino, Vice Chairs Ichiyama and Cullen, and Committee Members:

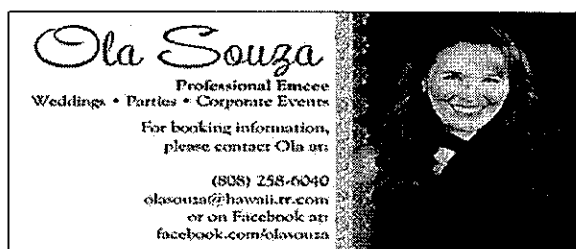
It would seem the recent, tragic, and avoidable passing of Honolulu Police officers Garret Davis and Eric Fontes would be testimony enough for your committees to do its part in seeing to it that House Bill 2030 is enacted as swiftly as possible. It is just a shame that in doing so, Hawaii will be the **last** of the 50 states to adopt a "Move Over" law, and that a handful of Hawaii's Finest had to pay with their lives to make it so.

Indeed, there will be those who would argue that consideration was never given to such a law because it is "unnecessary" ... after all, who doesn't know to slow down and/or give ample space when approaching and passing a stationary emergency vehicle? Apparently – and sadly – not everyone.

I think we can all agree that the jobs of our first responders are dangerous enough, and that any and all safeguards we can afford them in the course of providing their service to the community should be swiftly implemented, with our thanks for all they do.

I sincerely appreciate your consideration of this testimony, and urge these committees to pass House Bill 2030, **WITH** the amendments requested by the Honolulu Police Department.

Respectfully,



ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 7:19 AM
To: TRNtestimony
Cc: soor001@hawaii.rr.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Richard Soo
Organization: Individual
E-mail: soor001@hawaii.rr.com
Submitted on: 1/30/2012

Comments:

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 7:49 AM
To: TRNtestimony
Cc: lkmuller@hawaii.rr.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Lee K. Muller
Organization: Individual
E-mail: lkmuller@hawaii.rr.com
Submitted on: 1/30/2012

Comments:

Transportation Committee
Rep. Joseph M. Souki, Chair
Rep. Linda Ichiyama, Vice Chair

Public Safety & Military Affairs Committee
Rep. Henry J.C. Aquino, Chair
Rep. Ty Cullen, Vice Chair

Wednesday, February 1, 2012
10:30 A.M.
Conference Room 309
State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Honorable Chairs Souki and Aquino and committee members:

My name is Letha DeCaires, retired Captain from the Honolulu Police Department. I **strongly support HB2030 RELATING TO THE STATEWIDE TRAFFIC CODE** which would require motorists to "move over" when passing a stationary emergency vehicle on a highway. Effectiveness of laws are important therefore I hope that your committee will take heed to any technical changes that the Honolulu Police Department and our other law enforcement partners recommend to ensure enforcement.

However, I believe that this bill brings an equal opportunity for motorists to be made aware of the dangers that all first responders face daily. Over the years, I have heard many officers share their own near death experiences while stopped with lights flashing for a collision, a stalled vehicle, or a crime scene. I had several close calls myself. **We need to teach our community to not only move over, but also slow down.**

Please support passage of HB2030 today. Thank you for the opportunity to testify.

Letha A.S. DeCaires

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 30, 2012 8:25 AM
To: TRNtestimony
Cc: melemahalo@hotmail.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: patty may
Organization: Individual
E-mail: melemahalo@hotmail.com
Submitted on: 1/30/2012

Comments:

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 1:24 AM
To: TRNtestimony
Cc: d8.heavy@gmail.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Ben Perez, Jr.
Organization: Individual
E-mail: d8.heavy@gmail.com
Submitted on: 1/31/2012

Comments:

I strongly support this legislation as I am a police officer and have spent hundreds of hours on the roadways of Honolulu assisting motorists and performing other traffic related duties. It is an extremely deadly task, trying to deal with situations on the road / freeway side. It becomes a worse situation when the motorists are not paying attention, speeding or just don't care. We need this to help US survive. Officer Eric FONTES was my beat partner and close family friend and our healing is still ongoing. Officer Garret DAVIS was a new officer who was a father, beat partner and friend to many. Two great people lost because of irresponsible driving. Lets do something about it.

Don't wait until it's too late. It would be a sad day if someone you knew and loved was killed the way these officers were and you knew there was something that could have been done to help prevent it but you didn't.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 12:09 AM
To: TRNtestimony
Cc: kuuiliomakamae@yahoo.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: Yes
Submitted by: Ofc. Kimberly Chaney
Organization: Honolulu Police Department, 161st Recruit Class
E-mail: kuuiliomakamae@yahoo.com
Submitted on: 1/31/2012

Comments:

Protect those that protect you.....if Hawaii drivers need a law that tells them this, then so be it.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 6:42 AM
To: TRNtestimony
Cc: kkobayashi@honolulu.gov
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Kevin Kobayashi
Organization: Individual
E-mail: kkobayashi@honolulu.gov
Submitted on: 1/31/2012

Comments:

I've been a Honolulu Police Officer for over 20 years and spend over half of my career in patrol. I have responded to many cases on the freeways where passing vehicles would come very close. To create a safety zone would put alot of emergency workers at ease because you would have the buffer zone instead of always looking up.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 6:41 AM
To: TRNtestimony
Cc: jwallen92@gmail.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Jason W. Allen
Organization: HPD
E-mail: jwallen92@gmail.com
Submitted on: 1/31/2012

Comments:

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 6:13 AM
To: TRNtestimony
Cc: dhutchinson@pelatron.com
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Dawn L. Hutchinson
Organization: Individual
E-mail: dhutchinson@pelatron.com
Submitted on: 1/31/2012

Comments:

Ladies and Gentlemen, this proposal/bill is a no-brainer. We have lost two officers simply because someone was not cautious to a traffic situation. Officer Fontes was a dear friend to my family and among others. Officer Davis, although not a personal friend of mine, is my cousin's classmate from the 161st graduating class of the HPD Academy and my uncle is(not was)his Sgt at the Wahiawa Police Station. Regardless if I knew these men or not, both accidents were and still are heart-wrenching and so easily could have been prevented. I fear every day for my cousin, Officer Kimberly Chaney, and my uncle, Sgt. Reginald Manoa and pray that they come home safely each day from each watch. Please help prevent other families from such unnecessary loss and heartache, pass this bill and honor the lives and bravery of Officer Charles Fontes and Officer Garrett Davis. Mahalo.

Representative Joseph M. Souki, Chair Committee on Transportation
Representative Henry J.C. Aquino, Chair Committee on Public Safety and Military Affairs

On January 21, 2012 Rhonda lost her baby boy. Three-year-old Mackenzie lost her daddy. I lost my little brother. And the world lost a charismatic, brave, loyal, loving, devoted man when Officer Garret Davis was taken from this earth.

Garret was simply doing his job the night he was killed. He had stopped to help a stranded motorist. He had turned on his blue lights to warn traffic behind him. He did everything right. Yet, because another motorist failed to slow down and move over, he is no longer with us.

As a big sister, I tried to protect my baby brother from harm. When we were kids I warded off school yard bullies, as adults I tried to protect him from bigger harms. We would often talk as he was getting ready for his shift, and I'd always remind him to be careful and try to stay out of harm's way. Because he was killed, I can no longer protect him. So I ask you to help me protect the other brothers, the sisters, the sons, the daughters, mothers and fathers who put themselves in harm's way every day just by doing their job - protect them by passing this law which will require other motorists to slow down and move over when they see the emergency lights. Do not let another family go through the unnecessary pain of losing a loved one in such a senseless tragedy. I have read the language of both HB 2030 and HB 2070, I believe HB 2070 offers more protection and therefore I ask that you please pass HB2030 with the HB 2070 language.

Sincerely,

Amanda Stevens

Representative Joseph M. Souki, Chair Committee on Transportation
Representative Henry J.C. Aquino, Chair Committee on Public Safety and
Military Affairs

My brother-in-law Garret was killed less than two weeks ago while protecting and serving the people of Honolulu as a member of the Honolulu Pd. On January 21, 2012, Garret stopped to assist stranded motorists on H-1. Before he could even get out of the car, a truck slammed into the back of Garret's patrol car – causing the car to burst into flames. Video taken of the scene show bystanders putting their own lives in danger trying to save Garret from his car. Their efforts, while heroic, were ultimately futile. Garret lost his life that day.

Garret would probably be alive today if Hawaii had a law requiring motorists to change lanes or slow down when approaching stopped emergency vehicles. If the truck that hit Garret was a lane over, he would have passed by Garret's car without incident and Garret's daughter would still have a dad. Every other state in the country has passed such laws. These laws don't just force people to give emergency vehicles extra room to work. Rather, they increase overall awareness of emergency vehicles on the road.

“Move over” legislation like HB 2030 and HB 2070 – if passed – will not only protect first responders – it will protect the people those responders are helping. According to news accounts, the passengers of the vehicle Garret stopped to help were seriously injured when Garret's car was hit. If Garret's killer had been a lane over – or driving 20 miles below the posted speed limit – Garret and the motorists he stopped to help would have escaped harm. But he didn't. Rather, he stayed in the lane and slammed into the back of Garret's car. In so doing, the community lost a valiant officer, a family lost a son and brother, and a three year old girl named McKenzie lost her father.

I urge you – on behalf of myself, my wife, and my mother-in-law, to act now to adopt move-over legislation. After reading the text of HB 2030 and HB 2070, I believe the language of HB 2070 offers the best, most flexible approach. In the interests of protecting Hawaii's first responders *now*, rather than waiting for another office to die, the Legislature should amend HB 2030 to reflect the language of HB 2070.

Sincerely,

Isaac Stevens

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 31, 2012 10:30 AM
To: TRNtestimony
Cc: david.silva@mpd.net
Subject: Testimony for HB2030 on 2/1/2012 10:30:00 AM
Attachments: HB 2030 (2)testimony.wpd

Testimony for TRN/PBM 2/1/2012 10:30:00 AM HB2030

Conference room: 309
Testifier position: Support
Testifier will be present: No
Submitted by: Lieutenant David Silva
Organization: Maui Police Department
E-mail: david.silva@mpd.net
Submitted on: 1/31/2012

Comments:

LATE TESTIMONY

My name is Lynn Vasquez. I am the mother of a Honolulu Police Officer who also has served her country in Iraq and Afghanistan. She was medically evacuated out of Afghanistan and recovered fully. Since then, she has returned to The Honolulu Police Department and watched two of her fellow brothers in Blue die needlessly in traffic accidents. It could have been avoided if the motorists paid attention to their surroundings while driving. I worry for her safety everyday, here and abroad.

I STRONGLY SUPPORT HB2030 RELATING TO STATEWIDE TRAFFIC CODE which would require motorists to “move over” when passing a stationary moving vehicle on a highway.

Please support passage of HB2030 today.

Mahalo,

Lynn Vasquez