

WRITTEN ONLY

TESTIMONY BY KALBERT K. YOUNG  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
STATE OF HAWAII  
TO THE HOUSE COMMITTEE ON TRANSPORTATION  
ON  
HOUSE BILL NO. 2790

February 1, 2012

RELATING TO HIGHWAY SAFETY

House Bill No. 2790 establishes a photo red light imaging detector system program to be administered by the counties. Proceeds from fines, resulting from traffic signal violations captured by the imaging detectors, are to be deposited into a special account in the State general fund to be expended in the county in which the fine was imposed and used for the establishment, operation, management, and maintenance of the program.

As a matter of general policy, the Department of Budget and Finance does not support the creation of any special account within the general fund of the State for specific purposes. This is an inconsistent application and use of the general fund. The department strongly believes that general fund program requirements should be reviewed on a statewide basis and allocated to programs based on statewide priorities within available resources. Conventional application of the general fund would entail, any and all, expenditures via direct appropriations authorized by the Legislature, where each appropriation is weighed against the affordability of statewide requirements of the general fund.



**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 Committee on Transportation**

February 1, 2012, 9:00 a.m.

**H.B. No. 2790: RELATING TO HIGHWAY SAFETY**

Chair Souki and Members of the Committee:

The Office of the Public Defender opposes H. B. 2790.

This measure would establish a photo red light imaging detector systems program. This system would be an unmanned, automated system, which would be triggered by sensors buried in the road when a vehicle enters an intersection against a red light. Although we believe that strict enforcement of our traffic laws results in a reduction of traffic accidents and increased traffic safety, we do not believe this measure appropriately balances the rights of the accused violators with the public's interest in traffic safety.

According to Section 1 of this measure, two photographs of the violator would be taken, one photograph of the rear of the vehicle, capturing the license plate, and a second photograph of the entire intersection. The summons would be sent to the registered owner of the motor vehicle, and would constitute prima facie evidence that the registered owner was the person who committed the violation. These portions of this measure directly contradict Section 4 of this measure. According to Section 5(d) (page 7 of this bill), a summons or citation will not be issued unless it contained a clear and unobstructed photographic, digital, or other visual image of the driver of the motor vehicle. How do you reconcile the system requirement that prior to the commencement of a prosecution of a photo red light violation, a clear, unobstructed photographic image of the driver of the motor vehicle be obtained, with the presumption that the registered owner of the motor vehicle committed the photo red light violation. We believe that prior to the issuance of any summons or citation for a photo red light violation, not only would it be necessary to have a photograph of the driver, but that the driver be identified and properly cited, rather than placing the burden of proof on the registered owner. The registered owner, if he was not driving the motor vehicle during the photo red light violation, would be inconvenienced by having to prepare a written statement, testify in court, call witnesses or obtain extrinsic proof of his innocence, at his own expense. The registered owner would also be forced to choose between accepting responsibility for a violation he did not commit and assisting the government in the prosecution of a spouse, friend or family member.

Another factor this committee has to consider is the cost of implementing a photo red light program. The general public has already voiced its outspoken opposition to photo

speed detection systems. Do we have the public's support for such a program? What happens after the public demands that this program be disbanded, much like the van cam system? Before we embark on such a program, we must be certain of the total cost of installing the cameras and detection equipment, and that there is public support for the expenditure.

We oppose the passage of H.B. No. 2790. Thank you for the opportunity to be heard on this matter.



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February 1, 2012

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

From: Arkie Koehl/Carol McNamee, Co-Chairs – Public Policy Committee, MADD-Hawaii

Re: House Bill 2790 – Relating to Highway Safety

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I am Arkie Koehl, speaking in support of House Bill 2790 on behalf of the membership of MADD-Hawaii.

Being vitally interested in highway safety, the members of MADD-Hawaii endorse measures to protect our citizens by making enforcement of traffic laws more effective. Sometimes, as with cameras to detect red light running, such measures are not directly related to MADD's positions on impaired driving. Nevertheless, a disproportionate number of traffic light violators are likely to be impaired, making support for their citation a logical expression of MADD's goal to prevent drunk driving and save lives.

A recent study which appeared in the newsletter of the Institute for Highway Safety found that camera enforcement in 14 large cities during the years 2004 to 2008, reduced the rate of fatal red light running crashes by 24 percent. That adds up to 74 fewer fatal red light running crashes or, given the average number of fatalities per red light running crash, approximately 83 lives saved.

The study also stated that, *“Red light running killed 676 people and injured an estimated 113,000 in 2009. Nearly two-thirds of the deaths were people other than the red light running drivers — occupants of other vehicles, passengers in the red light runners' vehicles, bicyclists, or pedestrians.*

*Without cameras, enforcement at intersections is difficult and often dangerous. In order to stop a red light runner, officers usually have to follow the vehicle through the red light, endangering themselves, as well as other motorists and pedestrians.*

*Moreover, the manpower required to police intersections on a regular basis would make it prohibitively expensive. In contrast, camera programs can pay for themselves by requiring people who break the law to shoulder the cost of enforcing it.”*

MADD Hawaii encourages the committee to pass this measure in order to decrease Hawaii's serious and dangerous incidence of running red lights.

Thank you for the opportunity to testify.

COMMITTEE ON TRANSPORTATION

Honorable Joseph M. Souki, Chair  
Honorable Linda Ichiyama, Vice Chair

Re: House Bill No. 2790 -- Relating to Highway Safety

Wednesday, February 1, 2012  
Hawaii State Capitol, Conference Room 309  
9:00 a.m.

HONORABLE JOSEPH M. SOUKI, CHAIR, HONORABLE LINDA ICHIYAMA,  
VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Milton Imada. I am a registered voter with a background in fleet maintenance and safety who also maintains a commercial driver's license. I am testifying in behalf of private and professional drivers who believe as I do.

We ask you not to spend our hard earned tax dollars on any form of traffic cameras that citizens rejected in 2002 especially during a time of failing economy and high unemployment.

This proposed photo red light camera system is grossly flawed, biased, discriminatory and contradicts the "safety" purpose of this Bill.

**ENTRAPMENT:**

Commercial drivers will be this Bill's most common victims because the inadequate timing of yellow lights fails to allow enough time for all lengths of commercial vehicles and buses entering the intersections on the yellow lights to pass the photo sensors and safely exit the intersections under all conditions of traffic. The size, weight, load and length of commercial vehicles and busses require much more space in front to come to a safe stop without which they are committed to engage the intersection and become a photo victim. Buses stopping abruptly may cause passenger injuries.

Currently there isn't a problem because a vehicle entering an intersection on the yellow light is allowed to exit without being cited in spite of the vehicle's rear end still over the entry side of the intersection. This will all change with the passage of House Bill No. 2790. Supporters of this Bill will be knowingly

and deliberately trapping these exceptional individuals, forcing them to receive undeserving red light citations and increasing insurance premiums that will threaten their livelihoods.

**DISCRIMINATION AND SAFETY CONTRADICTION:**

The intersection stoplight photo imaging system this Bill imposes is bias and unjustly discriminates against car, bus and truck drivers because it fails to provide an effective way to identify and cite motorcycle and moped red light violators whose helmet visors (clear and darkened) and dark glasses worn by drivers obscures identification, pursuant to Part II, Section 5, Paragraph (d). The absence of front license plates also excludes identification of these motor vehicles, which effectively exempts motorcycles and moped drivers from being cited for running intersection red lights. If “safety” is the true intention of this Bill, then this Committee must be consistent and apply it equally to all motor vehicles.

This Bill’s flawed intersection red light camera system should not be enacted in a hasty money making venture to feed the general fund.

For justice sake, this Committee needs to determine who is legally at fault for causing each roadway crossing fatality before blindly blaming the vehicle drivers. How many fatalities are actually related to drivers running the red light at intersections? The public needs to know the truth that will also help lawmakers make an informed decision.

**EXPLANATION:**

This Bill tries to gain emotional support and confuse citizens into thinking the offenses of running the red lights at intersections are related to news reports that commonly describe hit-and-run drivers who run over small children or the elderly, when in fact news reports prove pedestrian casualties are happening outside the intersections and in too many cases outside the crosswalks when pedestrians jaywalk.

Pedestrians crossing in crosswalks also cause accidents when they fail to look out for vehicles like drivers have to look out for them.

This Bill attacks car and truck drivers while excusing pedestrians who carelessly cross roadways and cause accidents. Too many pedestrians are ignorant of the law or believe, by law, they always have the right of way no matter what. Their carelessness place themselves and drivers in harms way and is a formula for disaster. The innocent drivers and their families also suffer when accidents occur.

Contrary to this Bill, red light cameras were not found to be beneficial in all jurisdictions in the United States.

More than a dozen cities now ban the cameras, as do nine states. In many areas where the cameras have been turned off, opponents argued that the programs simply generated revenue without improving safety. See attached, Thursday, August 2, 2011, [Honolulu Star Advertiser](#) article.

Be forewarned that this Bill will increase rear end collisions at intersections. Large trucks may loose their loads and fishtail into other vehicles when drivers panic stop in fear and paranoia of photo cameras.

Hawaii drivers do not drive like drivers in other jurisdictions, therefore, do not deserve to be treated in the same manner. We want to keep Hawaii a very special place without becoming photo targets and unwilling benefactors.

Public beware this Bill is not a means to an end but will open a Pandora's box with growing negativity infringing on our rights to privacy and lead Hawaii down a dangerous path of eroding civil liberties.

If you truly want to make a positive difference in the eyes of drivers, provide for additional police officers who can once again maintain a meaningful presence on our highways and at intersections. Police presence fosters a mind sticking law abiding consciousness that will never be achieved with cameras.

Police officers can enforce immediate driver and vehicle laws that cameras cannot.

Government will solve nothing by squandering our hard earned monies on this unpopular project that will meaningfully increase the stresses of today's drivers who are already on edge trying to cope with Oahu's increasingly overcrowded roadways.

SUGGESTIONS -- Alternative rather than imposing this Bill:

1. Create bills that will require the City and State transportation agencies to adequately increase the timing of yellow lights at all various types of intersections to allow all lengths of vehicles covered under the commercial driver's license entering intersections on the yellow caution light to exit without being cited under all conditions of traffic. Doing so may be the magic solution to all our intersection's woes without the use of cameras.

2. In lieu of intersection photo cameras, create bills that will require the State and City to restripe all crosswalks, and post signs indicating crosswalks. Add mid city block crosswalks. Build pedestrian overpasses at accident prone areas or install pedestrian activated stoplight crosswalks especially around schools and accident prone areas.

3. Provide that a violation for which a civil penalty is imposed under this Bill be treated the same as a seat belt and child restraint violation to prevent insurance companies raising premiums.

Consider that if insurance premiums go up, drivers will drive without insurance.

4. In lieu of photo imaging, we suggest creating a part time police unit dedicated to highway and intersection safety with the following considerations:

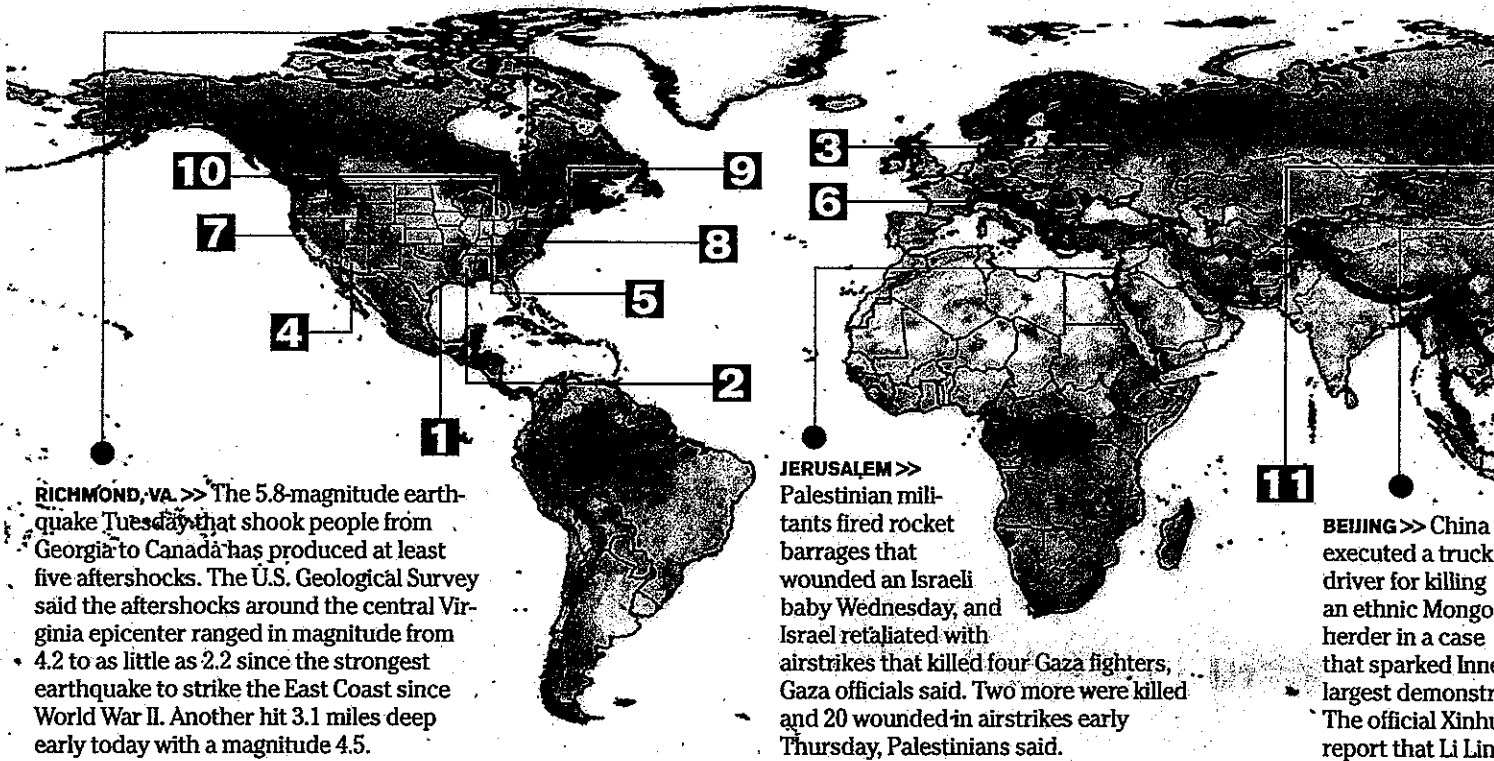
- A. Utilize our already trained volunteer police officers.
- B. Hours of work not to exceed part time status.
- C. Duties will be confined to maintaining roadway and intersection safety.

There is no Aloha spirit in photo traffic enforcement.

We look forward to your support.

Thank you.





**RICHMOND, VA >>** The 5.8-magnitude earthquake Tuesday that shook people from Georgia to Canada has produced at least five aftershocks. The U.S. Geological Survey said the aftershocks around the central Virginia epicenter ranged in magnitude from 4.2 to as little as 2.2 since the strongest earthquake to strike the East Coast since World War II. Another hit 3.1 miles deep early today with a magnitude 4.5.

**JERUSALEM >>** Palestinian militants fired rocket barrages that wounded an Israeli baby Wednesday, and Israel retaliated with airstrikes that killed four Gaza fighters, Gaza officials said. Two more were killed and 20 wounded in airstrikes early Thursday, Palestinians said.

**BEIJING >>** China executed a truck driver for killing an ethnic Mongolian herder in a case that sparked one of the largest demonstrations in the country. The official Xinhua report that Li Lin

**1** HOUSTON

## Red-light cameras shut off despite \$25M contract penalty

Houston became the latest U.S. city to turn off its red-light traffic cameras on Wednesday, less than a month after Los Angeles did the same, in a move that camera opponents said reflects a gradual nationwide trend to abandon the devices.

But supporters of such programs, including state highway officials and Houston's mayor, quickly defended the cameras, claiming they save lives, improve safety and have widespread support, noting that more than 500 municipalities — including New York, Washington and other large cities — still use them.

More than a dozen cities now ban the cameras, as do nine states. In many areas where the cameras have been turned off, opponents argued that the programs simply generated revenue

without improving safety. Others said they were a money drain — Los Angeles' City Council canceled its program because it was losing money — while some argue the cameras were an unlawful invasion of privacy.

Houston residents voted nine months ago to banish the cameras, which photograph vehicles as they run through a red light and send the owner a ticket. After months of legal wrangling, including a federal judge throwing out the election results, the Houston City Council voted Wednesday to end its program — even though canceling the contract could cost the city as much as \$25 million.

Houston officials are hoping to reach a reasonable settlement with American Traffic Solutions Inc.

*Associated Press*

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**We're in the race to try to make a difference for the citizens of Mississippi. Our first priority is not the (campaign) finances."**



**3** MOSCOW

## Rocket crash exposes U.S.

A Russian cargo rocket ferrying 3 tons of food and fuel to the International Space Station broke down about five minutes after it blasted off Wednesday, completing its flight by arcing into a Siberian forest rather than achieving orbit.

The crash of the unmanned craft, a Progress cargo ship on top of a Soyuz rocket, does not pose an immediate problem for the six crew members living at the space station, who are well stocked with supplies taken there in July by NASA's last shuttle flight. But it raises questions about the reliability of this model of Russian rocket, a similar model of which is used for manned launchings.

Since the retirement of the shuttle program last month, Russian-made Soyuz rockets are the only means of transport to space for American astronauts. NASA

has contracted with the Russian Space Agency Americans on these rockets for several years.

Wednesday's crash will surely be closely scrutinized because of its implications for American manned space flight on the Russian rockets. If a quick diagnosis fixes elude Russian engines, NASA and the other agencies collaborating on the space station could face difficult choices.

"We've always known it was a risk," said the manager of the space station, Michael T. Suffern. The next set of three crew members is scheduled for launch to the space station in September, and another three are to go up in December.

Further, the Soyuz capsules in which the crew members ride also serve as lifeboats in case of an emergency, and the capsule