

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
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KEITH M. KANESHIRO
PROSECUTING ATTORNEY



ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE HENRY J.C AQUINO, CHAIR
HOUSE PUBLIC SAFETY COMMITTEE
THE HONORABLE RYAN I. YAMANE
HOUSE TRANSPORTATION COMMITTEE
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai`i**

February 7, 2013

**RE: H.B. 1013; RELATING TO STATEWIDE TRAFFIC CODE; AND
RE: H.B. 1308; RELATING TO STATEWIDE TRAFFIC CODE.**

Chair Aquino, Chair Yamane, and members of the House Committee on Public Safety and House Committee on Transportation, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 1013 and H.B. 1308.

The purpose of these bills is to include the state civil defense vehicles, county emergency management vehicles, and public safety law enforcement vehicles in the definition of “emergency vehicle” under the requirement that a driver of a vehicle that is approaching an emergency vehicle that is stopped for an emergency, investigation of a possible traffic violation, rendering assistance to a police officer, or other official duties, as indicated by the flashing emergency lights of the stopped emergency vehicle, shall:

- (1) Slow down to a reasonable and prudent speed that is safe under the circumstances of an emergency road situation ahead. Reasonableness and prudence shall take into account weather conditions, road conditions, and vehicular and pedestrian traffic in the immediate area. If necessary, the driver shall come to a complete stop before making a lane change under paragraph (2); and
- (2) Make a lane change into the adjacent lane if necessary and if it is safe to do so, or if possible, to two lanes over which leaves one lane between the driver and the emergency vehicle.

A violation of this law is a petty 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. 1013 and H.B. 1308. Thank you for the opportunity to testify.

February 5, 2013

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: H.B. 1308, Relating to the Statewide Traffic Code

I am Lynette Lo Tom, Chair of the Volunteer Civil Defense Advisory Commission, City and County of Honolulu.

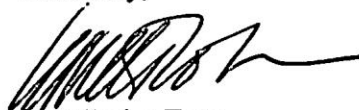
We support the passage of House Bill 1308, Relating to the Statewide Traffic Code. Passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include civil defense and emergency management vehicles/personnel as “Emergency Vehicles”.

We are fortunate that we have a cadre of trained volunteer Emergency Management Reservists who provide mission critical duties in support of the City's first responders during emergencies. These duties include traffic control, closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put them in harm's way.

Our commission supports the proposed amended subsection §291C – (2) (b) as written and thanks the committee for recognizing the necessity to include coverage of our cadre of trained volunteers in carrying their mission critical duties.

I urge your committee to pass this bill. Thank you for the opportunity to offer written testimony.

Sincerely,



Lynette Lo Tom
Chair

Civil Defense Advisory Commission



Hawaii State House of Representatives

Committee on Public Safety

Re: HB 1308

Dear Chair and Committee Members:

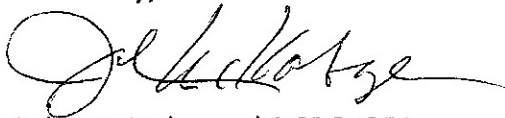
I, John E. Kobayashi am submitting this written testimony in favor of **HB 1308**, which allows vehicles driven by the staff and volunteers of the **Department of Emergency Management (DEM)** to be recognized as emergency vehicles when driven by DEM members in support of emergency situations and operations.

As a volunteer Master Instructor for the Department of Land and Natural Resources (DLNR) Hunter Education Program (25 years) **and** now the **City's Advisory Commission on Civil Defense**, we may be called upon to assist first responders in emergency situations. We stand ready to take action in the event of catastrophic events such as tsunamis, high wave damage, high winds, hurricanes, & similar events.

Therefore, we would want our vehicles to be recognized and designated as emergency vehicles to allow for prompt response without hindrance, but obey all traffic codes and law.

Thank you for allowing me to present this important testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "John E. Kobayashi". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

John E. Kobayashi CRB GRI

Citizen's Advisory Commission on Civil Defense

STATE OF HAWAII
DEPARTMENT OF DEFENSE

TESTIMONY ON HOUSE BILL 1308
A BILL RELATING TO THE STATEWIDE TRAFFIC CODE

PRESENTATION TO THE
HOUSE COMMITTEE ON PUBLIC SAFETY
AND THE HOUSE COMMITTEE ON TRANSPORTATION

BY

MAJOR GENERAL DARRYLL D. M. WONG
ADJUTANT GENERAL AND DIRECTOR OF STATE CIVIL DEFENSE
February 7, 2013

Chair Aquino, Chair Yamane, Vice Chair Ing, Vice Chair Ichiyama, and Members of the Public Safety and Transportation Committees:

I am Major General Darryll D. M. Wong, State Adjutant General. I am testifying in **SUPPORT** of House Bill 1308.

HB 1308 proposes to add state civil defense and county emergency management vehicles to the definition of "emergency vehicle" under the move over law. Emergency management personnel perform critical duties during emergency periods. There is a need for these personnel to get to the site of an emergency quickly to perform their duties. This proposed change will help emergency management personnel get a site and carry out their important responsibilities.

I strongly urge you to pass HB 1308.

Thank you for the opportunity to provide this testimony.

TESTIMONY OF THE HAWAII POLICE DEPARTMENT

HOUSE BILL 1308

RELATING TO THE STATEWIDE TRAFFIC CODE

BEFORE THE COMMITTEES ON PUBLIC SAFETY AND TRANSPORTATION

DATE : Thursday, February 7, 2013

TIME : 11:00 A.M.

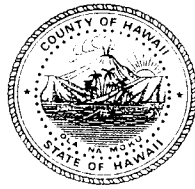
**PLACE : Conference Room 309
State Capitol
415 South Beretania Street**

PERSON TESTIFYING:

**Acting Police Chief Paul K. Ferreira
Hawaii Police Department
County of Hawaii**

(Written Testimony Only)

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

February 6, 2013

Representative Henry J. C. Aquino
Chairperson and Committee Members
Committee on Public Safety
Representative Ryan I. Yamane
Committee on Transportation
415 South Beretania Street, Room 309
Honolulu, Hawai'i 96813

RE: HOUSE BILL 1308 RELATING TO THE STATEWIDE TRAFFIC CODE

Dear Representatives Aquino and Yamane:

The Hawai'i Police Department supports House Bill 1308 with its purpose being to include civil defense and county emergency management vehicles in the definition of "emergency vehicle" under the requirement that motorists "move over" when passing a stationary emergency vehicle on a highway.


We believe this legislation will serve to aid both the public and these other identified first responders in the pursuit of their duties on the highways in a safer manner both for them as well as the passing motorists. We believe these additions to the definition of "emergency vehicle" are important additions to ensure safer passage for all concerned.

Additionally, the Hawai'i Police Department would like to recommend the addition of language from Section 707-702 of the Hawai'i Revised Statutes to include manslaughter as being a charging option when a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a).

It is for these reasons we urge your committees to approve this legislation.

Thank you for allowing the Hawai'i Police Department to provide comments relating to House Bill 1308.

Sincerely,

Mason 

By
PAUL K. FERREIRA
ACTING POLICE CHIEF

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE
KK-LC

February 7, 2013

The Honorable Henry J. C. Aquino, Chair
and Members
Committee on Transportation
The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Aquino and Yamane and Members:

Subject: House Bill No. 1308, 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. 1308, Relating to the Statewide Traffic Code. Passage of this bill would include all civil defense and county emergency management vehicles in the definition of "emergency vehicle" in section 291C-27, Hawaii Revised Statutes, commonly known as the "move-over" law.

This law was designed for all emergency responders who provide services to our community, and all civil defense and county emergency management vehicles should be included in this law.

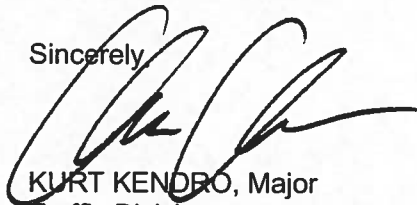
The HPD would also recommend some additional language be added to the existing language as section 707-702 was inadvertently omitted from the original bill. The suggested additional language is as highlighted:

If a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under section 707-702 for manslaughter, section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704 for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable.

The Honorable Henry J. C. Aquino, Chair
and Members
The Honorable Ryan I. Yamane, Chair
And Members
Page 2
February 7, 2013

Thank you for the opportunity to testify.

Sincerely



KURT KENDRO, Major
Traffic Division

APPROVED:

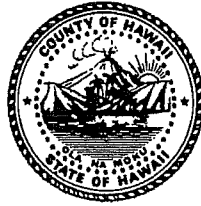


LOUIS M. KEALOHA
Chief of Police

Attachment

William P. Kenoi
Mayor

Walter K.M. Lau
Managing Director



Darryl J. Oliveira
Director of Civil Defense

County of Hawaii

CIVIL DEFENSE AGENCY

920 Ululani Street • Hilo, Hawai'i 96720-3958
(808) 935-0031 • Fax (808) 935-6460

Ryan I. Yamane, Chair
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

February 5, 2013

Dear Chair Yamane,

I would like to request your consideration and support of House Bill 1308, Relating to the Statewide Traffic Code.

As proposed, this bill will provide for the safety and welfare of various employees and volunteers tasked with supporting the many necessary and critical services and functions related to civil defense and emergency management. Specifically, this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include civil defense and emergency management vehicles/personnel as "Emergency Vehicles".

During emergency events and disasters, our Civil Defense agency depends on a cadre of employees and volunteers to perform a myriad of duties to include traffic control, closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put them in harm's way.

Therefore, I would like to request your support and passage of the proposed amended subsection §291C – (2) (b) as written and thank you and the committee for recognizing and acknowledging the safety of our emergency personnel and trained volunteers in the performance of their mission critical duties.

Thank you,

Darryl Oliveira, Director





Mothers Against Drunk Driving HAWAII
745 Fort Street, Suite 303
Honolulu, HI 96813
Phone (808) 532-6232
Fax (808) 532-6004
hi.state@madd.org

February 7, 2013

To: Representative Henry Aquino, Chair –House Committee on Public Safety; Rep. Kaniela Ing, Vice Chair and members of the Committee

Representative Ryan Yamane, Chair — House Committee on Transportation;
Rep. Linda Ichiyama, Vice Chair and members of the Committee

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

Re: House Bill 1308 – Relating to 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 1308, relating to the Statewide Traffic Code. HB 1308 adds civil defense and county emergency management vehicles to the definition of emergency vehicle under the current move over law HRS 291c-27, a logical and desirable improvement.

We further encourage the Committees to amend the bill by including the charge of manslaughter for situations where a first responder is killed by a driver who disregards the law to move over. Suggested wording follows (change in bold type):

*If a death or injury occurs and is attributable to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under **section 707-702 for manslaughter**, section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704 for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable.*

As in past testimony, 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 committee to pass House Bill 1038.

Thank you for this opportunity to testify.



Sandwich Isles
Communications, Inc.

A Weimant Company

February 5, 2013

Committee on Public Safety
Committee on Transportation
City & County of Honolulu
Honolulu, HI 96813

RE: HB 1308

Letter of support to add Civil Defense and County Emergency Management vehicles to the definition of "Emergency Vehicle" under the Move Over Law coming up for Public Hearing before the Committee on Public Safety and Committee on Transportation on Thursday, February 7, 2013 at 11:00 AM, Room 309.

Dear Sirs:

As the Chairman of the Telecommunication Utility Working Group, representing all such companies in the state of Hawaii, I concur that it is vital to have Civil Defense and County Emergency Management vehicles added to the definition of "Emergency Vehicle" under the Move Over Law.

The members of our Telecommunication Utilities Group work with the County Emergency Management team to provide support in emergency & disaster situations, and therefore recognize the importance of having County Emergency Management vehicles included in the "Emergency Vehicle" status. Thank you for your consideration

Sincerely,

Judi Ushio
Chairman, Telecommunication Utility Working Group
Director of Corporate Services
Sandwich Isles Communications, Inc.

Jeffrey K. Spencer
P.O Box 235172
Honolulu, Hawaii 96823

February 7, 2013

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Dear Chairs Aquino, Yamane and Members:

SUBJECT: H.B. 1308 and H.B. 1013 Relating to the Statewide Traffic Code.

I am Jeffrey Spencer; Reserve Services Coordinator for the City & County of Honolulu's Department of Emergency Management (DEM), and I stand in support of House Bill 1308 and House Bill 1013, Relating to the Statewide Traffic Code.

As the Reserve Services Coordinator for DEM and former volunteer Emergency Management Reservist for the past 18 years, I have responded to various emergency situations that include traffic accidents, rock/land slides, high surf damage, tsunami, and other critical situations, that place me and my fellow first responders in harm's way on the roadways of O`ahu.

The passage of these bills is critical in protecting all of first responders statewide, by amending §291C – (2) (b) of the Hawaii Revised Statutes to include civil defense, emergency management, and sheriff/public safety vehicles/personnel as "Emergency Vehicles".

I support the proposed amended to §291C – (2) (b) of the Hawaii Revised Statutes, urge passage of this bill and thank both committees the opportunity to present my testimony.

Sincerely,



Jeffrey K. Spencer

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-8960 • FAX: (808) 523-3439

KIRK CALDWELL
MAYOR



MELVIN N. KAKU
DIRECTOR

PETER J.S. HIRAI
DEPUTY DIRECTOR

February 6, 2013

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: H.B. 1308, Relating to the Statewide Traffic Code

I am Melvin Kaku, Director of the Department of Emergency Management, City and County of Honolulu.

The Department of Emergency Management (DEM), City and County of Honolulu (City), strongly supports the passage of House Bill 1308, Relating to the Statewide Traffic Code. Passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include civil defense and emergency management vehicles/personnel as "Emergency Vehicles".

Within the City and County of Honolulu, Department of Emergency Management, we have a cadre of trained volunteer Emergency Management Reservists who provide mission critical duties in support of the City's first responders during emergencies. These duties include traffic control, closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put them in harm's way.

DEM also supports the Honolulu Police Department's (HPD) request for additional language to be added to the existing language as noted and highlighted below:

If a death or injury occurs and is attributed to the driver of the vehicle for a violation of subsection (a), then the driver shall instead be charged under section 707-702 for manslaughter, section 707-702.5 for negligent homicide in the first degree; section 707-703 for negligent homicide in the second degree; section 707-704 for negligent homicide in the third degree; section 707-705 for negligent injury in the first degree; or section 707-706 for negligent injury in the second degree, as applicable

DEM supports the proposed amended subsection §291C – (2) (b) as written with inclusion of the above verbiage from HPD, and thanks the committee for recognizing the necessity to include coverage of our cadre of trained volunteers in carrying their mission critical duties.

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
Page 2
February 6, 2013

I urge your committee to pass this bill. Thank you for the opportunity to testify.

Sincerely,


Melvin N. Kaku
Director

cc: Ember Shinn, Managing Director

The Honorable Ryan I. Yamane, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Yamane and Members:

SUBJECT: House Bill 1308, Relating to the Statewide Traffic Code

I am Marcia Magno, an Emergency Management Reservist for the Department of Emergency Management, and am in support of House Bill 1308, Relating to the Statewide Traffic Code.

As a volunteer Emergency Management Reservist for the City & County of Honolulu's Department of Emergency Management, my fellow reservists and I provide mission critical duties to the City & County of Honolulu along side other first responders during emergencies. These duties include closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put us in harm's way.

The passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include Civil Defense or Emergency Management vehicles/personnel as "Emergency Vehicles", thus giving us the added protection we need while serving the public during emergencies or other incidents.

I support House Bill 1308 as written, and thank this committee for the opportunity to provide testimony for this bill.

Sincerely,

Marcia Magno
94-1441 Welina Loop #5D
Waipahu, HI 96797

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill 1308, Relating to the Statewide Traffic Code

I am Francis Pedro, an Emergency Management Reservist for the Department of Emergency Management, and am in support of House Bill 1308, Relating to the Statewide Traffic Code.

As a volunteer Emergency Management Reservist for the City & County of Honolulu's Department of Emergency Management, my fellow reservists and I provide mission critical duties to the City & County of Honolulu along side other first responders during emergencies. These duties include closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put us in harm's way.

The passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include Civil Defense or Emergency Management vehicles/personnel as "Emergency Vehicles", thus giving us the added protection we need while serving the public during emergencies or other incidents.

I support House Bill 1308 as written, and thank this committee for the opportunity to provide testimony for this bill.

Sincerely,

Francis Pedro

95-166 Kahela Street
Mililani, Hawaii 96789

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Public Safety
House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill 1308, Relating to the Statewide Traffic Code

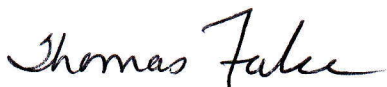
I am Thomas Fake, an Emergency Management Reservist for the Department of Emergency Management, and am in support of House Bill 1308, Relating to the Statewide Traffic Code.

As a volunteer Emergency Management Reservist for the City & County of Honolulu's Department of Emergency Management, my fellow reservists and I provide mission critical duties to the City & County of Honolulu along side other first responders during emergencies. These duties include closing of roads, highways and other thoroughfares due to rockslides, mudslides, flash flooding as well as other duties which put us in harm's way.

The passage of this bill will amend subsection §291C – (2) (b) of the Hawaii Revised Statutes to include Civil Defense or Emergency Management vehicles/personnel as "Emergency Vehicles", thus giving us the added protection we need while serving the public during emergencies or other incidents.

I support House Bill 1308 as written, and thank this committee for the opportunity to provide testimony for this bill.

Sincerely,



Thomas Fake

605 Inuwai Place
Honolulu, HI 96825

ing2-Brandon

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 05, 2013 8:36 PM
To: pbstestimony
Cc: vegapk@yahoo.com
Subject: *Submitted testimony for HB1308 on Feb 7, 2013 11:00AM*

HB1308

Submitted on: 2/5/2013

Testimony for PBS/TRN on Feb 7, 2013 11:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Kathy Vega	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov