



**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 Finance**

March 28, 2013, 10:30 a.m.

S.B. No. 693, S.D. 2: RELATING TO HIGHWAY SAFETY

Chair Luke and members of the committee:

The Office of the Public Defender opposes S.B. 693, S.D. 2.

This measure would establish a pilot 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 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. 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. 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.

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.

Lawmakers in other states, most notably California, Florida and Colorado have begun to introduce legislation to disband their photo red light programs. The fines generated from

red light violations have not kept up with the cost of operating the cameras. Furthermore, vendors in other jurisdictions have sought to reduce the duration of the yellow light in order to “catch” more violators and generate more revenue. A shortening of the yellow light sequence may result in more red light violations, but will also increase the danger of motor vehicle and pedestrian accidents. The cameras have also been used to ticket motorists who do not come to a complete stop before making a right turn at the intersection, fail to stop behind the stop line, and are stopped in the intersection when the light turns red. Ticketing motorists for violations other than a red light violation smacks of revenue generation, and has begun to draw the ire of the public and legislators in several states.

Studies have shown that rather than reduce the frequency of motor vehicle accidents after the installation of photo red light enforcement cameras; the amount of accidents reported has increased. A study conducted by Los Angeles television station KCAL found that out of the thirty-two intersections with photo red light enforcement, twenty intersections reported an increase in the frequency of accidents. At three intersections (Manchester and Figueroa, Westwood and Wilshire Blvd., Rodeo Rd. and La Brea Blvd.) the amount of accidents tripled after the installation of the cameras. You may find the results of this study hard to believe, but similar studies conducted in Washington, D.C., Portland, Oregon, Fort Collins, Colorado, Oceanside, California, Corpus Christi, Texas, Philadelphia, Pennsylvania and Winnipeg, Ontario all reported an increase in the frequency of the accidents. Oceanside, California reported an eight hundred percent (800%) increase in rear-end collision after the installation of the cameras.

This measure will do more to generate revenue for the vendors of the photo red light technology than increase public safety. Many drivers who run red lights do so because they are distracted, impaired or mistakenly believe they have the right of way. For these people, the existence of a photo red light detection system will not be a deterrent. The most effective way to get people to slow down and pay attention to the traffic laws is the existence of a police presence. Problem intersections should be targeted by the police for red light enforcement. A longer yellow light, and a delay between the red/green light sequences would also decrease the amount of collisions at intersections. A photo red light detection system will not pay for itself. It will have to be funded by the taxpayers year after year. Before we embark on another possibly embarrassing venture with photo traffic enforcement, the public requires that you exercise your due diligence and read everything that is out there, not just what law enforcement and special interest groups are feeding you. Who is the vendor? What is their reputation? Why have other states soured on the concept? What do their legislators say? Have you or your staff done any independent research? You should seek answers to these questions and educate yourselves on this issue before casting any vote.

We oppose the passage of S.B. No. 693, S.D. 2. Thank you for the opportunity to be heard on this matter.

**THE HONORABLE SYLVIA LUKE, CHAIR
COMMITTEE ON FINANCE**

Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawai'i

March 28, 2013
3:15 p.m.
State Capital, Room 308

S.B. 693, H.B. 1
RELATING TO HIGHWAY SAFETY

Chair Sylvia Luke, Vice Chairs Scott Y. Nishimoto and Aaron Ling Johanson, and members of the House Committee on Finance, AAA Hawai'i respectfully submits the following testimony in support of S.B. 693, H.B. 1, the intent of which is to establish a three-year pilot program for the deployment of photo red light imaging detector systems ("Red Light Camera") in Honolulu. The further intent is to improve overall traffic safety by increasing driver obedience to traffic signals through the deployment of the Red Light Camera.

AAA Hawai'i was founded in 1915 in Honolulu and is a leader in motorist services and a strong advocate for traffic safety. AAA Hawai'i has more than 135,000 members. Service to and the safety of our members, other motorists, and all road users is the founding and continuing purpose of AAA Hawai'i. AAA Hawai'i believes that use of advanced technology such as the Red Light Camera and similar automated enforcement devices improve overall traffic safety and are typically more effective, successful, and receive greater public acceptance when the effort is focused on measurable improvements to real and identifiable traffic safety problems, while including adequate safeguards to prevent potential abuse.

AAA Hawai'i recognizes the following discussion points to be informative on the overall effectiveness and impact of a Red Light Camera program.

Providing service to more than 10 million members

1130 N. Nimitz Highway, Suite A170, Honolulu, HI 96817



- Although a “non-profit organization” is to be organized to administer the pilot program, clear and specific safeguards must exist to preclude any relation between the number of citations issued by these systems and the financial compensations for any operating costs, including staff salaries, of that “non-profit organization” – in other words, no “fee per citation”, which has resulted in the perception and in some cases the reality of abuses in selecting intersections for revenue value rather than safety improvement.
- Following the termination of the Red Light Camera pilot program or if an earlier determination is made to implement a permanent program, any future selection of locations where these cameras are to be installed should be based on real and quantifiable needs such as the rate of crashes caused by red light running violations, not simply because they are high-traffic areas. Selection of any location should also be following full and due diligence to explore other applicable traffic engineering improvements at a given intersection before installing the automated enforcement devices.
- Comprehensive public information and education about the introduction of these systems is essential, including adequate publicity about the introduction of the system and a grace period (30 days) when a red light camera system is installed, during which the system does not issue citations but rather sends a warning to the violators. Each intersection should have its own grace period of 30 days after the automated enforcement device becomes operational at that location.
- The success of any red light camera program is closely dependent upon avoiding situations where the cameras may unduly issue a large number of citations, such as where there is an inadequate yellow change interval time (also known as the amber phase). A uniform and adequate yellow change interval calculated, implemented and maintained based on sound traffic engineering principles is important for all intersections, but crucial in implementation of red light cameras. Our experience has shown that lack of this provision can result in abuses which in turn will create strong public opposition to red light cameras. Upon request, AAA Hawai'i is available to work with the legislature and Department of Transportation to develop the minimum yellow timing requirements.

AAA Hawai'i strongly supports and agrees with the objectives of S.B. 693 and believes that by implementing the Red Light Camera program, and the eventual implementation of a red light camera system in strategically selected areas, this legislation will improve traffic safety by reducing the number of instances where drivers run red lights and consequently create an increased potential for accidents to occur. AAA Hawai'i believes that S.B. 693 will help to prevent traffic crashes, injuries, and deaths that occur when drivers ignore traffic safety signals at intersections and run through red lights.

Thank you for the opportunity to provide testimony in support of S.B. 693.

Very truly yours,

Liane Sumida

Liane Sumida
Regional Manager

Testimony of Kekoa Kaluhiwa on behalf of Horizon Lines, Inc.

House Committee on Finance
March 28, 2013 @ 3:15pm
Conference Room 308
Hawaii State Capitol

SB 693 SD2 HD 1 Relating to Highway Safety

Aloha Chair Luke, Vice Chairs Nishimoto and Johanson, and Members of the House Committee on Finance:

While Horizon Lines has not taken an official position on SB 693, we submit the following **comment** to address a concern raised by our industry.

Horizon Lines is concerned that cameras will take a photo of the rear trailer chassis license plate and not of the truck's license plate. Since Horizon owns the trailer chassis pulled by non-Horizon truckers, this method of citing violators for red light infractions would lead to an administrative burden for Horizon Lines and others in our industry.

To remedy the situation, Horizon Lines requests that you consider adding the following language to the bill. This language is identical to the proposed amendment by Matson Navigation Co. and Horizon Lines Inc. in previous committee hearings.

SECTION __. Liability for non-motorized vehicle.

Notwithstanding any law to the contrary, the registered owner of record of a motor vehicle, as defined in section 286-2, Hawaii Revised Statutes as at the time of the violation shall be responsible for the summons or citation. Furthermore, the registered owner of record of a non—motor vehicle, to include pole trailer, semitrailer, tank vehicle and trailer, as defined in section 286-2, Hawaii Revised Statutes at the time of the violation shall not be responsible for the summons or citation.

Thank you for the opportunity to provide comments regarding SB 693.

COMMITTEE ON FINANCE

Rep. Sylvia Luke, Chair
Rep. Scott Y. Nishimoto, Vice Chair
Rep. Aaron Ling Johanson, Vice Chair

Re: Senate Bill No. 693, SD2, HD1 -- Relating to Highway Safety

Thursday, March 28, 2013
Hawaii State Capitol, Conference Room 308
3:15 p.m.

HONORABLE CHAIR, HONORABLE VICE CHAIRS, AND MEMBERS OF THE
COMMITTEE:

My name is Milton Imada. Before I begin, I would like to say that I am not against pedestrian safety. I am here to point out the flaws in the traffic camera bill, as I see it. I am a registered voter with a 34-year background in fleet maintenance and safety who also maintains a commercial driver's license.

On behalf of other commercial drivers and myself 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.

This proposed photo red light camera system is grossly flawed, biased, discriminatory and contradicts the "safety" purpose of this Bill. I'm sure government today can design other means of acquiring funds that will not unjustly affect our citizens.

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 without being cited. The size, weight, load and length of commercial vehicles and busses require much more space in front to come to a safe stop. Busses will be the cameras' most common victims because bus drivers cannot stop in a short distance for fear of passenger injuries; passengers are standing and don't have seat belts, therefore, bus drivers are committed to pass through

the intersection knowing they will become a victim of a poorly designed camera system.

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 Senate Bill No 693, SD2, HD1. Supporters of this Bill will be knowingly and deliberately trapping these unsung heroes of State commerce, forcing them to receive undeserving costly red light citations with the treat of incarceration 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, which 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 before imposing this half-baked system.

This Bill's flawed intersection red light camera system is an overkill designed to prey on Oahu drivers to legally extort moneys to feed government's depleted General Fund.

How many fatalities is actually the fault of drivers running the red light at intersections? The public needs to know the truth not misleading exaggerated "smoke and mirrors" to impose bad law at the expense of Oahu's citizens.

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.

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

An August 2, 2011 Star-Advertiser article stated the Houston City Council voted to end its intersection camera program in spite of paying a \$25 million dollars contract penalty. This article also stated "more than a dozen cities now ban the cameras, as do nine states. In many areas where the cameras have been turned off, opponents argue that the programs simply generated revenue without improving safety. Others said they were a money train -- Los Angeles' City Council canceled its program because it was losing money, which some argue the cameras were an invasion of privacy."

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, develop law to encourage the City to provide for additional police officers made up of paid reserve 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.

Kudos for amending this Bill, applying it to all counties with motor vehicles, not only those counties with populations in excess of 600,000 that are most profitable for the government agency imposing the cameras. After all, driving safely applies to all people on all islands.

SUGGESTIONS -- Alternatives rather than imposing this Bill:

- (1) Increase timing of yellow lights no less than eight (8) seconds to allow all lengths of commercial vehicles to safely pass through intersections under all conditions of traffic. This may be the solution to all our intersection woes without the use of cameras.
- (2) Today, the public is accustomed to the law whereby no red light citation issued if a vehicle enters the intersection on the yellow light. To provide a camera system more acceptable and specifically targeting the red light runner, remove all sensors within the intersection, maintain only the sensor at the inside edge of the crosswalk.
- (3) Reject any stop light camera systems that discriminates against car and truck drivers by failing to provide an effective means of citing motorcycles and mopeds running red lights. Create much needed law to certify moped driver competence and holding reckless moped drivers legally and monetarily responsible.

We look forward to your support.

Testimony on [SB 693](#), [SD2](#), [HD1](#) RELATING TO HIGHWAY SAFETY.

Chair Luke, Vice Chairs Nishimoto & Johanson, and Members of the Committee on FINANCE:

I support this bill to create a three-year pilot photo red light imaging detector system program. I also support the **excellent suggestions for improvements** to the bill, requested by the Hawaii bicycle league:

1) Remove the requirement that a nonprofit group be the camera operator, as long as

(a) a police officer makes the final decision to send out the ticket, and

(b) the **camera operator is paid on a flat fee basis** (not dependent on the number of tickets issued).

2) Remove the listing of 5 specific locations where the cameras should be placed.

Logically and sensibly, the cameras should be placed **where the most red light running crashes occur and where the most red light tickets are issued.**

It's good this is a three-year pilot – to figure out how to improve the system -- because I can imagine all the loud yelling by ticketed registered car owners. In spite of concern about civil liberties or whatever the argument is, we need to give everyone who uses our roadways an added incentive to OBEY the traffic signals.

I'm chicken and I wouldn't run a red light, but sometimes I try to beat the yellow **before** it turns red, and don't always make it -- but I HATE myself for it and promise not to do it again! If you had a camera on me at the intersection it would give me more motivation to obey "**Yellow = prepare to STOP,**" rather than speed up.

I should know better because my car was once hit by a car that had been hit by another car SPEEDING through a RED light. I KNOW that when I'm waiting at an intersection and the light turns GREEN, I do not automatically expect that the cross traffic will stop. MY CAR STILL GOT HIT – as a chain reaction. The car that was hit broadside by the car running the red light, spun and hit my car!

ASK ANYONE, and they can tell you stories of what they witnessed at intersections, of both drivers and pedestrians, trying to beat the red light or ignoring the red light. It's scary out there on our roadways which are more crowded than ever.

I commuted by bus for seven years from Mililani to Kalihi. I knew that nice lady that was hit and KILLED a couple of years ago crossing the intersection, probably just after she got off the bus in the morning at Dillingham & Middle. She was in the crosswalk.

I actually LOVED IT when we had the red-light cameras and the highway cameras the last time. People really watched the speed limits and traffic was calmer.

Please pass this RED LIGHT CAMERA PILOT PROJECT.

Thank you,
Wynn Hee

FINTestimony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 25, 2013 10:37 PM
To: FINTestimony
Cc: hi0050@yahoo.com
Subject: *Submitted testimony for SB693 on Mar 28, 2013 15:15PM*

SB693

Submitted on: 3/25/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Charles Hirata	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.

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher R Brigham, MD	Individual	Support	No

Comments:

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Edward Y. Hirata	Individual	Support	No

Comments: I strongly support giving the counties the authority to install cameras at various intersections to ticket redlight violators. The situation is so bad that drivers are entering intersections way after the light turns red. If nothing is done, we can expect serious accidents.

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SB693

Submitted on: 3/27/2013

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Submitted By	Organization	Testifier Position	Present at Hearing
Halina M Zaleski	Individual	Support	No

Comments: Please make our streets safer.

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Lilian Beaufriere	Individual	Support	No

Comments: Speed kills, running red lights kills or major injuries for life. Those two things almost cost me my life or major damage to me, car and property. Let's have this pilot program implemented in the proper way. Money is to be used for equipment and labor Let's have our crash areas monitored. Police CANNOT be everywhere because way to costly. Let's use modern technology at its best!

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Wo	Individual	Support	No

Comments: I strongly support red light cameras. The number of drivers running red lights has increased dramatically recently. For safety reasons and fairness to all drivers, I support red light cameras. The cameras should be placed where the most red light running crashes occur and where the most red light tickets are issued. Thank you.
Robert Wo

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
JONATHAN LOTT	Individual	Support	No

Comments: PLEASE move this bill on! Every single day as I ride my bike through town (Waikiki to Kalihi and back) I see reckless, selfish people running red lights and not only putting others in danger, but also causing even more traffic congestion. Nobody dares to go on green until they have checked for speeding fools still coming through on red. It's only because of this that there aren't many more deaths. This one is nothing like the Van Cams and the privacy concerns are easily managed. Just do it, please. -a carless commuting cyclist who doesn't want to die from a high speed direct hit from the side

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
David Kingdon, MPH, Paramedic	Individual	Support	No

Comments: As a practicing paramedic in Hawaii, I offer my strongest support for this bill. Red light running is increasing at an alarming rate, and leading to tragic results. Education is not enough - we need enactment and enforcement of relevant legislation to stem this dangerous tide. Thank you.

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SB693

Submitted on: 3/27/2013

Testimony for FIN on Mar 28, 2013 15:15PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Louis Darnell	Individual	Support	No

Comments: I believe cameras at red lights will make Oahu a more safe place for motorists, pedestrians and cyclists.

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TESTIMONY IN SUPPORT OF SB693, SD2, HD1

COMMITTEE ON FINANCE

HAWAII SENATE

MARCH 28, 2013

As a driver, pedestrian and cyclist, I am writing to support the passage of these measures authorizing a pilot Red Light Camera system.

Drivers in Hawaii run red lights with impunity, endangering other motorists, pedestrians and those riding bicycles. As a triathlete who cycles many miles each week, I can testify that I have had too many close calls with automobiles breaking traffic laws, including running red lights.

I am a Libertarian and seek a minimum of government interference in my life. However, I do not understand the arguments of those who see these systems as big brother government. Frankly, I think that many who oppose red light cameras and, in the past, the "van cams," simply want to continue to drive as they wish, without interference by law enforcement. They can't say that, so instead they accuse the government of over-reaching.

One of the primary functions of government is to protect its citizens in situations where they are not, individually, able to protect themselves. The threat posed by drivers who speed, run red lights and stop signs, and drive recklessly is certainly one such situation. Continuing to allow motorists to ignore speed limits, stop signs and red lights represents an abrogation of its responsibility by the state.

I urge you to pass these measures and to begin to restore some sense of sanity to our roadways.