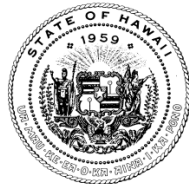


NEIL ABERCROMBIE
GOVERNOR

LATE



Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:
(808) 586-2165

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

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

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

House Committee on Finance

The Department of Transportation (DOT) recognizes the need to protect all roadway users from drivers who disregard traffic control signals.

The DOT **supports** the intent of S.B. 693, H.D. 1, because it would allow the counties to establish a three-year pilot photo red light imaging detector system program to gather data to determine whether or not the program will result in a reduction in motor vehicle fatalities and injuries.

Thank you for the opportunity to provide testimony.





Mothers Against Drunk Driving HAWAII
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March 28, 2013

To: Representative Sylvia Luke, Chair –House Committee on Finance; Representatives Scott Nishimoto & Aaron Ling Johanson, Vice Chairs; and members of the committee

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

Re: Senate Bill 693, SD 2, HD 1 – Relating to Highway Safety

The members of MADD Hawaii support Senate Bill 693, which establishes a three year red-light camera pilot project. MADD prefers the original draft of this bill (plus two amendments in the SD 1) rather than the current draft before this committee – SB693,SD2,HD1.

The two important amendments made to SB693 and inserted in the SD 1 are:

- 1.) Section 249-7(b), Hawaii Revised Statutes, to require that motorcycles have a license plate displayed on the front as well as on the back of the motorcycle (mopeds are not required to have license plates); and
- 2.) Section 291C-32(a), Hawaii Revised Statutes, to require the length of the steady yellow indication to be sufficient to allow trucks to pass through the intersection before a steady red indication commences;

MADD also supports certain concepts introduced by the Hawaii Bicycling League which recommends that a reputable for-profit company administer the Red Light camera program on a flat fee basis with county police departments tasked with reviewing each photograph.

The original draft of SB693 provided for program implementation costs which will be important even if the counties will administer the system after the initial start-up period.

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. The organization believes that Hawaii – or at least Honolulu County – should join the many other states and communities that are reducing crashes through the implementation of red-light camera programs.

MADD encourages the House Finance Committee to pass this measure with the language of the original SB693 and two amendments in the SD 1.

[Type text]

[Type text]

LATE



March 27, 2013 for House Finance hearing 3/28/13 at 3:15pm
Aloha Chair Luke & Members of the Finance Committee:

The Honolulu Police Department issued 3,700 red light running citations last year, the tip of the iceberg. 10 days ago a young man was killed when someone ran a red light near the airport. It's time to use a proven technology to keep us safe.

In June I visited the Culver City Police Department (California), which employs red light cameras well. The protections they use to protect innocent people include:

--Target the cameras at intersections where red light running crashes have occurred and red light citations have been issued, in an attempt to change dangerous behavior.

--Make sure a police officer reviews all potential citations and issues them only after verifying that the same officer, if on the scene, would have issued a citation. Where the information is not clear due to poor picture because of sun glare or other technical error, they make it a point not to send out the citation.

--Those who get the citation are given the opportunity to review photos and videos at the police station prior to a court hearing, and are provided opportunity to challenge the ticket in court. The operation provides enough funds to support the police staff needed, the court system, and the private operator.

--The private operator is paid on a flat fee basis, not on a per ticket basis.

These protections make it clear that such a system is for public safety, not government revenues.

Given these protections, national organizations such as AAA support red light cameras. It is a purely voluntary fee -- follow our laws as you should and you won't be cited; break our laws and endanger others and get the financial reminder that such behavior is wrong. Let's do something that will decrease deaths on our highways.

Please amend the bill as follows for a workable bill: Please see notations attached.

1. Part II, Sec. 3: Amend the three-year experimental time period from three-years after enactment to "three years after the first camera is activated in each county, unless the county decides to continue the system for three additional years, and in any case no later than July 1, 2020." This gives the county at least one year to decide to implement the program, procure, and determine the appropriate locations before starting the three-year experiment. If the program works well in the determination of the county, then it should be able to continue to operate the system for three more years; this provides sufficient time to recover installation and operational costs if the program is working well.

2. Part II, Sec 6: Allow five (5) business days for the citation to be issued (122 business day-hours). Because this involves a police officer to review and authorize the citation, it is not the last day to mail out the ticket that is most important, but the business day operational time for the camera operator and police officer to coordinate to work together that is required. Otherwise, police officers and camera operators will be paying overtime to meet a seventy-two hour deadline, which is self-defeating.

[Type text]

[Type text]

3. Part II, Sec 13: Allow revenue derived from fines to be transferred to the county to operate the photo red light imaging detector system program and for additional traffic safety systems and programs. This is necessary unless the State wants to provide the funding up front in the form of an appropriation. By having red light violators pay for the system, and utilizing extra funds, if any, to be used for additional safety measures and programs, this will truly be for safety only and not intended to benefit state or county revenues in any other way. It is a voluntary fee by those who chose not to obey the law by endangering other citizens.

4. Part II, Sec 15: Remove requirement for 501(c) (3) organizations to administer. Protection against extraordinary private gain are flat fees for administration of the systems, where the more citations issued, the less a private operator makes (more work, but same fee). Protection against extraordinary governmental gain is the usage of any extra revenues above operational costs to go toward traffic safety measures and programs -- so we can drive our highway fatalities down to zero. There are no nonprofit organizations with expertise to administer this kind of program. Putting the police in charge is the most important protection.

5. Part III, Sec 16: Remove the requirement that motorcycles have a front license plate. Motorcycles are not manufactured to take a front plate. Installing a front plate inserts another part where a motorcyclist falling/flying over the handlebars can get caught and further injured. A front license plate is not needed. A rear license plate will be captured by the rear camera. The facial image of the motorcyclist will be captured by the front camera. If the motorcyclist is wearing a helmet, the identity of the operator may not be discernible, a fair trade off. The motorcyclist is put in the same position, as now, with trailers and semitrailers which require licenses at the rear. There are means to reasonably cite all motorist violators.

6. Part III, Sec 17 (2) and (3): Change the requirement that the yellow light be made long enough for "any truck" to pass through the intersection before a red. This would be impossible to meet because trucks are of various lengths and drivers drive different speeds. There is no violation if any part of the front of the vehicle enters the intersection while the light is yellow. So if the nose of a truck 100 yards long enters the intersection during the yellow and before the steady red, no citation will be issued.

7. 291C-161(g) Sec 18: Same change as in #3 above, regarding transferring revenue to county for operations and for other traffic safety measures and programs.

8. 291C-165, Sec 20: Same change as #2 above, allowing 5 business days to issue the citation to avoid unnecessary overtime costs. Injured officers on light duty may be prime candidates to perform these duties.

9. Sec 26: Same change as #1 above; allow 1 year for the counties to decide, procure, and determine camera locations; commence the three year pilot period after the first camera is activated; allow for an additional three years operations if the county decides the program should continue.

Thank you to all the committees that have contributed to this important bill thus far, and to the many testifiers on both sides whose wisdom contributes to a fair, reasonable, workable bill that in the end will reduce injuries and fatalities on our roads, contributing to Kamehameha's vision: Everyone has the right to be safe on Hawaii's roads. Mamalahoe Kanawai, Kamehameha's Law of the Splintered Paddle 1797, Hawaii state constitution 1978.

Chad Taniguchi, executive director, Hawaii Bicycling League

chad@hbl.org cell 808 255 8271 office 808 735 5756 fax 808 735 7989 www.hb/.org

THE SENATE
TWENTY-SEVENTH LEGISLATURE, 2013
STATE OF HAWAII

S.B. NO. 693
S.D. 2
H.D. 1

A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

PART I

SECTION 1. The legislature finds that the prevalence of drivers violating Hawaii's traffic laws, especially on the island of Oahu, has become intolerable, particularly drivers who run red lights. These violations endanger the lives of motorists and pedestrians and compound the already hazardous conditions on Hawaii's roads and highways. It has become increasingly common to hear reports of hit-and-run drivers who have run over children or the elderly. Disregarding traffic signals has also been the common denominator in recent highly-publicized motor vehicle crashes that have claimed lives.

The legislature further finds that in other jurisdictions in the United States, in Canada, in Europe, and in other countries throughout the world, a technological innovation, the photo red light imaging detector system, has already demonstrated its reliability, efficiency, and effectiveness in identifying and deterring those who run red lights.

Photo red light imaging detector systems are safe, quick, cost-effective, and efficient. No traffic stop is involved, and a police officer is not at risk from passing traffic or violators who

are armed or dangerous. Photo red light imaging detector systems use a camera positioned at intersections where red-light violations are a major cause of collisions. The system serves as a twenty-four-hour deterrent. Sensors are buried under a crosswalk and lead to a self-contained camera system mounted on a nearby structure. When a vehicle enters the intersection and the traffic light is red, the camera takes a telephoto color picture of the rear of the car, capturing an image of the license plate. A second wide-angle photograph takes in the entire intersection, including other traffic. *camera takes a photograph of the drivers face as well,* ^A

These systems provide numerous benefits. Not only are streets safer, but police officers are freed from time-consuming traffic enforcement activities and have more time to respond to priority calls. A violator is less likely to go to court, since the color photograph of the violation, imprinted with the time, date, and location of the violation, and the number of seconds the light had been red before the violator entered the intersection, can be used as evidence in court. Few cases are contested in jurisdictions using this system, and officers make fewer court appearances, saving court, overtime, and other costs.

The system may also result in lower insurance costs for safe drivers through an overall reduction in crashes and injuries. System costs are placed on the violators who have created the need for the program, rather than law-abiding taxpayers. Traffic laws are enforced without partiality, and safety and efficiency are increased by reducing the number of motor vehicle chases and the number of personnel required for traffic accident clean-up, investigation, and court testimony.

The legislature additionally finds that the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998, and

implemented in January 2002, generated intense public opposition to this program. As a result of this opposition, the legislature repealed Act 234 in its entirety by Act 58, Session Laws of Hawaii 2002. However, the majority of the opposition to this program resulted from the method in which the program was implemented. The public perceived that the program operated more to maximize revenue for the vendor administering the program, rather than to improve traffic safety. In particular, vans in which the cameras were mounted were often placed at locations that did not necessarily have a history of speed-related accidents and instead were used to monitor locations with heavy traffic flow at lower speeds. This situation permitted the vendor to issue the maximum number of citations in the shortest period of time and at the least cost, thereby maximizing the potential return to the vendor without necessarily maximizing traffic safety.

The purpose of this Act is to:

- (1) Establish a three-year pilot photo red light imaging detector system program to improve enforcement of the traffic signal laws in all counties; and
- (2) Make other amendments regarding highway safety.

PART II

SECTION 2. **Definitions.** As used in this Act, unless the context otherwise requires:

"County highway" has the same meaning as used in section 264-1, Hawaii Revised Statutes.

"Department" means the department of transportation.

"Motor vehicle" has the same meaning as defined in section 291C-1, Hawaii Revised Statutes.

"Photo red light imaging detector" means a device used for traffic enforcement that includes a vehicle sensor that works in

conjunction with a traffic-control signal and a camera or similar device to automatically produce a photographic, digital, or other visual image of a motor vehicle that has disregarded a steady red traffic-control signal in violation of section 291C-32(a)(3), Hawaii Revised Statutes, and a photographic, digital, or other visual image of the driver of the motor vehicle.

"State highway" has the same meaning as used in section 264-1, Hawaii Revised Statutes.

"Traffic-control signal" has the same meaning as defined in section 291C-1, Hawaii Revised Statutes.

"Truck" means any motor vehicle with a maximum gross vehicle weight rating of no less than sixteen thousand pounds.

SECTION 3. Photo red light imaging detector system program;

established. (a) There is established a pilot photo red light imaging detector system program, which may be implemented by any county on state or county highways within the respective county to enforce the traffic-control signal laws of the State. The program

Three years after the activation of the first camera, unless the county decides to continue the system for three additional years,
shall cease to operate ~~on July 1, 2016.~~

(b) The photo red light imaging detector system program shall begin ~~at the following five intersections:~~ *intersections as decided upon by the county police with recommendations from elected officials and the ~~state~~ Department.*

- (1) Fort Weaver road and Kolowaka drive;
- (2) Kapiolani boulevard and Keeaumoku street;
- (3) Lahainaluna road and Kuialua street;
- (4) Fort Weaver road and Renton road; and
- ~~(5) Beretania street and Piikoi street.~~

(c) factors which may be considered include locations where red light crashes and tickets issued suggest a need for reduction.

SECTION 4. County powers and duties. Each county may establish and implement, in accordance with this Act, a photo red light imaging detector system program imposing monetary liability on the registered

owner of a motor vehicle for failure to comply with traffic-control signal laws. Each county may provide for the procurement, location, installation, operation, maintenance, and repair of the photo red light imaging detector system within the program. Where the photo red light imaging detector system affects state property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the photo red light imaging detector system established pursuant to this Act.

SECTION 5. Photo red light imaging detector system program; requirements. (a) Photo red light imaging detector system program equipment shall be operated from a fixed pole, post, or other fixed structure on a state or county highway.

(b) Signs and other official traffic-control devices indicating that traffic-signal laws are enforced by a photo red light imaging detector system shall be posted on all major routes entering the area where the system is in operation to provide, as far as practicable, notice to drivers of the existence and operation of the system. ~~_____~~

(c) Proof of a traffic-control signal violation shall be as evidenced by information obtained from the photo red light imaging detector system authorized pursuant to this Act. A certificate, sworn to or affirmed by the county's agent or employee, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape, or other recorded images produced by the system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing a violation shall be available for inspection in any proceeding to adjudicate the liability for that violation.

(d) No summons or citation issued pursuant to the photo red light imaging detector system program shall be issued unless it

contains a clear and unobstructed photographic, digital, or other visual image of the driver of the motor vehicle.

(e) This section shall not apply to information gathered for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.

SECTION 6. Summons or citations; form and content; issuance.

(a) Notwithstanding any law to the contrary, whenever any motor vehicle operator is determined to have disregarded a steady red traffic-control signal in violation of section 291C-32(a)(3), Hawaii Revised Statutes, by a photo red light imaging detector system, a county police officer shall issue or send a summons or citation, as described in this section, to the registered owner of the motor vehicle at the address on record at the vehicle licensing division, by certified or registered mail with a return receipt that is postmarked within ~~seventy-two hours~~ *one hundred twenty-two (122) hours or five business days* ~~of the time of the incident.~~ *any of the* ~~If the end of the~~ ~~seventy-two hour period falls on a Saturday, Sunday, or holiday,~~ ~~then the end of the period shall run until the end of the next day~~ ~~that is not a Saturday, Sunday, or holiday.~~

(b) The form and content of the summons or citation shall be as adopted or prescribed by the administrative judge of the district courts and shall be printed on a form identical with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid within the laws of the State; provided that any summons or citation pursuant to the photo red light imaging detector system program shall contain a clear and unobstructed photographic, digital, or other visual image of the driver of the motor vehicle that is to be used as evidence of the violation.

(c) Every citation shall be consecutively numbered and each copy

thereof shall bear the number of its respective original.

(d) Upon receipt of the summons or citation, the registered owner shall respond as provided for in chapter 291D, Hawaii Revised Statutes. A mail receipt signed by the registered owner is prima facie evidence of notification. The registered owner shall be determined by the identification of the vehicle's registration plates.

(e) The county, or the county's agent or employee, shall be available to testify as to the authenticity of the information relating to the traffic-control signal violation that is provided pursuant to this section.

SECTION 7. **Summons or citation; evidence of violation.** In any proceeding for a violation of this Act, the information contained in the summons or citation mailed in accordance with section 6 shall be deemed evidence that the registered motor vehicle was operated in violation of section 291C-32(a)(3), Hawaii Revised Statutes.

SECTION 8. **Prima facie evidence of registered owner's responsibility.** (a) Whenever the photo red light imaging detector system determines a motor vehicle to have been operated in violation of section 291C-32(a)(3), Hawaii Revised Statutes, evidence that the motor vehicle described in the citation or summons issued pursuant to this Act was operated in violation of that section, together with proof that the person to whom the summons or citation was sent was the registered owner of the motor vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the motor vehicle was the person who committed the violation.

(b) The registered owner of the motor vehicle may rebut the evidence in subsection (a) by:

(1) Submitting a written statement as provided in section 291D-6(b)(2), Hawaii Revised Statutes;

- (2) Testifying in open court under oath that the registered owner was not the person operating the motor vehicle at the time of the alleged violation;
- (3) Calling witnesses to testify in open court under oath that the registered owner was not the person operating the motor vehicle at the time of the alleged violation;
- (4) Submitting extrinsic evidence that the registered owner was not the person operating the motor vehicle at the time of the alleged violation; or
- (5) Presenting to the court adjudicating the alleged violation, prior to the return date established on the citation or summons issued pursuant to this Act, a letter of verification of loss from the police department indicating the motor vehicle had been reported stolen.

SECTION 9. Failure to comply with summons or citation; rebuttal of identification of operator. (a) If the registered owner of the motor vehicle does not return an answer in response to a summons or citation within a period of thirty days upon receipt of the summons or citation, the district court shall issue, pursuant to section 291D-7(e), Hawaii Revised Statutes, a notice of entry of default judgment to the registered owner of the vehicle, except if the registered owner rebuts the identification of the operator of the vehicle.

(b) The registered owner shall be given an opportunity by the district court to rebut the identification of the operator of the motor vehicle as provided in section 8(b).

SECTION 10. Liability for rental or U-drive motor vehicle. Notwithstanding any law to the contrary, if the registered owner of record is the lessor of a rental or U-drive motor vehicle, as defined in section 286-2, Hawaii Revised Statutes, pursuant to a written lease agreement, the lessee at the time of the violation shall be responsible for the summons or citation; provided:

- (1) The lessor shall be responsible for the summons or citation if the lessor does not provide the court having jurisdiction over the summons or citation with the name and address of the lessee within thirty days after a notice containing the date, time, and location of the violation and the license number of the motor vehicle is sent to the lessor; and

(2) The administrative judge of the court having jurisdiction over the summons or citation may waive the requirement of providing the name and address of the lessee and impose on the lessor an administrative fee of \$50 per citation.

SECTION 11. **Penalty.** The penalties for all consequences of a violation for disregarding a steady red traffic-control signal initiated by the use of a photo red light imaging detector system shall be as provided in section 291C-161, Hawaii Revised Statutes.

SECTION 12. **Fines for unauthorized disclosure.** (a) The information obtained by a photo red light imaging detector system, and any other information arising therefrom, shall be kept confidential and used exclusively for purposes of law enforcement, including highway safety research, and court proceedings.

(b) Any officer, employee, or agent of a county who intentionally discloses or provides a copy of personal and confidential information obtained from a photo red light imaging detector system to any person or agency, with actual knowledge that disclosure is prohibited by this Act or any other law, shall be fined up to \$1,000; provided that the fine shall not preclude the application of penalties or fines otherwise provided for by law.

SECTION 13. **Photo red light imaging detector system program; revenue from fines.** Revenue derived from fines pursuant to this Act shall be deposited into the general fund *for transfer to the county to permit the photo red light imaging detector system program and for additional **

SECTION 14. **Rules.** The department shall adopt rules pursuant to chapter 91, Hawaii Revised Statutes, as may be necessary to implement this Act.

SECTION 15. **Vendor.** The pilot photo red light imaging detector system program shall be administered by a *qualified vendor, which may include a* nonprofit organization that is organized and operated in accordance with section 501(c)(3) of the Internal Revenue Code of 1986, as amended.

** traffic safety systems and programs.*

PART III

SECTION 16. Section 249-7, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) Upon an original registration the director of finance shall fix, and shall charge to the owner, a fee equal to the cost of the number plate and tag or emblem plus the administrative cost of furnishing the plate and tag or emblem and effecting the registration. Upon the issuance of a new series of number plates as determined by the directors of finance of each county through majority consent, the director of finance shall charge the owner a fee equal to the costs of the number plate plus the administrative cost of furnishing the plates. Upon issuing a tag or emblem, the director of finance shall charge the owner a fee of 50 cents. The owner shall securely fasten the number plates on the vehicle[~~7~~] ~~or motorcycle~~, one on the front and the other on the rear, at a location provided by the manufacturer or in the absence of such a location upon the bumpers of the vehicle and in conformance with section 291-31, in such a manner as to prevent the plates from swinging. Number plates shall at all times be displayed entirely unobscured and be kept reasonably clean. In the case of trailers[~~7~~] and semitrailers[~~7~~] ~~or motorcycles~~, ^{add back in} one plate shall be used and it shall be fastened to the rear thereof at a location provided by the manufacturer or in the absence of such a location at the rear thereof, and in the case of motorcycles in conformance with section 291-31."

SECTION 17. Section 291C-32, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

"(a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green,

red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

(1) Green indication:

- (A) Vehicular traffic facing a circular green signal may proceed straight through or turn right or left unless a sign at the place prohibits either ~~[such]~~ turn. But vehicular traffic, including vehicles turning right or left, shall yield the right-of-way to other vehicles and to pedestrians lawfully within the intersection or an adjacent crosswalk at the time ~~[such]~~ the signal is exhibited~~[.]~~;
- (B) Vehicular traffic facing a green arrow signal, shown alone or in combination with another indication, may cautiously enter the intersection only to make the movement indicated by ~~[such]~~ the arrow, or ~~[such]~~ other movement as is permitted by other indications shown at the same time. ~~[Such vehicular]~~ Vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection~~[.]~~; and
- (C) Unless otherwise directed by a pedestrian-control signal, as provided in section 291C-33, pedestrians facing any green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk~~[.]~~;

(2) Steady yellow indication:

- (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection[-]; provided no violation shall be committed if any part of the vehicle that the length of the steady yellow indication shall enters the intersection during the steady yellow be sufficient to allow any truck to pass through the intersection in a reasonable amount of time before a steady red indication commences; and
- (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway[-]; and

(3) Steady red indication:

- (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in the next succeeding paragraphs[-]; provided that the steady red indication shall not commence until any truck has had sufficient time to pass through the intersection on a steady yellow indication;
- (B) The driver of a vehicle [which] that is stopped in obedience to a steady red indication may make a right

turn but shall yield the right-of-way to pedestrians and other traffic proceeding as directed by the signal at [~~said~~] the intersection, except that counties by ordinance may prohibit [~~any such~~] a right turn against a steady red indication, which ordinance shall be effective when a sign is erected at [~~such~~] the intersection giving notice thereof[~~-~~];

- (C) The driver of a vehicle on a one-way street [~~which~~] that intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into [~~said~~] the one-way street, but shall yield right-of-way to pedestrians, proceeding as directed by the signal at [~~said~~] the intersection except that counties by ordinance may prohibit any [~~such~~] left turn as above described which ordinance shall be effective when a sign is erected at [~~such~~] the intersection giving notice thereof[~~-~~]; and
- (D) Unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, pedestrians facing a steady red signal alone shall not enter the roadway."

SECTION 18. Section 291C-161, Hawaii Revised Statutes, is amended to read as follows:

"§291C-161 Penalties[~~-~~]; photo red light imaging detector system fine. (a) It is a violation for any person to violate any of the provisions of this chapter, except as otherwise specified in subsections (c) and (d) and unless the violation is by other law of this State declared to be a felony, misdemeanor, or petty misdemeanor.

(b) Except as provided in subsections (c) and (d), every person

who is determined to have violated any provision of this chapter for which another penalty is not provided shall be fined:

(1) Not more than \$200 for a first violation thereof;

(2) Not more than \$300 for a second violation committed within one year after the date of the first violation; and

(3) Not more than \$500 for a third or subsequent violation committed within one year after the date of the first violation.

(c) ~~[Every]~~ A person convicted under or found in violation of section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14, 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103, 291C-104, or 291C-105 shall be sentenced or fined in accordance with ~~[these sections.]~~ that section.

(d) ~~[Every]~~ A person who violates section 291C-13 or 291C-18 shall:

(1) Be fined not more than \$200 or imprisoned not more than ten days for a first conviction thereof;

(2) Be fined not more than \$300 or imprisoned not more than twenty days or both for conviction of a second offense committed within one year after the date of the first offense; and

(3) Be fined not more than \$500 or imprisoned not more than six months or both for conviction of a third or subsequent offense committed within one year after the date of the first offense.

(e) The court may assess a sum not to exceed \$50 for the cost of issuing a penal summons upon any person who fails to appear at the place within the time specified in the citation issued to the person for any traffic violation.

(f) The court may require a person who violates any of the provisions of this chapter to attend a course of instruction in driver retraining as deemed appropriate by the court, in addition to any other penalties imposed.

(g) Fines collected for violations of section 291C-32(a)(3)

pursuant to the photo red light imaging detector system program
established pursuant to Act , Session Laws of Hawaii 2013, shall

be deposited into the general fund." *for transfer to the county to operate the photo red light imaging detector system program and for additional traffic safety system and program.*

SECTION 19. Section 291C-163, Hawaii Revised Statutes, is

amended by amending subsection (a) to read as follows:

"(a) This chapter shall not be deemed to prevent counties with respect to streets and highways under their jurisdiction from:

- (1) Regulating or prohibiting stopping, standing, or parking except as provided in section 291C-111;
- (2) Regulating traffic by means of police officers or official traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways or roadways for use by traffic moving in one direction;
- (5) Establishing speed limits for vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
- (7) Restricting the use of highways;
- (8) Regulating the operation and equipment of and requiring the registration and inspection of bicycles, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (10) Altering or establishing speed limits;
- (11) Requiring written accident reports;
- (12) Designating no-passing zones;
- (13) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
- (14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (15) Establishing minimum speed limits;
- (16) Designating hazardous railroad grade crossing;
- (17) Designating and regulating traffic on play streets;
- (18) Prohibiting pedestrians from crossing a roadway in a business district or any designated

highway except in a crosswalk;

(19) Restricting pedestrian crossing at unmarked crosswalks;

(20) Regulating persons propelling push carts;

(21) Regulating persons upon skates, coasters, sleds, and other toy vehicles;

(22) Adopting and enforcing [~~sueh~~] temporary or experimental regulations as may be necessary to cover emergencies or special conditions;

(23) Adopting maximum and minimum speed limits on streets and highways within their respective jurisdictions;

(24) Adopting requirements on stopping, standing, and parking on streets and highways within their respective jurisdictions except as provided in section 291C-111;

(25) Prohibiting or regulating electric personal assistive mobility devices on sidewalks and bicycle paths; [~~and~~]

(26) Implementing a photo red light imaging detector system pursuant to Act _____, Session Laws of Hawaii 2013; or

~~[(26)]~~ (27) Adopting [~~sueh~~] other traffic regulations as [~~are~~] specifically authorized by this chapter."

SECTION 20. Section 291C-165, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

"(b) In every case when a citation is issued, the original of the citation shall be given to the violator; provided that[~~+~~

~~(1) In~~ in the case of an unattended vehicle, the original of the citation shall be affixed to the vehicle as provided for in section 291C-167; [~~or~~

~~(2)]~~ and provided further that:

(1) In the case of:

(A) A vehicle utilizing the high occupancy vehicle lane illegally; or

(B) A vehicle illegally utilizing a parking space reserved for persons with disabilities, where the violator refuses the citation; or

(2) In the case of a motor vehicle operator determined by a photo red light imaging detector

system established pursuant to Act _____, Session Laws of Hawaii 2013, to have disregarded a steady red signal in violation of section 291C-32(a)(3);

the original of the citation shall be sent by certified or registered mail, with a return receipt that is postmarked within forty-eight hours of the time of the incident, as provided in section 291C-223 for vehicles illegally utilizing the high occupancy vehicle lane[~~7~~]; or within seventy-two hours of the time of the incident for vehicles illegally utilizing a parking space reserved for persons with disabilities, to the registered owner of the vehicle at the address on record at the vehicle licensing division[~~7~~]; ^{one hundred twenty-two hours (five business days)} ~~or within seventy-two hours~~ of the time of the incident to the registered owner of the vehicle at the address on record at the vehicle licensing division for vehicle operators disregarding a steady red signal in violation of section 291C-32(a)(3), as determined by means of a photo red light imaging detector system. If the end of the applicable ~~forty-eight or one hundred twenty-~~ ^{one hundred twenty-} ~~seventy-two~~ hour period falls on a Saturday, Sunday, or holiday, then the ~~[ending]~~ end of the period shall run until the end of the next day which is not a Saturday, Sunday, or holiday; provided that the administrative judge of the district courts may allow a carbon copy of the citation to be given to the violator or affixed to the vehicle and provide for the disposition of the original and any other copies of the citation."

PART IV

SECTION 21. It is the intent of this Act not to jeopardize the receipt of any federal aid nor to impair the obligation of the State or any agency thereof to the holders of any bond issued by the State or by any such agency, and to the extent necessary to effectuate this intent, the governor may modify the strict provisions of this Act, but shall promptly report any modification with reasons therefor to the

legislature at its next session for review.

SECTION 22. If any provision of this Act, or the application thereof to any person or circumstance, is held invalid, the invalidity does not affect other provisions or applications of the Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.

SECTION 23. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 24. Upon enactment, the revisor of statutes shall insert the number of this Act into sections 291C-161, 291C-163, and 291C-165, Hawaii Revised Statutes, where indicated in sections 18, 19, and 20 of this Act, respectively.

SECTION 25. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 26. This Act shall take effect on July 1, 2150; provided that ~~on~~ July 1, 20~~13~~²⁰ (seven years after enactment), this Act shall be repealed and sections 249-7(b), 291C-32(a), 291C-161, 291C-163(a), and 291C-165(b), Hawaii Revised Statutes, shall be reenacted in the form in which they read on the day before the effective date of this Act.

three years after the first camera is activated, ~~and~~ unless the county decides to continue the system for three additional years, ~~this Act~~ and in any case no later than

Report Title:

Highway Safety; Pilot Program; Photo Red Light Imaging Detector System Program

Description:

Establishes a three-year pilot photo red light imaging detector system program. Authorizes counties to administer the program. Makes other amendments regarding highway safety. Effective July 1, 2150. Repeals July 1, 2016. (SB693 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

LATE

SB693

Submitted on: 3/28/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
David Zevenbergen	Individual	Comments Only	No

Comments: In addition to my previous testimony (3/19/2013) I would like to add the following: Re: Van Cams negative connotation of eleven years ago - these are "fixed location" cameras we're talking about. Big difference. Also, we need to remember: The focus should be on 'SAFETY'! Don't let anyone try to change that focus by saying it is all about revenue generation. I am concerned about the General Fund being the recipient of the ticket-based revenue. There should be a difference between the "BIG" pot that funds most everything and a "dedicated" safety fund, which brings me to the next point: Perhaps more thought could/should be given to making the program self-sustaining. Why not let the funds received in excess of the cost of running the program go into that NON-RAIDABLE "safety fund". Those \$\$ could go for: safety education/awareness, expanding the program to more than five cameras (everyone, whose head is not in the sand, knows there are more than five locations where red light running is a common occurrence), etc. In closing: How many more people (cars, bike, ped) need to be killed or seriously injured before something is done? The time to act is NOW! Mahalo for your time and consideration. David Zevenbergen

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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LATE

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
Myra Munekata	Individual	Support	No

Comments: I supported the bill last year and urge your adoption this year! Those who run red lights endanger other road users who are following the law and proceeding when they have the green light. Red light runners should be caught and deterred by the best camera technologies available so that our streets can stay as safe as possible. Everyone needs to follow the rules so we can all be safe. The 20-year old man killed in a red light collision near the airport need not have died!

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LATE

TO: Members of the Committee on Finance

FROM: Natalie Iwasa, aka Bike Mom
Honolulu, HI 96825
808-395-3233

HEARING: 3:15 p.m. Thursday, March 28, 2013

SUBJECT: SB 693, SD2, HD1 Photo Red Light Pilot Project - **OPPOSED**

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on SB 693, SD2, HD1 which would implement a three-year pilot photo red light imaging detector system.

Our legal system was built on the premise of innocent until proven guilty. This bill would make registered owners guilty until they prove themselves innocent. **This is fundamentally wrong.**

I urge you to vote "no" on this bill.

LATE

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
John Goody	Individual	Support	No

Comments: This bill will save lives. Pedestrians. Cyclists. And other automobile drivers. Red light running is endemic, aggressive and distracted red light runners are a danger to us all. This bill will get their attention and cause them change their ways. Please pass this measure, so we can have our kids safely walk or bike to school again. Thank you.

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FINTestimony

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From: mailinglist@capitol.hawaii.gov
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To: FINTestimony
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Subject: *Submitted testimony for SB693 on Mar 28, 2013 15:15PM*

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 Roy Brigham	Individual	Support	No

Comments:

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SB693

Submitted on: 3/28/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
gordon hong	Individual	Support	No

Comments:

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SB693

Submitted on: 3/28/2013

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

Submitted By	Organization	Testifier Position	Present at Hearing
Robin Brandt	Individual	Support	No

Comments: I am a bicyclist and I support this measure.

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