



Committee: Committee on Ways and Means
Hearing Date/Time: Tuesday, February 26, 2013, 10:05 a.m.
Place: Room 211
Re: Testimony of the ACLU of Hawaii in Opposition to S.B. 693, Relating to Highway Safety

Dear Chair Ige and Members of the Committees:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to S.B. 693, which seeks to establish a photo red light imaging detector system program that present major threats to due process and privacy rights. Please note that AAA has offered a low cost solution to the problem - lengthen the time for yellow lights. One study concluded that simply increasing yellow light times could reduce side impact accidents by up to 90 percent.

Presently, when someone receives a traffic violation, the officer who provides the ticket makes the motorist immediately aware of the violation. With red light or speed cameras, however, it may be days or weeks before a person is given notification of a citation. The longer time duration makes it more difficult to recall details and adversely affects the driver’s ability to challenge the ticket. How many of us would have difficulty remembering information about driving through intersections just yesterday?

In addition, the system is based on the imperfect assumption that the driver of the car and the person to whom the car is registered are one and the same, as tickets are issued based on car registration information. In many instances, of course, this assumption is not true, but the owner of the car will nonetheless be forced to pay. At a minimum, the burden of proof falls on him or her to prove he or she was not driving at the time, turning the basic presumption of “innocent until proven guilty” on its head.

The systems can also fail to correctly identify a license plate. For instance, Richard Gregory was falsely accused of running a red light by the City of Dallas. He received a ticket in the mail with photos of a black Acura 32T running a red light nine days before, and according to the ticket, the license plate of the car in the photo matched that of Mr. Gregory. However, Richard Gregory says he has never owned an Acura, doesn’t have a black car, and was home at home in League City (hundreds of miles away from Dallas) at 7:15 a.m. the morning when the violation occurred. The officer who signed off on the photo-enforced ticket mistook an “N” for an “M” on the license plate and said that Mr. Gregory would have to come to Dallas to prove it wasn’t his car.

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Chair Ige and Members of the Committee on Ways and Means
February 26, 2013
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The ACLU's privacy concern is simple. While the invasion of privacy occasioned by these systems may seem minor, any implementation of a system that leads to widespread installation of cameras throughout the state cannot be ignored or minimized. As surveillance cameras of any kind become more ubiquitous, a further desensitization of privacy rights is inevitable.

Also, camera systems are likely to be abused through mission creep — that the data collected by these cameras will be used for purposes other than tracking reckless drivers. Government and private-industry surveillance techniques created for one purpose are rarely restricted to that purpose, and every expansion of a data bank and every new use for the data opens the door to more and more privacy abuses.

Similar systems have already been used to invade privacy. For example, cameras installed at the Texas-Oklahoma border were used to capture the license plate numbers of thousands of law abiding persons who were subjected to inquiries about why they were crossing the border.

There are serious questions about whether red light cameras live up to the claims of improved safety. Nationwide studies show red light camera installation causes an 8–81% increase in rear-end collisions and generally fails to prevent more dangerous t-bone collisions, which are caused by drivers so inattentive that a red-light camera presents no deterrent.

The American Automobile Association (or AAA), perhaps the most respected advocate for traffic safety in the country, has widely criticized the use of red light cameras. They called Washington D.C.'s camera program "a shakedown" and said that "it is clear that money and not law enforcement" or safety is the main motivation behind the program. This seems to be true based on a 2005 study by the Washington Post that found despite 500,000 violations and \$32 million in revenue under the 6-year program, crashes at locations with cameras more than doubled, injuries and fatalities climbed 81 percent, and side impact crashes rose 30 percent. AAA has offered a low cost solution to the problem - lengthen the time for yellow lights. One study concluded that simply increasing yellow light times could reduce side impact accidents by up to 90 percent.

Given the dangers of red light cameras, the serious civil liberties concerns of all traffic camera systems, and AAA's simple alternative proposal, we urge this committee to vote no on S.B. 693.

Thank you for this opportunity to testify.

Sincerely,

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Chair Ige and Members of the Committee on Ways and Means
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Laurie A. Temple
Staff Attorney and Legislative Program Director
ACLU of Hawaii

The ACLU has been the nation's guardian of liberty since 1925 and the ACLU of Hawaii since 1965. The ACLU works daily in the courts, legislatures and communities to defend and preserve the individual rights and liberties equally guaranteed to all by the Constitutions and laws of the United States and Hawaii. The ACLU works to ensure that the government does not violate our constitutional rights, including, but not limited to, freedom of speech, association and assembly, freedom of the press, freedom of religion, fair and equal treatment, and privacy. The ACLU network of volunteers and staff works throughout the islands to defend these rights, often advocating on behalf of minority groups that are the target of government discrimination. If the rights of society's most vulnerable members are denied, everyone's rights are imperiled.

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LATE

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Phone (808) 532-6232
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hi.state@madd.org

February 26, 2013

To: Senator David Y. Ige, Chair, Senate Committee on Ways and Means; Senator Michelle N. Kidani, Vice Chair; and members of the Committee

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

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

I am Arkie Koehl, speaking in support of Senate Bill 693,SD1 on behalf of the membership of MADD Hawaii. This bill establishes a three year red-light camera pilot project.

Being vitally interested in highway safety, the members of MADD Hawaii endorse measures to 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.

A 2010 comparative analysis of fatal multi-vehicle red-light running crashes (vs crashes not involving red light running) in the U.S. by the Insurance Institute for Highway Safety revealed that the red light runners were more likely to have prior crashes, alcohol-impaired driving convictions, and citations for speeding and other traffic offenses. The red light runners also were more likely to be speeding or impaired by alcohol at the time of the crash and were less likely to have a valid driver's license. This identified alcohol involvement in at least a portion of intersection crashes makes support for this measure a logical expression of MADD's goal to reduce death and injury caused by impaired driving.

In 2010, 673 people in the U.S. were killed and an estimated 122,000 were injured in red-light running crashes. About half the deaths in red light running crashes involve pedestrians, bicyclists, and people in other vehicles who are hit by the red-light runners. (IIHS – 2012)

The number of communities using red light cameras is currently 540. A 2011 study of large cities with long standing red-light camera programs found that the cameras reduced the fatal red light running crash rate by 24%.

Studies conducted in two locations (East coast and West coast) showed that the effect of the red light cameras carried over to reductions in red-light running at signalized intersections not equipped with the cameras which indicated that there were community-wide changes in driver behavior after the red light camera program had been in place.

Although some studies report that there is an increase in rear-end collisions after red-light cameras are installed, these crashes tend to be much less severe than those resulting from “front-into-side” crashes. A Study by Federal Highway Administration concluded that the economic costs from the rear-end collisions were more than offset by the economic benefits from the decrease in the right-angle crashes targeted by red-light cameras.

Just as with other highway safety programs conducted in our state, the primary object of the red light camera program is to deter potential violators and thereby prevent crashes, injuries, and loss of life. Anyone who travels the roads of Honolulu County sees the blatant disregard for proper stopping at red lights. MADD believes that red light cameras will decrease this problem and prevent innocent road users from being hit by red light runners – whether alcohol and speeding impaired or just impaired by poor judgment.

MADD encourages the Ways and Means committee to pass SB 693,SD 1 although we have concerns about this draft removing the section providing funding for implementation.

Thank you for the opportunity to testify.



From: mailinglist@capitol.hawaii.gov
 To: [WAM Testimony](#)
 Cc: chad@hbl.org
 Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
 Date: Monday, February 25, 2013 10:35:01 PM

SB693

Submitted on: 2/25/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Chad Taniguchi	Hawaii Bicycling League	Support	Yes

Comments: Aloha Committee Chair and Members, Please pass this bill out of Committee and give the public greater protection on our roads -- we all have the right to be safe on Hawaii's roads. The Honolulu Police Department issued many red light running citations last year. These citations are the tip of the iceberg. Haven't we all seen red light runners and cringed, hoping there was no crash? And haven't we all stopped at a red light, and looked back, hoping that no one crashes into us? It's time to use a proven technology to keep us safer! In June I visited the Culver City Police Department, California, which employs red light cameras well. They 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. They 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. Everyone has the right to be safe on our highways. Mahalo, Chad Taniguchi -- Ride Aloha! Chad 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 Executive Director Hawaii Bicycling League 3442 Waialae Ave Suite 1, Honolulu, HI 96816 chad@hbl.org cell 808 255 8271 office 808 735 5756 fax 808 735 7989 www.hbl.org

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From: [Kuuhaku Park at HQ x1266](#)
To: [WAM Testimony](#)
Subject: SB693 - WAM - February 26
Date: Monday, February 25, 2013 11:27:45 AM

Testimony of Ku`uhaku Park
On behalf of Matson Navigation Co., Inc.
In regards to SB693 – RELATING TO HIGHWAY SAFETY
Before the Hawaii State Senate, Committee on Ways and Means
On February 26, 2013

Chair Ige and Committee Members

Should your committee see fit to move SB693 forward, Matson Navigation Co., Inc. would like to request your consideration in adding the following language as a new section that would address a major concern for our industry; namely, to provide clarity in the process of citing perpetrators of red light infractions in instances where our containers and chassis may be involved.

Our concern is that a trucker hauling one of trailers could run a red light, and the camera would take a picture of our trailer’s license plate, and not the plate of the violating trucker. We feel that this could be alleviated by inserting the following proposed language as a new section:

SECTION 11. 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 your consideration of our testimony.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: david@kingdonconsulting.com
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Monday, February 25, 2013 1:24:02 PM

SB693

Submitted on: 2/25/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

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

Comments: Red light running is an increasing phenomenon in all counties of Hawaii. I have directly observed an increasing trend in Maui. This practice has tragic results. As a paramedic, I have attended to fatal, critical, and disabling injuries that occurred due to red light running. Knowledge is obviously not enough to change driver behavior and social norms. Enactment and ENFORCEMENT of applicable laws is essential. I support any and all efforts to reduce red light running and other traffic hazards. Thank you.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: dvandeventer@post.harvard.edu
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Tuesday, February 26, 2013 7:48:52 AM

SB693

Submitted on: 2/26/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Dr. Donald R. van Deventer	Individual	Support	No

Comments: I offer my full support to SB693 in order to protect the safety of all who use Hawaii's roads: drivers, cyclists, and pedestrians. Default of the bill aids no one but those who break the law.

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From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: halina@hawaii.edu
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Monday, February 25, 2013 7:04:03 PM

SB693

Submitted on: 2/25/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

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

Comments: Safety is important. As a bicyclist I need all the help I can get to survive Honolulu traffic.

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Jay Fidell
1001 Bishop Street, Suite 710
Honolulu, Hawaii 96813



Re: SB693 – TESTIMONY IN STRONG SUPPORT

Dear Chairs and Members of the Committee:

I am founder and president of ThinkTech Hawaii. I am also a director of the Hawaii Bicycling League and believe that we must work every single day to protect and incentivize cycling as one of the best and most sustainable modes of transportation for our state.

I strongly support HB693 coming on for hearing before your joint committees on Monday afternoon. I believe that the use of photo red light imaging systems can only benefit our state and I only regret that it has taken this long to install them on our roads and intersections.

It seems to me that people are going through red lights more these days and that their failure to abide by the traffic signals is a huge danger not only to cross traffic but to pedestrians and cyclists. This is far behind a lack of courtesy. We need to make it clear that traffic violations of this nature will not be tolerated.

At the same time, we can't have a policeman at the elbow at every intersection to write tickets to offenders. The red light imaging technology is proven and will solve the problem. It can easily identify those who run red lights. This will enforce the law fairly and without the expense of hiring additional police to do the job.

An increasing number of cyclists and pedestrians are being killed on our streets, often by drivers who don't follow the traffic laws and who don't stop for traffic signals. We need to step up enforcement and exhibit zero tolerance to those drivers. That will save lives and it will save money, and it is well worth the cost.

There is every reason to deploy this technology in our community and there is no legitimate objection or downside to doing so. Now is the time for us to take control of our streets and protect the lives of our citizens, and this is one way to do that quickly, efficiently and without unnecessary expense.

It's time we installed new high tech traffic control and enforcement systems that are in use elsewhere and available in the marketplace. We have been remiss in attending to our roadway and traffic systems, and this bill is a step in the right

direction to catch up on our lagging transportation infrastructure.

If we don't install systems like this, whether on the basis of fiscal constraint or a reluctance to offend those who would prefer to avoid enforcement of the law, we are sending a message that we don't care about our traffic infrastructure or laws – hardly a message to build public confidence in government or the system.

I therefore urge you to pass HB693 for the benefit of safe streets in our community and to demonstrate that our legislators care about the quality of daily life for our citizens.

Thank you for your consideration of my views in the matter.

Respectfully,

Jay Fidell
780-9254



From: mailinglist@capitol.hawaii.gov
To: [WAM Testimony](#)
Cc: Alohakah@aol.com
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Monday, February 25, 2013 11:46:33 AM

SB693

Submitted on: 2/25/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

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

Comments: PASS THIS, IT IS MUCH NEEDED!!!! STOP WASTING TAX PAYER'S \$\$\$\$\$!!! THIS SHOULD BE A NO-BRAINER! You people blew this last time, do it right this time!

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Cc: mymunekata@gmail.com
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Tuesday, February 26, 2013 8:16:01 AM

SB693

Submitted on: 2/26/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

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. Please pass this bill and make our streets safer. Mahalo!

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To: [WAM Testimony](#)
Cc: w.joy.hee@gmail.com
Subject: Submitted testimony for SB693 on Feb 26, 2013 10:05AM
Date: Tuesday, February 26, 2013 2:13:05 AM

SB693

Submitted on: 2/26/2013

Testimony for WAM on Feb 26, 2013 10:05AM in Conference Room 211

Submitted By	Organization	Testifier Position	Present at Hearing
Wynn timer Hee	Individual	Support	No

Comments: Drivers need to get into the habit of understanding YELLOW means SLOW DOWN,PREPARE TO STOP -- rather than SPEED UP. For 7 years I walked between the bus stop at Dillingham Blvd. and Kalihi St. to Farrington High School, crossing 2 busy intersections twice a day. Almost every day, I saw a car speeding through the red light, more so in the mornings. I saved my friend from getting hit by a car speeding through a red light. She started walking as soon as the light turned green, but I saw it coming and SCREAMED!!! She stopped to look at me and the car just missed her.

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