
A BILL FOR AN ACT

RELATING TO HIGHWAY SAFETY.

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

PART I

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

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



1 Photo red light imaging detector systems are safe, quick,
2 cost-effective, and efficient. No traffic stop is involved, and
3 a police officer is not at risk from passing traffic or
4 violators who are armed or dangerous. Photo red light imaging
5 detector systems use a camera positioned at intersections where
6 red light violations are a major cause of collisions. The
7 system serves as a twenty-four hour deterrent. Sensors are
8 buried under a crosswalk and lead to a self-contained camera
9 system mounted on a nearby structure. When a vehicle enters the
10 intersection and the traffic light is red, the camera takes a
11 telephoto color picture of the rear of the car, capturing the
12 license plate. A second wide-angle photograph takes in the
13 entire intersection, including other traffic.

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



1 fewer court appearances, saving court, overtime, and other
2 costs.

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

11 The legislature additionally finds that the photo speed
12 imaging detector system created by Act 234, Session Laws of
13 Hawaii 1998, and implemented in January 2002, generated intense
14 public opposition to this program. As a result of this
15 opposition, the legislature repealed Act 234 in its entirety by
16 Act 58, Session Laws of Hawaii 2002. However, the majority of
17 the opposition to this program resulted from the method in which
18 the program was implemented. The public perceived that the
19 program operated more to maximize revenue for the vendor
20 administering the program, rather than to improve traffic
21 safety. In particular, vans in which the cameras were mounted
22 were often placed at locations that did not necessarily have a



1 history of speed-related accidents and instead were used to
2 monitor locations with heavy traffic flow at lower speeds. This
3 permitted the vendor to issue the maximum number of citations in
4 the shortest period of time and at the least cost, thereby
5 maximizing the potential return to the vendor without
6 necessarily maximizing traffic safety.

7 The purpose of this Act is to:

- 8 (1) Establish a three-year pilot photo red light imaging
9 detector system program to improve enforcement of the
10 traffic signal laws in all counties with a population
11 in excess of 600,000; and
12 (2) Make other amendments regarding highway safety.

13 **PART II**

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

16 "County" means any county with a population in excess of
17 600,000.

18 "County highway" has the same meaning as used in section
19 264-1, Hawaii Revised Statutes.

20 "Department" means the department of transportation.

21 "Motor vehicle" has the same meaning as defined in section
22 291C-1, Hawaii Revised Statutes.



1 "Photo red light imaging detector" means a device used for
2 traffic enforcement that includes a vehicle sensor that works in
3 conjunction with a traffic-control signal and a camera or
4 similar device to automatically produce a photographic, digital,
5 or other visual image of a motor vehicle that has disregarded a
6 steady red traffic-control signal in violation of section
7 291C-32(a)(3), Hawaii Revised Statutes, and a photographic,
8 digital, or other visual image of the driver of the motor
9 vehicle.

10 "State highway" has the same meaning as used in section
11 264-1, Hawaii Revised Statutes.

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

14 "Truck" means any motor vehicle with a maximum gross
15 vehicle weight rating of no less than 16,000 pounds.

16 SECTION 3. **Photo red light imaging detector system**
17 **program; established.** There is established a pilot photo red
18 light imaging detector system program, which may be implemented
19 by any county on state or county highways within the respective
20 county to enforce the traffic-control signal laws of the State.
21 The program shall cease to operate on July 1, 2016.



1 SECTION 4. **County powers and duties.** Each county may
2 establish and implement, in accordance with this Act, a photo
3 red light imaging detector system program imposing monetary
4 liability on the registered owner of a motor vehicle for failure
5 to comply with traffic-control signal laws. Each county may
6 provide for the procurement, location, installation, operation,
7 maintenance, and repair of the photo red light imaging detector
8 system within the program. Where the photo red light imaging
9 detector system affects state property, the department shall
10 cooperate with and assist the county as needed to install,
11 maintain, and repair the photo red light imaging detector system
12 established pursuant to this Act.

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

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



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

12 (d) No summons or citation issued pursuant to the photo
 13 red light imaging detector system program shall be issued unless
 14 it contains a clear and unobstructed photographic, digital, or
 15 other visual image of the driver of the motor vehicle.

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

20 SECTION 6. **Summons or citations; form and content;**
 21 **issuance.** (a) Notwithstanding any law to the contrary,
 22 whenever any motor vehicle operator is determined to have



1 disregarded a steady red traffic-control signal in violation of
2 section 291C-32(a)(3), Hawaii Revised Statutes, by a photo red
3 light imaging detector system, the county shall send a summons
4 or citation, as described in this section, to the registered
5 owner of the motor vehicle at the address on record at the
6 vehicle licensing division, by certified or registered mail with
7 a return receipt that is postmarked within seventy-two hours of
8 the time of the incident. If the end of the seventy-two hour
9 period falls on a Saturday, Sunday, or holiday, then the end of
10 the period shall run until the end of the next day that is not a
11 Saturday, Sunday, or holiday.

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



1 (c) Every citation shall be consecutively numbered and
2 each copy thereof shall bear the number of its respective
3 original.

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

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

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

20 SECTION 8. **Prima facie evidence of registered owner's**
21 **responsibility.** (a) Whenever the photo red light imaging
22 detector system determines a motor vehicle to have been operated



1 in violation of section 291C-32(a)(3), Hawaii Revised Statutes,
2 evidence that the motor vehicle described in the citation or
3 summons issued pursuant to this Act was operated in violation of
4 that section, together with proof that the person to whom the
5 summons or citation was sent was the registered owner of the
6 motor vehicle at the time of the violation, shall constitute
7 prima facie evidence that the registered owner of the motor
8 vehicle was the person who committed the violation.

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

11 (1) Submitting a written statement as provided in section
12 291D-6(b)(2), Hawaii Revised Statutes;

13 (2) Testifying in open court under oath that the
14 registered owner was not the person operating the
15 motor vehicle at the time of the alleged violation;

16 (3) Calling witnesses to testify in open court under oath
17 that the registered owner was not the person operating
18 the motor vehicle at the time of the alleged
19 violation;

20 (4) Extrinsic evidence that the registered owner was not
21 the person operating the motor vehicle at the time of
22 the alleged violation; or



1 (5) Presenting to the court adjudicating the alleged
2 violation, prior to the return date established on the
3 citation or summons issued pursuant to this Act, a
4 letter of verification of loss from the police
5 department indicating the motor vehicle had been
6 reported stolen.

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

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

19 SECTION 10. **Liability for rental or U-drive motor vehicle.**
20 Notwithstanding any law to the contrary, if the registered owner
21 of record is the lessor of a rental or U-drive motor vehicle, as
22 defined in section 286-2, Hawaii Revised Statutes, pursuant to a



1 written lease agreement, the lessee at the time of the violation
2 shall be responsible for the summons or citation; provided:

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

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

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

20 SECTION 12. **Fines for unauthorized disclosure.** (a) The
21 information obtained by a photo red light imaging detector, and
22 any other information arising therefrom, shall be kept



1 confidential and used exclusively for purposes of law
2 enforcement, including highway safety research, and court
3 proceedings.

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

12 SECTION 13. **Photo red light imaging detector program**
13 **revenue from fines.** Revenue derived from fines pursuant to this
14 Act shall be deposited into the general fund.

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

18 **PART III**

19 SECTION 15. Section 249-7, Hawaii Revised Statutes, is
20 amended by amending subsection (b) to read as follows:

21 "(b) Upon an original registration the director of finance
22 shall fix, and shall charge to the owner, a fee equal to the



1 cost of the number plate and tag or emblem plus the
2 administrative cost of furnishing the plate and tag or emblem
3 and effecting the registration. Upon the issuance of a new
4 series of number plates as determined by the directors of
5 finance of each county through majority consent, the director of
6 finance shall charge the owner a fee equal to the costs of the
7 number plate plus the administrative cost of furnishing the
8 plates. Upon issuing a tag or emblem, the director of finance
9 shall charge the owner a fee of 50 cents. The owner shall
10 securely fasten the number plates on the vehicle[~~r~~] or
11 motorcycle, one on the front and the other on the rear, at a
12 location provided by the manufacturer or in the absence of such
13 a location upon the bumpers of the vehicle and in conformance
14 with section 291-31, in such a manner as to prevent the plates
15 from swinging. Number plates shall at all times be displayed
16 entirely unobscured and be kept reasonably clean. In the case
17 of trailers[~~r~~] and semitrailers[~~r~~, ~~or motorcycles~~], one plate
18 shall be used and it shall be fastened to the rear thereof at a
19 location provided by the manufacturer or in the absence of such
20 a location at the rear thereof, and in the case of motorcycles
21 in conformance with section 291-31."



1 SECTION 16. Section 291C-32, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) Whenever traffic is controlled by traffic-control
4 signals exhibiting different colored lights, or colored lighted
5 arrows, successively one at a time or in combination, only the
6 colors green, red, and yellow shall be used, except for special
7 pedestrian signals carrying a word or symbol legend, and the
8 lights shall indicate and apply to drivers of vehicles and
9 pedestrians as follows:

10 (1) Green indication:

11 (A) Vehicular traffic facing a circular green signal
12 may proceed straight through or turn right or
13 left unless a sign at the place prohibits either
14 [~~such~~] turn. But vehicular traffic, including
15 vehicles turning right or left, shall yield the
16 right-of-way to other vehicles and to pedestrians
17 lawfully within the intersection or an adjacent
18 crosswalk at the time [~~such~~] the signal is
19 exhibited[~~-~~];

20 (B) Vehicular traffic facing a green arrow signal,
21 shown alone or in combination with another
22 indication, may cautiously enter the intersection



1 only to make the movement indicated by ~~[such]~~ the
2 arrow, or ~~[such]~~ other movement as is permitted
3 by other indications shown at the same time.

4 ~~[Such vehicular]~~ Vehicular traffic shall yield
5 the right-of-way to pedestrians lawfully within
6 an adjacent crosswalk and to other traffic
7 lawfully using the intersection~~[-]~~; and

8 (C) Unless otherwise directed by a pedestrian-control
9 signal, as provided in section 291C-33,
10 pedestrians facing any green signal, except when
11 the sole green signal is a turn arrow, may
12 proceed across the roadway within any marked or
13 unmarked crosswalk~~[-]~~;

14 (2) Steady yellow indication:

15 (A) Vehicular traffic facing a steady yellow signal
16 is thereby warned that the related green movement
17 is being terminated or that a red indication will
18 be exhibited immediately thereafter when
19 vehicular traffic shall not enter the
20 intersection~~[-]~~; provided that the length of the
21 steady yellow indication shall be sufficient to
22 allow any truck to pass through the intersection



1 in a reasonable amount of time before a steady
2 red indication commences; and

3 (B) Pedestrians facing a steady yellow signal, unless
4 otherwise directed by a pedestrian-control signal
5 as provided in section 291C-33, are thereby
6 advised that there is insufficient time to cross
7 the roadway before a red indication is shown and
8 no pedestrian shall then start to cross the
9 roadway[-]; and

10 (3) Steady red indication:

11 (A) Vehicular traffic facing a steady red signal
12 alone shall stop at a clearly marked stop line,
13 but if none, before entering the crosswalk on the
14 near side of the intersection or, if none, then
15 before entering the intersection and shall remain
16 standing until an indication to proceed is shown,
17 except as provided in the next succeeding
18 paragraphs[-]; provided that the steady red
19 indication shall not commence until any truck has
20 had sufficient time to pass through the
21 intersection on a steady yellow indication;



1 (B) The driver of a vehicle [~~which~~] that is stopped
2 in obedience to a steady red indication may make
3 a right turn but shall yield the right-of-way to
4 pedestrians and other traffic proceeding as
5 directed by the signal at [~~said~~] the
6 intersection, except that counties by ordinance
7 may prohibit [~~any such~~] a right turn against a
8 steady red indication, which ordinance shall be
9 effective when a sign is erected at [~~such~~] the
10 intersection giving notice thereof[~~-~~];

11 (C) The driver of a vehicle on a one-way street
12 [~~which~~] that intersects another one-way street on
13 which traffic moves to the left shall stop in
14 obedience to a steady red indication but may then
15 make a left turn into [~~said~~] the one-way street,
16 but shall yield right-of-way to pedestrians,
17 proceeding as directed by the signal at [~~said~~]
18 the intersection except that counties by
19 ordinance may prohibit any [~~such~~] left turn as
20 above described which ordinance shall be
21 effective when a sign is erected at [~~such~~] the
22 intersection giving notice thereof[~~-~~]; and



1 (D) Unless otherwise directed by a pedestrian-control
 2 signal as provided in section 291C-33,
 3 pedestrians facing a steady red signal alone
 4 shall not enter the roadway."

5 SECTION 17. Section 291C-161, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "§291C-161 Penalties[-]; photo red light imaging detector
 8 system fine. (a) It is a violation for any person to violate

9 any of the provisions of this chapter, except as otherwise
 10 specified in subsections (c) and (d) and unless the violation is
 11 by other law of this State declared to be a felony, misdemeanor,
 12 or petty misdemeanor.

13 (b) Except as provided in subsections (c) and (d), every
 14 person who is determined to have violated any provision of this
 15 chapter for which another penalty is not provided shall be
 16 fined:

- 17 (1) Not more than \$200 for a first violation thereof;
- 18 (2) Not more than \$300 for a second violation committed
- 19 within one year after the date of the first violation;
- 20 and



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

4 (c) [~~Every~~] A person convicted under or found in violation
5 of section 291C-12, 291C-12.5, 291C-12.6, 291C-13, 291C-14,
6 291C-15, 291C-16, 291C-72, 291C-73, 291C-95, 291C-102, 291C-103,
7 291C-104, or 291C-105 shall be sentenced or fined in accordance
8 with [~~those sections.~~] that section.

9 (d) [~~Every~~] A person who violates section 291C-13 or 291C-
10 18 shall:

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

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

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

21 (e) The court may assess a sum not to exceed \$50 for the
22 cost of issuing a penal summons upon any person who fails to



1 appear at the place within the time specified in the citation
2 issued to the person for any traffic violation.

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

7 (g) Fines collected for violations of section
8 291C-32(a)(3) pursuant to the photo red light imaging detector
9 system program established pursuant to Act , Session Laws of
10 Hawaii 2013, shall be deposited into the general fund."

11 SECTION 18. Section 291C-163, Hawaii Revised Statutes, is
12 amended by amending subsection (a) to read as follows:

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

- 16 (1) Regulating or prohibiting stopping, standing, or
17 parking except as provided in section 291C-111;
18 (2) Regulating traffic by means of police officers or
19 official traffic-control devices;
20 (3) Regulating or prohibiting processions or assemblages
21 on the highways;



- 1 (4) Designating particular highways or roadways for use by
- 2 traffic moving in one direction;
- 3 (5) Establishing speed limits for vehicles in public
- 4 parks;
- 5 (6) Designating any highway as a through highway or
- 6 designating any intersection as a stop or yield
- 7 intersection;
- 8 (7) Restricting the use of highways;
- 9 (8) Regulating the operation and equipment of and
- 10 requiring the registration and inspection of bicycles,
- 11 including the requirement of a registration fee;
- 12 (9) Regulating or prohibiting the turning of vehicles or
- 13 specified types of vehicles;
- 14 (10) Altering or establishing speed limits;
- 15 (11) Requiring written accident reports;
- 16 (12) Designating no-passing zones;
- 17 (13) Prohibiting or regulating the use of controlled-access
- 18 roadways by any class or kind of traffic;
- 19 (14) Prohibiting or regulating the use of heavily traveled
- 20 streets by any class or kind of traffic found to be
- 21 incompatible with the normal and safe movement of
- 22 traffic;



- 1 (15) Establishing minimum speed limits;
- 2 (16) Designating hazardous railroad grade crossing;
- 3 (17) Designating and regulating traffic on play streets;
- 4 (18) Prohibiting pedestrians from crossing a roadway in a
- 5 business district or any designated highway except in
- 6 a crosswalk;
- 7 (19) Restricting pedestrian crossing at unmarked
- 8 crosswalks;
- 9 (20) Regulating persons propelling push carts;
- 10 (21) Regulating persons upon skates, coasters, sleds, and
- 11 other toy vehicles;
- 12 (22) Adopting and enforcing [~~such~~] temporary or
- 13 experimental regulations as may be necessary to cover
- 14 emergencies or special conditions;
- 15 (23) Adopting maximum and minimum speed limits on streets
- 16 and highways within their respective jurisdictions;
- 17 (24) Adopting requirements on stopping, standing, and
- 18 parking on streets and highways within their
- 19 respective jurisdictions except as provided in section
- 20 291C-111;
- 21 (25) Prohibiting or regulating electric personal assistive
- 22 mobility devices on sidewalks and bicycle paths; [~~and~~]



1 (26) Implementing a photo red light imaging detector system
 2 pursuant to Act _____, Session Laws of Hawaii 2013; or
 3 [~~26~~] (27) Adopting [~~such~~] other traffic regulations as
 4 [~~are~~] specifically authorized by this chapter."

5 SECTION 19. Section 291C-165, Hawaii Revised Statutes, is
 6 amended by amending subsection (b) to read as follows:

7 "(b) In every case when a citation is issued, the original
 8 of the citation shall be given to the violator; provided that [~~+~~
 9 ~~(1)~~ ~~In~~] in the case of an unattended vehicle, the original
 10 of the citation shall be affixed to the vehicle as
 11 provided for in section 291C-167; [~~or~~

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

13 (1) In the case of:

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

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

19 (2) In the case of a motor vehicle operator determined by
 20 a photo red light imaging detector system established
 21 pursuant to Act _____, Session Laws of Hawaii 2013, to



1 have disregarded a steady red signal in violation of
2 section 291C-32(a)(3);
3 the original of the citation shall be sent by certified or
4 registered mail, with a return receipt that is postmarked within
5 forty-eight hours of the time of the incident, as provided in
6 section 291C-223 for vehicles illegally utilizing the high
7 occupancy vehicle lane[7]; or within seventy-two hours of the
8 time of the incident for vehicles illegally utilizing a parking
9 space reserved for persons with disabilities, to the registered
10 owner of the vehicle at the address on record at the vehicle
11 licensing division[-]; or within seventy-two hours of the time
12 of the incident to the registered owner of the vehicle at the
13 address on record at the vehicle licensing division for vehicle
14 operators disregarding a steady red signal in violation of
15 section 291C-32(a)(3), as determined by means of a photo red
16 light imaging detector system. If the end of the applicable
17 forty-eight or seventy-two hour period falls on a Saturday,
18 Sunday, or holiday, then the [ending] end of the period shall
19 run until the end of the next day which is not a Saturday,
20 Sunday, or holiday; provided that the administrative judge of
21 the district courts may allow a carbon copy of the citation to
22 be given to the violator or affixed to the vehicle and provide



1 for the disposition of the original and any other copies of the
2 citation."

3 **PART IV**

4 SECTION 20. It is the intent of this Act not to jeopardize
5 the receipt of any federal aid nor to impair the obligation of
6 the State or any agency thereof to the holders of any bond
7 issued by the State or by any such agency, and to the extent
8 necessary to effectuate this intent, the governor may modify the
9 strict provisions of this Act, but shall promptly report any
10 modification with reasons therefor to the legislature at its
11 next session for review.

12 SECTION 21. If any provision of this Act, or the
13 application thereof to any person or circumstance, is held
14 invalid, the invalidity does not affect other provisions or
15 applications of the Act that can be given effect without the
16 invalid provision or application, and to this end the provisions
17 of this Act are severable.

18 SECTION 22. This Act does not affect rights and duties
19 that matured, penalties that were incurred, and proceedings that
20 were begun before its effective date.

21 SECTION 23. Upon enactment, the revisor of statutes shall
22 insert the number of this Act into sections 291C-161, 291C-163,



1 and 291C-165, Hawaii Revised Statutes, where indicated in
2 sections 17, 18, and 19 of this Act, respectively.

3 SECTION 24. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 25. This Act shall take effect on July 1, 2050;
6 provided that on July 1, 2016, this Act shall be repealed and
7 sections 249-7(b), 291C-32(a), 291C-161, 291C-163(a), and 291C-
8 165(b), Hawaii Revised Statutes, shall be reenacted in the form
9 in which they read on the day before the effective date of this
10 Act.



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 07/01/2050. Repeals 07/01/2016. (SD2)

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



NEIL ABERCROMBIE
GOVERNOR



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 13, 2013
10:30 a.m.
State Capitol, Room 309

S.B. 693, S.D. 2
RELATING TO HIGHWAY SAFETY

House Committee on Transportation

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, S.D. 2, 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.





**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender, State of Hawaii
to the House Committee on Transportation**

March 13, 2013, 10:30 a.m.

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

Chair Yamane 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.

Red Light Camera Fact Sheet

With properly posted speed limits and properly installed traffic-control devices, there is no need for ticket cameras. They can actually make our roads less safe.

1) Ticket cameras do not improve safety.

Despite the claims of companies that sell ticket cameras and provide related services, there is no independent verification that photo enforcement devices improve highway safety, reduce overall accidents, or improve traffic flow. Believing the claims of companies that sell photo enforcement equipment or municipalities that use this equipment is like believing any commercial produced by a company that is trying to sell you something.

2) There is no certifiable witness to the alleged violation.

A picture may be worth a thousand words, but it may also take a thousand words to explain what the picture really means. Even in those rare instances where a law enforcement officer is overseeing a ticket camera, it is highly unlikely that the officer would recall the supposed violation. For all practical purposes, there is no "accuser" for motorists to confront, which is a constitutional right. There is no one that can personally testify to the circumstances of the alleged violation, and just because a camera unit was operating properly when it was set up does not mean it was operating properly when the picture was taken of any given vehicle.

3) Ticket recipients are not adequately notified.

Most governments using ticket cameras send out tickets via first class mail. There is no guarantee that the accused motorists will even receive the ticket, let alone understand it and know how to respond. However, the government makes the assumption that the ticket was received. If motorists fail to pay, it is assumed that they did so on purpose, and a warrant may be issued for their arrest.

4) The driver of the vehicle is not positively identified.

Typically, the photos taken by these cameras do not identify the driver of the offending vehicle. The owner of the vehicle is mailed the ticket, even if the owner was not driving the vehicle and may not know who was driving at the time. The owner of the vehicle is then forced to prove his or her innocence, often by identifying the actual driver who may be a family member, friend or employee.

5) Ticket recipients are not notified quickly.

People may not receive citations until days or sometimes weeks after the alleged violation. This makes it very difficult to defend oneself because it would be hard to remember the circumstances surrounding the supposed violation. There may have been a reason that someone would be speeding or in an intersection after the light turned red. Even if the photo was taken in error, it may be very hard to recall the day in question.

6) These devices discourage the synchronization of traffic lights.

When red-light cameras are used to make money for local governments, these governments are unlikely to jeopardize this income source. This includes traffic-light synchronization, which is the elimination of unneeded lights and partial deactivation of other traffic lights during periods of low traffic. When properly done, traffic-light synchronization decreases congestion, pollution, and fuel consumption.

7) Cameras do not prevent most intersection accidents.

Intersection accidents are just that, accidents. Motorists do not casually drive through red lights. More likely, they do not see a given traffic light because they are distracted, impaired, or unfamiliar with their surroundings. Even the most flagrant of red-light violators will not drive blithely into a crowded intersection, against the light. Putting cameras on poles and taking pictures will not stop these kinds of accidents.

8) There are better alternatives to cameras.

If intersection controls are properly engineered, installed, and operated, there will be very few red-light violations. From the motorists' perspective, government funds should be used on improving intersections, not on ticket cameras. Even in instances where cameras were shown to decrease certain types of accidents, they increased other accidents. Simple intersection and signal improvements can have lasting positive effects, without negative consequences. Cities can choose to make intersections safer with sound traffic engineering or make money with ticket cameras. Unfortunately, many pick money over safety.

9) Ticket camera systems are designed to inconvenience motorists.

Under the guise of protecting motorist privacy, the court or private contractor that sends out tickets often refuses to send a copy of the photo to the accused vehicle owner. This is really because many of the photos do not clearly depict the driver or the driver is obviously not the vehicle owner. Typically, the vehicle owner is forced to travel to a courthouse or municipal building to even see the photograph, an obvious and deliberate inconvenience meant to discourage ticket challenges.

10) Taking dangerous drivers' pictures doesn't stop them.

Photo enforcement devices do not apprehend seriously impaired, reckless or otherwise dangerous drivers. A fugitive could fly through an intersection at 100 mph and not even get his picture taken, as long as the light was green!



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

March 13, 2013

To: Representative Ryan I. Yamane, Chair –House Committee on Transportation;
Representative Linda Ichiyama, Vice Chair; and members of the committee

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

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

I am Carol McNamee, speaking in support of Senate Bill 693,SD2 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.
(IHS – 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%.

The Red Light Camera enforcement tool has received the backing of the National Highway Traffic Safety Administration, which claims the cameras have been effective in reducing intersection-related crashes.

According to the administration, Florida had 714 intersection-related crashes in 2011 with 53 fatalities - down from 786 in 2010. The high in recent years was 1,019 intersection-related collisions in 2007. Florida Department of Highway Safety and Motor Vehicles statistics state that in the 73 Florida jurisdictions with red-light cameras, side-impact crashes dropped 44 percent, rear-end collisions decreased by 41 percent and the overall number of crashes at red-light intersections fell 56 percent in 2011. (*AAA Foundation for Traffic Safety – 2013*)

Others 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 House Transportation Committee to pass SB 693,SD 2 although we have concerns about the section providing funding for implementation being removed in previous hearings.

Thank you for the opportunity to testify.

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 11, 2013 12:38 PM
To: TRNtestimony
Cc: hi0050@yahoo.com
Subject: *Submitted testimony for SB693 on Mar 13, 2013 10:30AM*

SB693

Submitted on: 3/11/2013

Testimony for TRN on Mar 13, 2013 10:30AM in Conference Room 309

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|------------------------|---------------------------|---------------------------|
| Charles Hirata | Safe Community of Maui | Support | No |

Comments:

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

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

March 13, 2013 10:30 a.m.

COMMITTEE ON TRANSPORTATION

Rep. Ryan I. Yamane, Chair

Rep. Linda Ichiyama, Vice Chair

Dear Chair Yamane and Vice Chair Ichiyama, and members of the House Committee on Transportation,

Subject: **Support for SB 693 SD-2**

The State Highway Safety Council supports SB 693 SD-2, which establishes the photo red light imaging detector system program.

According to FARS 2006-2010, there were 7 fatalities attributed to red light running. Red light cameras have been studied for over 10 years, and have been used in over 500 communities across the U.S. In the review of the effectiveness of red-light cameras, the negatives are that they increase rear-end crashes, the positives are that they reduce side-impact crashes, and reduce overall crash severity at the locations the cameras are placed and publicized. Cameras were found to be most beneficial at intersections with a known higher ration of angle crashes to rear-end crashes.¹

The State Highway Safety Council (SHSC) advises the DOT on matters relating to the programs and activities of the State in the field of highway safety. SHSC members include representatives from public, private, and all four counties.

Thank you for allowing us to testify.

Sincerely,

Kari Benes, Co-Chair
State Highway Safety Council

¹ WHO. (2004) World Report on Road Traffic Injury prevention. Geneva, Switzerland.: World Health Organization.

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 10:32 AM
To: TRNtestimony
Cc: chad@hbl.org
Subject: Submitted testimony for SB693 on Mar 13, 2013 10:30AM

SB693

Submitted on: 3/12/2013

Testimony for TRN on Mar 13, 2013 10:30AM in Conference Room 309

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

Comments: 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 3,700 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! 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 Waiialae Ave Suite 1, Honolulu, HI 96816 chad@hbl.org cell 808 255 8271

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

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

Testimony of Ku`uhaku Park
On behalf of Matson Navigation Co., Inc.
In regards to SB693 – RELATING TO HIGHWAY SAFETY
Before the Hawaii State House, Committee on Transportation
On March 13, 2013

Chair Yamane 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 __. **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.

TO: Members of the Committee on Transportation

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

HEARING: 10:30 a.m. Wednesday, March 13, 2013

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

Aloha Chair and Committee Members,

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

If this bill were to pass into law, the registered owner of a vehicle that ran a red light would be guilty until proven innocent. Our legal system was based on the fundamental principle of innocent until proven guilty. I therefore ask you to **vote "no" on this bill.**

Should you wish to carry this measure to the full House, I ask that you clarify the issue of photos of the driver. The bill indicates no citation will be issued unless there is a clear image of the driver. The bill, however, only indicates pictures will be taken of the rear of the car and the entire intersection. When then, would an image be taken of the driver?

COMMITTEE ON TRANSPORTATION

Rep. Ryan I. Yamane, Chair
Rep. Linda Ichiyama, Vice Chair

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

Wednesday, March 13, 2013
Hawaii State Capitol, Conference Room 309
10:30 a.m.

HONORABLE CHAIR, HONORABLE VICE CHAIR, 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. 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.

If intersection safety is the true intention of this Bill, it should apply 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. The fact is legislators from other islands don't want the cameras system on their islands. After all, doesn't working or driving safely apply 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) 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.

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 3:05 PM
To: TRNtestimony
Cc: jgoody@hawaii.rr.com
Subject: Submitted testimony for SB693 on Mar 13, 2013 10:30AM

SB693

Submitted on: 3/12/2013

Testimony for TRN on Mar 13, 2013 10:30AM in Conference Room 309

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John Goody | Individual | Support | No |

Comments: Please support this measure. Hawaii is among the worst states for cars hitting pedestrians and cyclists, 11th and 12th respectively as of 2010, and dead last for hitting pedestrians over age 60. Many of these crimes are the result of running red lights; it has to stop. If we are serious about reducing congestion and improving health, we must make our public rights of way safe for walking and biking. This bill will help make that a reality. Thank you. John Goody

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

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

ichiyama1 - Tate

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 12, 2013 1:10 PM
To: TRNtestimony
Cc: w.joy.hee@gmail.com
Subject: Submitted testimony for SB693 on Mar 13, 2013 10:30AM

SB693

Submitted on: 3/12/2013

Testimony for TRN on Mar 13, 2013 10:30AM in Conference Room 309

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Wynnie Hee | Individual | Support | No |

Comments: I'm chicken and I wouldn't run a red light, but I'm an imperfect human and sometimes I enter the intersection on yellow and try to beat the red -- but I HATE myself for it and promise not to do it again! I think 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. The driver who caused the 3-car accident -- no insurance. It's good this is a three-year pilot because I can imagine all the loud yelling by ticketed registered car owners saying it was not them driving the car photographed. But we need this law to stop all the risk-taking drivers out there at our CONGESTED city intersections.

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

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