



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

February 20, 2020
11:00 A.M.
State Capitol, Room 308

H.B. 1676, H.D. 1
RELATING TO HIGHWAY SAFETY

House Committee on Finance

The Department of Transportation (DOT) **supports** the intent of H.B. 1676, H.D. 1 but recommends H.B. 2008.

Drivers of motor vehicles violating Hawaii's traffic laws have become intolerable especially those who disregard red light traffic-control signals. These violations not only endanger the lives of motorists and pedestrians, but they compound the hazardous conditions that already exists on the roads. The risk of disregarding red lights often leads to property damage, injuries and deaths resulting from motor vehicle crashes.

H.B. 2008 includes a number of the policy recommendations put forward by the red light running committee that was established by Act 131, Sessions Laws of Hawaii, 2019. One of the policy recommendations was to determine locations for the placement of photo red light imaging detector equipment based on data incidents of red light running (i.e., crash reports, fatality, injury, property damage) and citations as well as volume/traffic counts and to conduct a study considering various engineering countermeasures.

DOT believes that any intersection within a county that is qualified for photo red light imaging detector equipment based on the Red Light Running committee's proposed criteria should be part of the "pilot program" rather than intersections restricted just to a "pilot program designated area."

Other concerns with this measure are: (1) the requirements that citations be sent by certified or registered mail with return receipt because of the cost factor; (2) the lack of rebuttable defenses a registered owner or motor vehicle operator may present as described in Section 9(b) (Prima facie evidence) on pages 13 to 14; (3) the lack of a provision to reissue a citation to the driver of the motor vehicle at the time of the offense identified by the registered owner or lessee of the vehicle; and (4) the lack of provisions that any summons or citations issued, or convictions for a photo red light imagining violation are not recorded on a person's traffic abstract.

During calendar years 2014 to 2018, a total of 1,312 intersection crashes occurred statewide as a result from red light and other traffic signal violations. These reportable crashes resulted in deaths, numerous injuries and property damage.

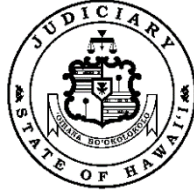
During calendar years 2015 to 2018, a total of 13 deaths statewide occurred from a driver of a motor vehicle disregarding a red light traffic-control signal.

During calendar years 2015 to November 5, 2019, police statewide issued 20,885 red light violations to motorists who disregarded the red light traffic signal. However, because police have other priority calls for services, it is not possible for them to enforce the laws at every intersection.

The red light detection cameras have shown to be very effective in cities across the nation. At intersections where a high volume of crashes had previously occurred, a significant reduction of crashes resulted at those intersections when red light cameras were installed. This leads to the protection from death, injuries and property damage.

The DOT supports the intent of H.B. 1676, H.D. 1 that establishes a red light imaging detector system pilot program, but would prefer H.B. 2008 as it establishes a more complete red light running program that was developed by the Red Light Running committee as established by Act 131 of the 2019 legislative session.

Thank you for the opportunity to provide testimony.



The Judiciary, State of Hawai'i

Testimony to the Thirtieth State Legislature, 2020 Session

House Committee on Finance
Rep. Sylvia Luke, Chair
Rep. Ty J. K. Cullen, Vice Chair

Thursday, February 20, 2020, 11:00 a.m.
State Capitol, Conference Room 308

By
Calvin C. Ching
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 1676, HD1 – Relating to Highway Safety

Purpose: Establishes a three-year photo red light imaging detector system pilot program. Authorizes any impacted county to administer the photo red light imaging detector system pilot program. Establishes a photo red light imaging detector systems pilot program account as a special account within the general fund. Requires proceeds of fines expended in the county from which they were collected for operation of the photo red light imaging detector system pilot program. Appropriates funds. Sunsets 6/30/2023. Effective 7/1/2050 (HD1)

Judiciary's Position:

The Judiciary appreciates the intent of the proposed bill, but would request that the effective date for this program be extended to give the Judiciary ample time to prepare for this program. This legislation will require the Judiciary to work with a selected vendor to create new citations and to ensure system compatibility. New system codes, including fiscal codes to handle the special fund monies, will also need to be created and tested prior to implementation. Each of these tasks could not be completed by the effective date (July 1, 2020) set forth in the bill.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY CRAIG K. HIRAI
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON FINANCE
ON
HOUSE BILL NO. 1676, H.D. 1

February 20, 2020
11:00 a.m.
Room 308

RELATING TO HIGHWAY SAFETY

The Department of Budget and Finance (B&F) offers comments on House Bill (H.B.) No. 1676, H.D. 1.

H.B. No. 1676, H.D. 1, establishes a three-year Photo Red Light Imaging Detector System Pilot Program (PRLIDSPP) to be administered within the City and County (C&C) of Honolulu. This bill also establishes a PRLIDSPP account as a special account within the general fund and appropriates an unspecified amount of general funds to the C&C of Honolulu in FY 21 to establish the PRLIDSPP.

As a matter of general policy, B&F does not support the creation of special accounts within the general fund, as it would be problematic on how to administer the special account. Further, it is also unknown how the fines would be collected and where they would be deposited.

Thank you for your consideration of our comments.



DISABILITY AND COMMUNICATION ACCESS BOARD

1010 Richards Street, Room 118 • Honolulu, Hawaii 96813
Ph. (808) 586-8121 (V) • Fax (808) 586-8129 • TTY (808) 586-8162

February 20, 2020

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 1676, HD1 – Relating to Highway Safety

The Disability and Communication Access Board (DCAB) **SUPPORTS** House Bill 1676, HD1. This bill would authorize and provide funding for a three-year pilot program in major arterial zones on state and county highways within a specified area to provide for the implantation of photo red light imaging detector systems to improve traffic enforcement and make the same highways safer for pedestrians to cross.

DCAB adopted guiding principles on the mobility and safety of pedestrians with mobility disabilities that support the following efforts:

- 1) Utilization of technology to assist with improved traffic enforcement to achieve greater pedestrian safety that includes persons with mobility disabilities.
- 2) Implementation of best practices from other jurisdictions around the world.
- 3) Following the principles contained in Complete Streets and Vision Zero.

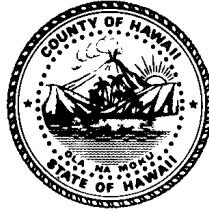
House Bill 1676, HD1 embodies these principles and DCAB urges your support.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

February 18, 2020

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Committee on Finance

Dear Chair Luke, Vice Chair Cullen and Committee Members:

RE: HB 1676, HD1 Relating to Highway Safety

Thank you for hearing HB 1676, HD1. I testify in support of this measure but ask that it be amended to include all counties that choose to participate.

As our populations grow, so does traffic, leading to more traffic congestion and greater driver frustration. Frustration, in turn, can lead to more carelessness or more risk taking, such as pushing the envelope on running red lights to save a few precious seconds.

There are jurisdictions on the mainland and around the world where traffic laws are ignored and driving is chaotic. Though some might think that Hawai'i has already achieved that state, in truth we have managed to retain some respect for law, even traffic laws, and we need to do what we can to assure that our standards do not deteriorate, and perhaps even move up a notch or two.

The preamble to HB 1676 is an excellent summary of our history with red-light enforcement, and why we should authorize the counties to try pilot programs. It may be necessary to prove to the public that such programs can be administered fairly and are in the best interest of the traveler—whether driver, bicyclist, or pedestrian. HB 1676, HD1 could provide that opportunity for those counties that wish to participate.

However, though Part I of HB 1676 talks about authorizing "any impacted county to implement the photo red light imaging detector system pilot program," Part II says "'County' means a county with a resident population of greater than five hundred thousand." We would respectfully request that the opportunity to participate be open to all counties, or that the population threshold be lowered to 200,000. A corresponding amendment would have to be made to the section designating area boundaries.

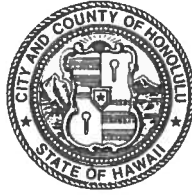
I ask for your favorable action on an amended HB 1676, HD1.

Respectfully Submitted,

Harry Kim
MAYOR

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LS

February 20, 2020

The Honorable Sylvia Luke, Chair
and Members
Committee on Finance
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 308
Honolulu, Hawaii 96813

Dear Chair Luke and Members:

SUBJECT: House Bill No. 1676, H.D. 1, Relating to Highway Safety

I am Calvin Tong, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports House Bill No. 1676, H.D. 1, Relating to Highway Safety.

The HPD fully supports a photo red light imaging detector system. All county law enforcement agencies, including the HPD, participated in the drafting of this pilot project. This system will assist in making our roadways safer and reducing the number of intersection-related crashes throughout the state.

The HPD urges you to support House Bill No. 1676, H.D. 1, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

A handwritten signature in cursive script that reads "Susan Ballard".

Susan Ballard
Chief of Police

A handwritten signature in cursive script that reads "Calvin Tong".

Calvin Tong, Major
Traffic Division

HB-1676-HD-1

Submitted on: 2/19/2020 2:12:16 PM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Maui Police Department	Support	No

Comments:



HIPHI Board

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PhD, RDN, LD
University of Hawaii at Manoa,
College of Tropical Agriculture
and Human Resources

Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 19, 2020

To: Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair
Members of the House Committee on Finance

Re: Support for HB 1676 HD1, Relating to Highway Safety

Hrg: February 20, 2020 at 11:00 AM at Conference Room 308

The Obesity Prevention Task Force of the Hawai'i Public Health Instituteⁱ is in **Support of HB 1676 HD1 with amendments**. This bill would establish a three year red light camera pilot program at designated intersections in the City and County of Honolulu. It would also create a special account in the general fund and the proceeds from the fines would be used for the operation of the pilot program.

HIPHI supports all efforts to improve the built environment to make our roads safer for all users. Red light and speeding enforcement cameras can be helpful enforcement tools to deter these behaviors and reduce traffic crashes, injuries and fatalities. Increasing road safety for all users is critical to achieving Vision Zero and encouraging active transportation such as walking and biking.

According to the Hawai'i State Department of Transportation, there have been 1,616 intersection crashes from red light and other traffic signal violations (2011-2016) and 13 deaths from drivers disregarding a red light (2011-2018). Red light cameras have been found to reduce crashes at signalized intersections by 25-30%ⁱⁱ and reduce the most serious crashes that are most likely to result in serious injury or deathⁱⁱⁱ.

In order to maximize the effectiveness of the red light camera pilot program, we recommend the following amendments based on best practices and recommendations of the Red Light Running Committee established by Act 131, SLH 2019:

- Do not require photographs of the driver
- Increase the time allowed to mail the ticket and use first class mail
- Determine pilot program locations based on data
- Allow a maximum of three years for the pilot program, beginning at the start of program operations and the option to extend the program earlier if the pilot is successful

Thank you for the opportunity to provide testimony.

Mahalo,

A handwritten signature in black ink that reads "Jessica Yamauchi". The signature is fluid and cursive, with the first name "Jessica" and last name "Yamauchi" clearly legible.

Jessica Yamauchi, MA
Executive Director

ⁱ Created by the legislature in 2012, the Obesity Prevention Task Force is comprised of over 60 statewide organizations, and works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents. The Hawai'i Public Health Institute (HIPHI) convenes the Task Force and supports and promotes policy efforts to create a healthy Hawai'i.

Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ Richard A. Retting, Susan A. Ferguson & A. Shalom Hakkert (2003) Effects of Red Light Cameras on Violations and Crashes: A Review of the International Literature, *Traffic Injury Prevention*, 4:1, 17-23, DOI:[10.1080/15389580309858](https://doi.org/10.1080/15389580309858)

ⁱⁱⁱ Federal Highway Administration. (2005, April). Safety Evaluation of Red-Light Cameras–Executive Summary. Retrieved March 12, 2019, from <https://www.fhwa.dot.gov/publications/research/safety/05049/>

February 20, 2020

TO: Representative Sylvia Luke, Chair Finance
Representative Ty J.K. Cullen, Vice Chair Finance
Members of the House Committee on Finance

FR: AAA Hawaii

RE: **HB1676 HD1 RELATING TO HIGHWAY SAFETY. – COMMENTS**

Establishes a three-year photo red light imaging detector system pilot program. Authorizes any impacted county to administer the photo red light imaging detector system pilot program. Establishes a photo red light imaging detector systems pilot program account as a special account within the general fund. Requires proceeds of fines expended in the county from which they were collected for operation of the photo red light imaging detector system pilot program. Appropriates funds. Sunsets 6/30/2023. Effective 7/1/2050.

AAA Hawaii was founded in 1915 in Honolulu and is a leader in motorist services and a strong advocate for traffic safety. With more than 165,000 members, service to and the safety of our members, other motorists, and all road users is our founding and continuing purpose.

As part of our traffic safety advocacy efforts, we were privileged to serve throughout 2019 as one of the Community Members on the advisory committee established by the Hawaii Department of Transportation (HDOT) pursuant to legislative direction given in SB663 (2019) to “develop policy recommendations for red light running pilot programs in the City and County of Honolulu, and the Counties of Maui, Kauai and Hawaii.”

We are grateful for this opportunity and truly appreciate the committee’s hard work and due diligence to develop policy recommendations for a pilot program to implement an automated red-light camera enforcement system in the State of Hawaii. The committee spent many hours discussing the technical, legal, and public acceptance aspects of this program and developed a comprehensive set of recommendations for legislative consideration. This report was submitted to the legislature in December 2019.

Our position, in general, about the use of advanced technology and automated enforcement devices is based on our belief that the introduction of new technologies and practices to improve traffic safety are usually more effective, successful, and receive public acceptance if the effort is focused on measurable improvements to real and identifiable traffic safety problems and include adequate safeguards to prevent potential abuse. Use of the devices for other purposes, such

as generating revenue, will result in public opposition to their use and will erode their effectiveness.

We believe the policy recommendations in the committee's report satisfactorily address our concerns and requirements and are crucial for the successful and effective implementation of a pilot program.

Therefore, we would like to respectfully request that HB1676 HD1 be amended to fully include all of the report's policy recommendations, namely the following requirements:

1. There must be no relation between the number of citations issued by these systems and the financial compensation of the private vendors who install and/or operate them – in other words, no “fee per citation”. All vendors should receive a flat fee regardless of the number of tickets issued by the system.
2. Selection of locations where these devices are installed should be based on real and quantifiable needs, such as number or rate of crashes caused by red light running violations, not simply because they are high-traffic areas.
3. A comprehensive engineering review and study of any intersection considered for camera enforcement installation shall be performed and all other appropriate and needed engineering, design and signal timing measures shall be implemented before a camera enforcement system is installed.
4. Comprehensive public information and education about the introduction of these systems is essential, including adequate publicity about the introduction of the system and a grace period (typically 30 days) when a red-light camera system is installed at an intersection, during which the system does not issue citations but rather sends a warning to the violators.

Thank you for your consideration of our recommendations and amending HB1676 HD1 to make it a more effective bill in addressing the red-light running hazards in our state.

Sincerely,
Liane Sumida
General Manager

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

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February 20, 2020

Testimony in Support of HB1676HD1 Relating to Highway Safety

Aloha Chair Luke, Vice Chair Cullen, and esteemed members of the House Committee on Finance:

Hawaii Bicycling League **supports with amendments** House Bill 1676HD1, establishing a 3-year pilot program for photo red light imaging detector systems. The bill is commendable.

The red light running committee during the interim included **all** county police, transportation/public works, and prosecutors; state transportation department, judiciary, and public defenders; and non-profit advocates from the Hawaii Bicycling League, MADD, AAA Hawaii, and a staff member of the Portland Bureau of Transportation. The red light committee agreed on best practices in red light running photo enforcement.

https://www.capitol.hawaii.gov/session2020/bills/DC250_.pdf.

HB1676 moves in the right direction. The following amendments will help it operate clearly and without ambiguity, following best practices of other states.

Do not require photographs of the driver.

20 of 23 states that use red light cameras only require photographs of the vehicle license plate; some states specifically prohibit driver photographs. The vehicle poses a danger by running a red light regardless of the operator, so the registered owner is made liable for the driver. Defenses are if the vehicle was stolen or sold. Please see the attached law where New York City has operated such a system successfully for 25 years. See NYC 2018 report <https://www1.nyc.gov/html/dot/downloads/pdf/nyc-red-light-camera-program.pdf> Another defense is made for rental owners/lessors who give police the name and address of the renter on the rental contract. The Honolulu Star-Advertiser endorsed this simple, strong approach in its editorial of 2/5/20, page A-10.

Use first class mail, allow at least 10 days to send the ticket.

These are best practices. See NYC law following. Registered or certified mail is too expensive and can be defeated easily if the addressee just ignores it. Most states allow between 14-30 days for tickets to be sent out; 72-hours is just too short for an adequate review by a police or government officer prior to sending the ticket out.

Allow police and city/state transportation officials to decide on pilot program locations based on data and experience.

Designating the central Honolulu area as a pilot program area is too restrictive for an effective pilot program. It may be one of the sites based on data and police/city judgment, but should not be legislatively prescribed.

Allow a maximum of three years from start of operations of the cameras for a pilot program, but allow the officials to return earlier for approval to extend the pilot program area sooner.

Realistically it will take 6-12 months to start cameras operating if proper procurement, data analysis, and training is to occur. The pilot program clock should start when the first camera starts operation. On the flip side, if the pilot is working, allow the city/state to return sooner than 3 years for authorization to extend the program to more areas.

Hawaii Bicycling League has spent ten years doing research, has visited red light camera operations in California and New York, and has been a part of the national Vision Zero coalition where this issue is widely covered.

Please consider amending this bill.

Ride and Drive Aloha,



Daniel Alexander
Co-Executive Director
Hawaii Bicycling League
808-275-6717, Daniel@hbl.org



Chad Taniguchi
Director Emeritus
Hawaii Bicycling League
808-255-8271, chad@hbl.org

New York State laws <https://www.nysenate.gov/legislation/laws/VAT/T7A24>

New York State law authorizing New York City, with details <https://www.nysenate.gov/legislation/laws/VAT/1111-A> We only attached the relevant sections below.

Section 1111-A

Owner liability for failure of operator to comply with traffic-control indications

Owner liability for failure of operator to comply with traffic-control indications. (a) 1. Notwithstanding any other provision of law, each city with a population of one million or more is hereby authorized and empowered to adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such city in accordance with the provisions of this section. Such demonstration program shall empower a city to install and operate traffic-control signal photo violation-monitoring devices at no more than one hundred fifty intersections within such city at any one time.

2. Such demonstration program shall utilize necessary technologies to ensure, to the extent practicable, that photographs produced by such traffic-control signal photo violation-monitoring systems shall not include images that identify the driver, the passengers, or the contents of the vehicle. Provided, however, that no notice of liability issued pursuant to this section shall be dismissed solely because a photograph or photographs allow for the identification of the contents of a vehicle, provided that such city has made a reasonable effort to comply with the provisions of this paragraph.

(b) In any city which has adopted a local law or ordinance pursuant to subdivision (a) of this section, the owner of a vehicle shall be liable for a penalty imposed pursuant to this section if such vehicle was used or

operated with the permission of the owner, express or implied, in violation of subdivision (d) of section eleven hundred eleven of this article, and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system; provided however that no owner of a vehicle shall be liable for a penalty imposed pursuant to this section where the operator of such vehicle has been convicted of the underlying violation of subdivision (d) of section eleven hundred eleven of this article.

(c) For purposes of this section, "owner" shall have the meaning provided in article two-B of this chapter. For purposes of this section, "traffic-control signal photo violation-monitoring system" shall mean a vehicle sensor installed to work in conjunction with a traffic-control signal which automatically produces two or more photographs, two or more microphotographs, a videotape or other recorded images of each vehicle at the time it is used or operated in violation of subdivision (d) of section eleven hundred eleven of this article.

(d) A certificate, sworn to or affirmed by a technician employed by the city in which the charged violation occurred, or a facsimile thereof, based upon inspection of photographs, microphotographs, videotape or other recorded images produced by a traffic-control signal photo violation-monitoring system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape or other recorded images evidencing such a violation shall be available for

inspection in any proceeding to adjudicate the liability for such violation pursuant to a local law or ordinance adopted pursuant to this section.

(e) An owner liable for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to a local law or ordinance adopted pursuant to this section shall be liable for monetary penalties in accordance with a schedule of fines and penalties to be set forth in such local law or ordinance, except that in a city which, by local law, has authorized the adjudication of such owner liability by a parking violations bureau, such schedule shall be promulgated by such bureau. The liability of the owner pursuant to this section shall not exceed fifty dollars for each violation; provided, however, that such local law or ordinance may provide for an additional penalty not in excess of twenty-five dollars for each violation for the failure to respond to a notice of liability within the prescribed time period.

(f) An imposition of liability under a local law or ordinance adopted pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.

(g) 1. A notice of liability shall be sent by first class mail to each person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section.

Personal delivery on the owner shall not be required. A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.

2. A notice of liability shall contain the name and address of the person alleged to be liable as an owner for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section, the registration number of the vehicle involved in such violation, the location where such violation took place, the date and time of such violation and the identification number of the camera which recorded the violation or other document locator number.

3. The notice of liability shall contain information advising the person charged of the manner and the time in which he may contest the liability alleged in the notice. Such notice of liability shall also contain a warning to advise the persons charged that failure to contest in the manner and time provided shall be deemed an admission of liability and that a default judgment may be entered thereon.

4. The notice of liability shall be prepared and mailed by the city having jurisdiction over the intersection where the violation occurred, or by any other entity authorized by the city to prepare and mail such notification of violation.

(h) Adjudication of the liability imposed upon owners by this section shall be by a traffic violations bureau established pursuant to section three hundred seventy of the general municipal law or, if there be none, by the court having jurisdiction over traffic infractions, except that any city which has established an administrative tribunal to hear and determine complaints of traffic infractions constituting parking, standing or stopping violations may, by local law, authorize such adjudication by such tribunal.

(i) If an owner receives a notice of liability pursuant to this section for any time period during which the vehicle was reported to the police department as having been stolen, it shall be a valid defense to an allegation of liability for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section that the vehicle had been reported to the police as stolen prior to the time the violation occurred and had not been recovered by such time. For purposes of asserting the defense provided by this subdivision it shall be sufficient that a certified copy of the police report on the stolen vehicle be sent by first class mail to the traffic violations bureau, court having jurisdiction or parking violations bureau.

(j) 1. In a city where the adjudication of liability imposed upon owners pursuant to this section is by a traffic violations bureau or a court having jurisdiction, an owner who is a lessor of a vehicle to which a

notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (d) of section eleven hundred eleven of this article, provided that he or she sends to the traffic violations bureau or court having jurisdiction a copy of the rental, lease or other such contract document covering such vehicle on the date of the violation, with the name and address of the lessee clearly legible, within thirty-seven days after receiving notice from the bureau or court of the date and time of such violation, together with the other information contained in the original notice of liability. Failure to send such information within such thirty-seven day time period shall render the owner liable for the penalty prescribed by this section. Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for the violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

2. (i) In a city which, by local law, has authorized the adjudication of liability imposed upon owners by this section by a parking violations bureau, an owner who is a lessor of a vehicle to which a notice of liability was issued pursuant to subdivision (g) of this section shall not be liable for the violation of subdivision (d) of section eleven hundred eleven of this article, provided that:

(A) prior to the violation, the lessor has filed with the bureau in accordance with the provisions of section two hundred thirty-nine of this chapter; and

(B) within thirty-seven days after receiving notice from the bureau of the date and time of a liability, together with the other information contained in the original notice of liability, the lessor submits to the bureau the correct name and address of the lessee of the vehicle identified in the notice of liability at the time of such violation, together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the bureau pursuant to regulations that may be promulgated for such purpose.

(ii) Failure to comply with clause (B) of subparagraph (i) of this paragraph shall render the owner liable for the penalty prescribed in this section.

(iii) Where the lessor complies with the provisions of this paragraph, the lessee of such vehicle on the date of such violation shall be deemed to be the owner of such vehicle for purposes of this section, shall be subject to liability for such violation pursuant to this section and shall be sent a notice of liability pursuant to subdivision (g) of this section.

(k) 1. If the owner liable for a violation of subdivision (d) of section eleven hundred eleven of this article pursuant to this section was not

the operator of the vehicle at the time of the violation, the owner may maintain an action for indemnification against the operator.

2. Notwithstanding any other provision of this section, no owner of a vehicle shall be subject to a monetary fine imposed pursuant to this section if the operator of such vehicle was operating such vehicle without the consent of the owner at the time such operator failed to obey a traffic-control indication. For purposes of this subdivision there shall be a presumption that the operator of such vehicle was operating such vehicle with the consent of the owner at the time such operator failed to obey a traffic-control indication.

(1) Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of subdivision (d) of section eleven hundred eleven of this article.



Peoples Advocacy For Trails Hawai'i

PO Box 62, Kailua-Kona, Hawai'i 96745
808 -326-7284 www.pathhawaii.org

Testimony in Support (with Amendments) of HB1676HD1 Relating to

Highway Safety

Board of Directors

Cindy Armer
Linda Jane Kelley
Jane Bockus
Derinda Thatcher
Jeff McDevitt, MD
Mike Drutar
Jolene Head
Franz Weber
Hannah Ako
Kelly Hudik

Executive Director

Valerie Overlan

Strategic Projects

Director

Tina Clothier

Program Director

Paul Burke

Mission

To safely connect the people and places on Hawaii Island with pathways and bikeways.

Serving the Island of Hawai'i since 1986

Aloha Chair Lee, Vice Chair San Buenaventura, and esteemed members of the House Committee on Judiciary:

Peoples Advocacy for Trails Hawaii (PATH) supports with amendments House Bill 1676HD1 which establishes a 3-year pilot program for photo red light imaging detector systems. The overall intent to establish a pilot program is commendable.

Last session the legislature determined that red light running is dangerous, and that red light cameras reduce red light running, crashes, injuries, and deaths. Act 131 (2019) established a red light running committee to develop policy recommendations for a red light running pilot program. The red light committee reached agreement on the report recommendations.

The report represents best practices in red light running photo enforcement as considered by government agencies that would implement the red light program. HB1676 moves in the right direction, but should be amended so that it will operate clearly and without ambiguity, following best practices of other states.

Do not require photographs of the driver. 20 of 23 states that use red light cameras only require photographs of the vehicle license plate and some specifically prohibit driver photographs. By making it clear that the vehicle poses a danger by running a red light regardless of which the operator is, and making the registered owner liable, those in control of the vehicle (the registered owner) take responsibility for the driver. Exceptions are where the registered owner sells or reports it stolen.

Another exception is made for rental owners/lessors who must report the name and address of the renter.

Allow more time to send the ticket, and use first class mail. Again, this is best practice. Registered or certified mail is too expensive and can be defeated easily by the recipient just not signing for it. Most states allow between 14-30 days for notices to be sent out; 72-hours is just too short if there is to be an adequate review by a police or government officer prior to sending the ticket out.

Allow police and city/state transportation officials to decide on pilot program locations based on data. Designating the central Honolulu area as a pilot program area is too restrictive for an effective pilot program.

Allow a maximum of three years from start of operations of the cameras for a pilot program, but allow the officials to return for approval to extend the pilot program area sooner. Realistically it will take 6-12 months to start cameras operating if proper procurement, data analysis, and training are to occur. The pilot program clock should start when the first camera starts operation. On the flip side, if the pilot is working, allow the city/state to return sooner than 3 years for authorization to extend the program to more areas.

Our colleagues at Hawaii Bicycling League have spent ten years doing research, have visited red light camera operations in California and New York, and have been a part of the national Vision Zero coalition where this issue is widely covered. We concur with their standing on this bill.

Please consider amending this bill.

Tina Clothier
Strategic Projects Director

February 19, 2020

To: Chair Luke, Vice Chair Cullen, Members of the House Committee on Finance

RE: **Support** for HB1676 HD1

Thank you for this opportunity to testify in **SUPPORT** of HB1676 HD1 and for helping to promote policies and practices aimed at making our streets safer. Blue Zones Project was brought to Hawaii by HMSA to help increase the overall well-being of our communities and to make Hawaii a healthier, happier place to live, work, and play. To accomplish that goal, we support opportunities to lower obesity rates, tobacco use, and chronic disease prevalence.

Red light and speeding enforcement cameras can have a significant impact on deterring negative driver behavior, lowering speeds, and reducing traffic crashes, thereby encouraging active transportation, such as walking and biking. In addition, HB1676 HD1 supports effective traffic safety programs that benefit all users of the road, regardless of their preferred mode of transportation. A red light imaging detector system program also aligns with the goals and strategies of Vision Zero, which we know has had great success around the world.

After implementing Vision Zero and installing a red light camera program in 2014, New York City benefitted from four consecutive years of declining traffic fatalities between 2013 and 2017, with 2017 being the safest year on record with a 28% decline in traffic fatalities and a 45% decline in pedestrian deaths.¹ A study by the Insurance Institute for Highway Safety (IIHS) in Arlington, Virginia also found significant reductions in red light violations at camera intersections one year after ticketing began.² Similar results were found in Chicago; vehicle crashes declined by 10 percent and angle injury crashes by 19 percent at intersections where a red light camera system was installed.³

As we work towards our goal of zero traffic fatalities, we must continue to support engineering, education, enforcement, equity, evaluation and policy efforts backed by data, which is why we ask for your support for HB1676 HD1.

Thank you for this opportunity to testify,



Colby Takeda, MBA, MPH
Senior Manager

¹ City of New York. Vision Zero: Mayor de Blasio Announces Pedestrian Fatalities Dropped 32% Last Year, Making 2017 Safest Year on Record. January 8, 2018

² McCartt, A. T. & hu, W. (2014) Effects of red light camera enforcement on red light violations in Arlington County, Virginia. *Journal of Safety Research*.

³ Mahmassani, H. S., et al. (2017). Chicago Red Light Camera Enforcement: Best Practices & Program Road Map. *Northwestern University Transportation Center*.

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Kauai Path, Inc. :: P. O. Box 81 :: Lihue, HI 96766
phone 808.639.1018 :: fax 808.822.5075
www.KauaiPath.org
news@kauaipath.org

a registered 501 (C) 3 non-profit, EIN 27-3343903

February 19, 2020

HOUSE COMMITTEE ON FINANCE

Subject: Testimony in Support of HB 1676 — HD1 Relating to Highway Safety

Aloha Chair Luke, Vice Chair Cullen, and esteemed members of the House Committee on Finance,

Kauai Path is an educational non-profit advocating for multi-modal transportation improvements on Kauai, in Hawaii, and in the US.

Kauai Path supports the intent of HB 1676 – HD1, establishing a 3-year pilot program for photo red light imaging detector systems.

Additionally, while the bill as currently drafted is commendable, Kauai Path recommends adopting all of the well-researched and documented amendments submitted in the Hawaii Bicycling League's testimony. These sensible amendments would significantly increase the program's efficacy and manageability.

Thank you for your attention to this testimony in support of HB 1676 – HD1 with amendments as referenced above.

Sincerely,

Tommy Noyes
Executive Director
Kauai Path, Inc.

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-motorized multi-use paths.

HB-1676-HD-1

Submitted on: 2/19/2020 11:59:01 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Russell Ogawa	Individual	Support	No

Comments:

I am a Pearl City resident, bike rider and concerned citizen in favor of HB1676. Traffic and the number of irresponsible drivers have increased dramatically over the years. We need to implement this Photo Red Light Imaging Pilot Program to keep our innocent drivers, elderly pedestrians, children and bike riders safer. I have seen many drivers run red lights through busy intersections such as those on Moanalua Road, as they exit from or hurry to get onto the freeway at high speeds. Drivers keep getting away with running red lights and continue, because they never get caught. This system will help enforce red light traffic laws where HPD cannot, due to staffing shortages. Please pass HB1676. Thank you very much.

Randolph G. Moore
2445-A Makiki Heights Drive
Honolulu Hawaii 96822

Telephone (808) 778-8832

email makikimoore@gmail.com

February 19, 2020

The Honorable Sylvia Luke, Chair
and members of the Committee on Finance
House of Representatives
State Capitol
Honolulu, Hawaii

Dear Representative Luke and members of the Committee:

Subject: HB 1676 HD 1 (relating to highway safety – photo red light imaging)

I encourage your support of HB 1676 HD 1, for all the reasons stated in Section 1 of the bill. I would prefer the original version of this bill. The changes incorporated into HD 1 appear designed to delay and limit the implementation of red light cameras and are thus detrimental to the intent of the bill.

I am a regular bicyclist. I witness on a daily basis a number of motor vehicle red light runners. No longer is it sufficient to wait at an intersection for a red light to turn green before proceeding. Now, you must look in both directions after the light in your direction has turned green to make sure no crazy driver is speeding through a red light and may hit you.

I suggest for early installation photo red light imaging detection systems at the intersections of Lunalilo and Pensacola Streets and St. Louis Drive and Waialae Avenue.

Enacting this bill, to be effective as soon as practicable, would make the roads safer for bicyclists, pedestrians, and motorists.

This bill is not about punishing motorists who run red lights. It is about changing behavior so that motorists do not run red lights. Ideally, the red light cameras will not “catch” anyone, because drivers will hereafter behave appropriately and there will not be any to “catch.”

Mahalo for your consideration.

HB-1676-HD-1

Submitted on: 2/18/2020 3:08:41 PM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Support	No

Comments:

As a health educator and a parent on Maui teaching my 16 year old how to drive, I am in support of this bill. I see many people run red lights on Maui. There are also way too many pedestrian fatalities on Maui. As a parent of a just turned 16 year old learning to drive, one of the main lessons I needed to teach him is NOT to start driving when the light turns green. That he needs to look first and make sure there aren't any cars running the red light. This is not right! People don't run red lights because they are afraid of being rear ended if they stop or because there isn't enough time to stop. They run them because they are speeding, are in a hurry, and they have learned that they CAN run the red light without implication.

As a youth, I was hit head on by a person running a red light. I am lucky to be alive. My kids and other kids deserve more than pure luck. Please install red light cameras so we can increase our roadway safety.

The cameras that catch people who run red lights will (1) encourage people to NOT run red lights; and will (2) catch and ticket those who still do. And long term positive outcomes can include cutting down on serious and fatal injuries. I am in full support of HB1676, as a parent, a resident who drives, and as health educator for the State of Hawaii Dept. of Health.

HB-1676-HD-1

Submitted on: 2/18/2020 10:16:28 PM

Testimony for FIN on 2/20/2020 11:00:00 AM

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

Comments:

I walk to and from work every night, and over the last year and a half, on 4 separate occasions, I've seen cars go through red lights as I was walking towards the intersections. They weren't driving along and then went through a red light. No, they were actually stopped at the intersection, looked both ways and then went through the intersection before I crossed them. My light was green, so I know their light was red. The first time was at the Punahou/Wilder intersection after midnight--it was a white Mercedes and I heard them laughing as they crossed the intersection. The second time it happened right on my street--Kewalo Street. I was coming home from Safeway at around 1 am. I walked up Piikoi, then turned right on Wilder Avenue and I was walking on the mauka side of Wilder, and a black car pointing makai that was stopped at the Kewalo/Wilder intersection went straight through. Then only a few days later, at around 1 am, another stopped car that was pointing mauka at the corner of LihoLiho Street/Wilder turned left against the red light, right in front of me, as I was entering the crosswalk. That stuff gets me angry, I was ready to whack his car with my umbrella as he was passing by. And a few weeks ago, at the corner of Kaheka/Kanunu (the backside of Don Quijote), a stopped car went through the red light just before I entered the crosswalk.

In my whole life here, I've never seen it this bad before, with people blatantly disregarding the law. I've become gun shy, because late at night, when I'm crossing the intersection by myself and a car is stopped against the red light, I get this creepy feeling when I walk in front of them, having seen so many cars go right through the red light. If they're used to going through red lights and I'm not wearing something bright colored, they might not see me and go right through the red light. In fact, late at night, I just wait until there are no cars at all, and then cross, because I don't trust the traffic lights anymore.

Please get this to pass this session. If drivers know they can get a ticket from a traffic cam, it will stop this behavior. Also, compounding this problem is a recent trend of cars driving at night without their headlights on. I don't know if it's a "cool" thing to do for

younger drivers nowadays, but combine driving without headlights with going through red lights, and you can see how dangerous our roads are becoming.

COMMITTEE ON FINANCE

Representative Sylvia Luke, Chair
Representative Ty J.K. Cullen, Vice Chair

Re: House Bill No. 1676, H.D.1 -- Relating to Highway Safety

Thursday, February 20, 2020
Hawaii State Capitol, Conference Room 308
11:00 A.M.

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

I am not against any highway safety measures but I believe the traffic cameras are overrated. Punishing all drivers due to the few red light violators is an overkill and not the answer to this State's financial shortfalls. This is just another stressor drivers will be forced to deal with. I believe tourists will not appreciate intersection cameras ruining their visit to Hawaii.

If the supporters of the intersection cameras set aside their one-sided opinions based on questionable claims on a Bill and do their own fair research, they'll find news reports prove pedestrian deaths are happening away from intersections that red light cameras are useless to prevent.

If you want to change death to life, add mid-block crosswalks, repaint crosswalks, add high visibility signs to warn drivers of an upcoming crosswalk and install pedestrian activated caution or stop lights crosswalks like the ones on Palolo Avenue adjacent to the Community Center Swimming Pool and on King Street adjacent to Times

Supermarket. If government can spend billions on the luxury of the rail, why can't you spend on the above suggestions?

The legislative Bills that support this form of the "eye in the sky" on a pole will open the Pandora's box negatively impacting our civil liberties and start cameras watching us, like it or not. Public be warned a few cameras will become many; all it takes is a foot in the door.

Camera Bills try to get support for the eye in the sky intersection cameras by baiting the hook with lower insurance costs. Be honest with yourself and us. When did you ever hear of any insurance company lowering their charges for any reason, allowing all their customers to use O.E.M. replacement parts, giving you the dividends you deserve or giving you what you deserve to replace the car they totaled because fixing it costs the insurance companies too much? Do they ever give you enough money to buy another car like you had? I believe you will find that the insurance companies' car ratings are based on Mainland cars, not the inflated cost of cars and car parts in Hawaii.

From the past to date, the public and police accept and support the stop light enforcement which does not punish the driver who enters the intersection on the yellow light in spite of the yellow light turning red with the vehicle still over the crosswalk at the entrance to the intersection. This well established, accepted, fair and safe for commercial drivers driving (CDL) vehicles especially buses, all of who are unable to stop short like cars.

I suggest to maximize public acceptance you should have the intersection stop light camera system mimic this long accepted function by eliminating any mid-intersection sensors and allowing safe passage for anyone entering the intersection prior to the red light in spite of the vehicle's rear end over the first crosswalk sensor when the red light is activated. CDL drivers trying to panic stop will cause jackknifing, spilling the heavy loads they carry. The nature of busses will cause personal injuries or death to passengers tumbling forward on a panic stop. How lenient will the insurance companies be to a bus driver who injures passengers with panic stops and run red lights to avoid injuries? Once a long CDL vehicle/busses approaches close to an intersection they are committed to cross it.

Being a former licensed commercial driver for 26 years, I cared enough to do my own research and observed the length of time the caution lights are on at various intersections during all conditions of traffic, I found the timings are all inconsistent and activated for too short of a time. My research showed increasing the timing of the yellow lights by no less than ten (10) seconds activated is the solution to running red lights and needed to provide fair, safe exit for CDL drivers and their long vehicles.

I look forward to your support.

Respectfully submitted,

Milton Imada

HB-1676-HD-1

Submitted on: 2/19/2020 9:19:39 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Rosenblum	Individual	Support	No

Comments:

As a resident of Honolulu , transportation cyclist , and pedestrian , I support all measures that make our streets safer .

HB-1676-HD-1

Submitted on: 2/19/2020 9:22:27 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Tipton	Individual	Support	No

Comments:

I urge the adoption of Red Light Cameras to improve the safety of our streets for all users. At Pensacola and Lunalilo, I witness at least one red-light runner each day and one near-collision each month. I fear I'll witness an actual collision sooner than later.

HB-1676-HD-1

Submitted on: 2/19/2020 9:28:50 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Franz	Individual	Support	No

Comments:

HB-1676-HD-1

Submitted on: 2/19/2020 9:43:15 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony Chang	Individual	Support	Yes

Comments:

Aloha Chair Sylvia Luke and other members of the House Finance Committee

I stand in strong support of this bill. 7 years ago this March, my sister Emelia Hung died while crossing the street, and I've been doing advocacy for safer streets the last 3 years.

As Oslo Norway, with a population of 673,000 and over 1.5million people that come into the city to work and do other activities, had zero pedestrian and bicyclist fatalities in 2019, it is possible to have no road deaths. Hawaii passed its own Vision Zero bill last year, and the legislation usually has 5 Es: Evaluation, Engineering, Enforcement, Education, and Encouragement. The Red Light Camera bill would help with Engineering, Enforcement, possibly Encouragement and Evaluation too.

Repeating testimony from Hawaii Bicycling League:

- **"Red light running is dangerous** for people that walk, bike, and drive — in the US in 2014, red light running was a factor in 710 deaths, including 44 bicycle and pedestrian deaths . Hawaii DOT's analysis found 13 people were killed by red light running in the last 8 years (2011-18).
- Red Light Enforcement Cameras **reduce crashes & injuries** – a summary of studies found they reduce crashes at signalized intersections by 25-30%
- Red Light Enforcement Cameras **reduce the most serious crashes** – while some studies have found that red light cameras slightly increase rear-end collisions, the evidence is consistent that they significantly reduce "angle" (aka T-bone) crashes which are most likely to result in serious injury or death
- Red Light Enforcement Cameras **save lives** – a study of red light enforcement cameras in the US estimated that by 2014 they had saved nearly 1,300 lives"

Annual traffic deaths in Hawaii outnumber murder 3:1, gun deaths more than 2:1, and gun murders 8:1, and is easily the greatest number in violent death, and leading cause of death for children. Please pass this bill.

Anthony Chang
1245 Maunakea St. #2310
Honolulu, HI 96817

HB-1676-HD-1

Submitted on: 2/19/2020 5:29:47 PM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Rogers	Individual	Support	No

Comments:

I support HB1676 but do not think a photograph of the driver is necessary. Getting a licence number and fining the registered owner keeps it simple. Most people, I believe, will only lend out their vehicles to family and friends. Resolving a traffic violation within that cohort should not be that difficult for the registered owner. If the vehicle is stolen well that is the perfect defence. Using registered or certified mail will be expensive and increase overhead of the program. Priority or first class mail is sufficient.

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 768-7400 • FAX: (808) 768-7515

DWIGHT K. NADAMOTO
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES
ACTING FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE SYLVIA LUKE, CHAIR
HOUSE COMMITTEE ON FINANCE
Thirtieth State Legislature
Regular Session of 2020
State of Hawai'i**

February 20, 2020

RE: H.B. 1676, H.D. 1; RELATING TO TRAFFIC SAFETY.

Chair Luke, Vice-Chair Cullen and members of the House Committee on Finance, the Department of the Prosecuting Attorney of the City and County of Honolulu (Department) submits the following comments, supporting the intent of H.B. 1676, H.D. 1.

The purpose of this bill is to create a three-year pilot project for a red light camera system, with the aim of improving traffic safety and law enforcement.

Pursuant to Act 131 (2019), the Department participated in a red light running committee, made up of the county police departments and prosecuting attorney's offices, Judiciary, Public Defender's Office, Department of Transportation (City and State), Public Works and community stakeholders. Based on information provided to the committee, and listed in the Act 131 (2019) committee report, it appears the current options for a red light camera system may require a large and ongoing financial commitment, while also presenting some enforcement issues, which are the Department's primary concern.

Although the prior committee made valuable amendments to the bill, as reflected in H.B. 1676, H.D. 1, the Department has the following questions and concerns:

Pg. 8, ln 9-12 – Motor vehicle accident rates may not be the best basis on which to select intersections for the project. Because the number of accidents varied greatly from year to year, for every given intersection, the correlation between those figures and “red light running” is unclear. Notably, the “red light running” data that was available was not specific to the offense that the red light camera system would be enforcing. Obtaining a baseline count of the number of individuals running red lights at each intersection under consideration would be prudent, to determine the effects of the red light camera system, from “pre-cameras” to “post-cameras.”

Pg. 8, ln 18-19 – The Department suggests clarifying the term “major route,” for purposes of requiring that signs be posted on all “major routes.”

Pg. 9, ln 12-16 – The Department suggests clarifying the term “clear and unobstructed” photo. An otherwise clear photo of someone wearing sunglasses and a hat could be deemed clear and unobstructed for issuance of a citation; however, for prosecution purposes, such a photo would be insufficient to establish identification.

Pg. 10, ln 7-8 – According to the U.S. Postal Service (<https://www.usps.com/ship/insurance-extra-services.htm>), neither certified nor registered mail requires the signature of the intended recipient. Therefore, if a registered vehicle owner (“RO”) does not sign for the citation, he or she may not receive sufficient notice of the citation.

Pg. ln 9-10 – If an RO changes address, and the new residents at that address sign or refuse to sign for the certified or registered mail, the RO may not receive sufficient notice of the citation.

Pg. 14, ln 1-2 – H.B. 167, H.D. 1, should clarify whether “identifying the driver” means naming another person; providing additional contact information to cite that individual; and/or being willing to appear in court to identify that individual for purposes of prosecution. If simply naming another person is sufficient to rebut a citation, enforcement may be greatly hindered.

Pg. 14-15, ln 18-21, 1-2 – The Department would suggest rephrasing the penalty section to read as follows:

Penalty. A violation of section 291C-32(a)(3), Hawaii Revised Statutes, as determined by means of a photo red light imaging detector system, shall be as provided in section 291C-161, Hawaii Revised Statutes.

Due to Hawaii caselaw, it can be unusually burdensome and costly to prosecute low-level traffic offenses, to the point where implementation of a red light camera system—particularly enforcing cases that proceed to trial—may far exceed any fines imposed in a successful conviction. For example, prosecuting these citations would likely require the State to establish that the red light camera photo entered into evidence is legally reliable, which would require a technician from the selected vendor to appear in court for every potential trial. This would be problematic on Oahu, where the vendor may have to appear simultaneously at up to five different courthouses every day (Honolulu, Wahiawa, Waianae, Kaneohe and Ewa District Courts).

Lastly, this bill may inadvertently encourage or favor people who operate unregistered vehicles, or who operate vehicles registered to someone else. In either scenario, a citation would be mailed to the last known RO of the vehicle. In response, the RO could submit a copy of their driver’s license to the court, confirming that the RO was not operating the vehicle at the time of offense, and the court would be forced to dismiss the citation, further inhibiting enforcement.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports the intent of H.B. 1676, H.D. 1 with comments. Thank you for the opportunity to testify on this matter.



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

February 20, 2020

To: Representative Sylvia Luke, Chair –House Committee on Finance; Representative Ty J.K. Cullen, Vice Chair; and members of the committee

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

Re: House Bill 1676, HD1 – Relating to Highway Safety

MADD Hawaii is testifying in strong support of House Bill 1676 *Relating to Highway Safety*. As a member of the Red Light Camera Committee, MADD is in agreement with testimony previously provided by the Hawaii Department of Transportation and the preference for the program described in HB 2008. This bill better reflects the recommendations of the Red Light Committee based on its research conducted during the last year.

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 - and important - expression of MADD's goal to reduce death and injury caused by impaired driving.

Just as with other highway safety programs conducted in our state, the primary object of the photo red light imaging detection 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. More and more often we see the potential for horrendous crashes as vehicles speed through intersections long after the signal has turned red. MADD believes that red light detection systems 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.

The Photo Red Light Imaging Detection enforcement tool has received the backing of the National Highway Traffic Safety Administration, which claims the systems have been effective in reducing intersection-related crashes. MADD sees too many tragic crashes and too many grieving families. We believe that the red-light camera program could be an important way of reducing death and injury on Hawaii roads.

MADD urges the committee to pass HB 1676, HD1. Thank you for the opportunity to testify.

LATE

HB-1676-HD-1

Submitted on: 2/19/2020 8:25:44 PM

Testimony for FIN on 2/20/2020 11:00:00 AM

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

Comments:

I continue to support initiatives for red light enforcement. //

As a resident, I have been discouraged to see red light running that has become a dangerous social norm. //

As a paramedic, I have responded to numerous serious, critical and fatal injuries that were the direct result of red light running. //

As a bicycle commuter, a runner, and a father of school-aged children, I know that my own life and those of my loved ones may be impacted or even cut short unless there is greater education, engineering, enactment, and ENFORCEMENT regarding traffic safety. //

Thank you for your consideration. //

David Kingdon, MPH, Paramedic

LATE

HB-1676-HD-1

Submitted on: 2/20/2020 5:00:34 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Cullen, and Members of Finance,

When you're a leader in the wrong statistics it's time to act. Hawai'i leads the nation in disgraceful traffic statistics. For example, being a major killer of pedestrians, especially senior citizens, and injuring bicyclists and pedestrians at a high rate, prompts us to seek remedies. Traffic engineering can be negligent or it can save lives.

This measure provides funds for a speeding deterrent pilot project. The link between vehicular speed and your likelihood of surviving a collision is inverse (opposite). Reducing speeds with red lights can be a primary tactic for Hawai'i to induce speed limit compliance. It has been proven to work in other jurisdictions. All transportation grid users benefit through speeding deterrence, and it can prevent lethal accidents.

Please pass HB1676 HD1.

Mahalo,

Dylan P. Armstrong

LATE

HB-1676-HD-1

Submitted on: 2/20/2020 7:33:48 AM

Testimony for FIN on 2/20/2020 11:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Daphne Manago	Individual	Support	No

Comments:

I strongly support HB1676 HD1 relating to highway safety. Hawaii needs to take a proactive step to save lives on our streets. A photo red light imaging detector system will make drivers think twice about running red lights and change their driving behaviors. We have all seen cars running red lights and it has to stop. Let's implement this program and keep all pedestrians, cyclists, motorists safe on our streets. Thank you.