

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on Transportation**

January 29, 2020

H.B. No. 1676: RELATING TO HIGHWAY SAFETY

Hearing: Friday, January 31, 2020

Chair Aquino, Vice Chair Hashimoto, and Members of the Committees:

The Office of the Public Defender opposes H.B. No. 1676.

This measure would establish a photo red light imaging detector systems program. This system would be an unmanned, automated system, which would be triggered by sensors 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, a photographic, digital or other visual image of the driver of the vehicle would be taken. 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/she 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.

Furthermore, many family and households have multiple licensed drivers sharing a vehicle or vehicles, and the vehicle(s) are registered to only one of the licensed drivers of the household. Therefore, when a non-registered driver enters an intersection against a red light, the non-registered driver will not receive the citation; instead, the registered owner will receive the citation. When the registered owner responds to the citation by mail, he/she simply needs to submit his/her driver’s license along with a written statement asserting that the person depicted in the red-light photograph is not the registered owner. Because the driver license photograph of the registered owner does not match the photograph of the alleged violator, the presiding judge must dismiss the citation. Hence, the alleged violator will not be prosecuted. The citation will also be dismissed even if the registered owner is required to appear in court. Once the presiding judge determines that the person in court is the registered owner and that the person depicted in the red-light photograph is not of the registered owner, the citation must be dismissed. Again, the alleged violator will never be prosecuted.

We also believe that article I, section 10 of the Hawai‘i Constitution and the fifth amendment to the United States Constitution prohibits the presiding judge from compelling the registered owner

to testify and disclose the identity of the alleged violator in the red-light photograph. Therefore, enforcement of the traffic signals law via the red light imaging detector system for a substantial number of drivers (i.e., drivers operating vehicles not registered to them) will be rendered ineffective.

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? The difference between photo red light detection and the speeding vans is that in order to implement photo red light detection, monies must be spent up front, for the fixed cameras and embedded sensors. 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.

Other communities, most notably in California and Arizona, have begun to disband their photo red light programs. *See* Scazuillo, Steve, [San Gabriel Valley Tribune](https://www.sgvtribune.com/2014/01/21/red-light-cameras-being-stopped-across-southern-california-country/), "Red-light cameras being stopped across Southern California, country," January 21, 2014, updated August 30, 2017 (<https://www.sgvtribune.com/2014/01/21/red-light-cameras-being-stopped-across-southern-california-country/>, last visited January 29, 2020); *see also* Lapastora, Charlie, [Fox News](https://www.foxnews.com/us/red-light-cameras-come-under-fire-at-least-7-states-trying-to-ban-them), "Red-light cameras come under fire, at least 7 states trying to ban them," January 31, 2018 (<https://www.foxnews.com/us/red-light-cameras-come-under-fire-at-least-7-states-trying-to-ban-them>, last visited January 29, 2020).

Moreover, in some communities, 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.

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, and 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 delay between the red/green light sequences would also decrease the amount of collision at intersections. Studies have shown that lengthening a yellow light by even one second will have a significant impact on reducing red light violations and traffic accidents. Extending the yellow light and creating a short delay between the red and green light is more effective than photo red light enforcement, and does not cost the taxpayer any money. A photo red light detection system will not pay for itself. It will have to be funded by the taxpayers year after year.

Additionally, we have concerns with the methodology to be used in the selection of the intersections where the equipment shall be posted. The measure, in SECTION 6(a), directs that "the photo red light imaging detector equipment shall be positioned . . . at the ten intersections with the highest motor vehicle accident rates during the time period commencing January 1, 2018, and ending on March 15, 2019." Data regarding the intersections with the highest motor vehicle

**2014 HONOLULU INTERSECTION LOCATIONS WITH ACCIDENTS INVOLVING DRIVERS
DISREGARDING THE TRAFFIC SIGNAL**

| Number Killed | Number Injured | Street Highway | Reference Name | # Accidents | AADT |
|----------------------|-----------------------|-----------------------|-----------------------|--------------------|-------------|
| 0 | 7 | KAMEHAMEHA HWY | VALKENBURGH ST | 7 | 31400 |
| 0 | 2 | ALGAROBA ST | MCCULLY ST | 6 | |
| 0 | 7 | PALI HWY | SCHOOL ST | 5 | 21700 |
| 0 | 9 | KING ST | ISENBERG ST | 5 | |
| 0 | 3 | KING ST | MCCULLY ST | 4 | |
| 0 | 2 | WARD AVE | BERETANIA ST | 4 | |
| 1 | 1 | NIMITZ HWY | PUUHALE RD | 3 | 62200 |
| 0 | 3 | ALA MOANA BLVD | HOBRON LN | 3 | 36700 |
| 0 | 3 | KING ST | KOHOU ST | 3 | |
| 0 | 3 | KING ST | PIIKOI ST | 3 | |
| 0 | 0 | EB OFF>KUNIA NB | KUNIA RD | 2 | N/A |
| 0 | 3 | KALIHI ST | NIMITZ HWY | 2 | 10100 |
| 0 | 5 | KALIHI ST | DILLINGHAM BLVD | 2 | 14300 |
| 0 | 12 | LIKELIKE HWY | KAHEKILI HWY | 2 | 44400 |
| 0 | 0 | KALANIANA'OLE HWY | LUNALILO HOME RD | 2 | 30800 |
| 0 | 1 | KAHEKILI HWY | HAIKU RD | 2 | 28800 |
| 0 | 3 | ALA MOANA BLVD | QUEEN ST | 2 | 47000 |
| 0 | 4 | KAMANANUI RD | KAUKONAHUA RD | 2 | 11198 |
| 0 | 0 | KAMEHAMEHA HWY | KIPAPA ST | 2 | 16900 |
| 0 | 1 | KAMEHAMEHA HWY | KAONOHI ST | 2 | 49300 |
| 0 | 3 | KAMEHAMEHA HWY | LIPOA PL | 2 | 49300 |
| 0 | 3 | MAKAKILO DR | FARRINGTON HWY | 2 | 34700 |
| 0 | 2 | KAMEHAMEHA HWY | MIDDLE ST | 2 | 34506 |
| 0 | 0 | AOLELE ST | PAIEA ST | 2 | |
| 0 | 0 | CITRON ST | MCCULLY ST | 2 | |
| 0 | 2 | KEEAUMOKU ST | RYCROFT ST | 2 | |
| 0 | 0 | KUHIO AVE | KANEKAPOLEI ST | 2 | |
| 0 | 4 | LUNALILO ST | WARD AVE | 2 | |
| 0 | 2 | MCCULLY ST | FERN ST | 2 | |
| 0 | 3 | MIDDLE ST | KING ST | 2 | |
| 0 | 1 | NUUANU AVE | KUKUI ST | 2 | |
| 0 | 1 | NUUANU AVE | WYLLIE ST | 2 | |
| 0 | 0 | WAIALAE AVE | 16TH AVE | 2 | |
| 0 | 1 | YOUNG ST | PIIKOI ST | 2 | |

APPENDIX "A"

**2015 HONOLULU INTERSECTION LOCATIONS WITH ACCIDENTS INVOLVING DRIVERS
DISREGARDING THE TRAFFIC SIGNAL**

| Number Killed | Number Injured | Street Highway | Reference Name | # Accidents | ADT |
|----------------------|-----------------------|-----------------------|-----------------------|--------------------|------------|
| 0 | 10 | KAMEHAMEHA HWY | ACACIA RD | 8 | 60282 |
| 0 | 3 | KING ST | ISENBERG ST | 6 | |
| 0 | 2 | KALIHI ST | SCHOOL ST | 4 | 34200 |
| 0 | 0 | BERETANIA ST | KALAKAUA AVE | 3 | |
| 0 | 1 | KAPOLEI PKWY | KAMAAHA AVE | 3 | |
| 0 | 8 | LIKELIKE HWY | KAHEKILI HWY | 3 | 44844 |
| 0 | 3 | PIIKOI ST | KINAU ST | 3 | |
| 0 | 4 | PIIKOI ST | YOUNG ST | 3 | |
| 0 | 3 | VINEYARD BLVD | LILIHA ST | 3 | 19400 |
| 0 | 5 | FARRINGTON HWY | WAIPAHU DEPOT ST | 2 | 33269 |
| 0 | 3 | FORT BARRETTE RD | FARRINGTON HWY | 2 | 35500 |
| 0 | 4 | FORT WEAVER RD | KOLOWAKA DR | 2 | 51200 |
| 0 | 5 | KALAELOA BLVD | KAPOLEI PKWY | 2 | |
| 0 | 2 | KALAKAUA AVE | YOUNG ST | 2 | |
| 0 | 2 | KAMEHAMEHA HWY | CAMP CATLIN RD | 2 | 30200 |
| 0 | 1 | KAMEHAMEHA HWY | HEKAHA ST | 2 | 43981 |
| 0 | 4 | KING ST | KOHOU ST | 2 | |
| 0 | 1 | KING ST | MCCULLY ST | 2 | |
| 0 | 0 | MCCULLY ST | ALGARROBA ST | 2 | |
| 0 | 1 | MCCULLY ST | CITRON ST | 2 | |
| 0 | 0 | MIDDLE ST | KAUA ST | 2 | N/A |
| 0 | 1 | NIMITZ HWY | AOLELE ST | 2 | 30200 |
| 0 | 4 | PALI HWY | SCHOOL ST | 2 | 21700 |
| 0 | 2 | WAIALAE AVE | 8TH AVE | 2 | |
| 0 | 1 | WAIALAE AVE | KILAUEA AVE | 2 | |
| 0 | 2 | WAIPAHU ST | PAIWA ST | 2 | |
| 0 | 2 | WARD AVE | LUNALILO ST | 2 | |

**2016 HONOLULU INTERSECTION LOCATIONS WITH ACCIDENTS INVOLVING
DRIVERS DISREGARDING THE TRAFFIC SIGNAL**

| Number Killed | Number Injured | Street Highway | Reference Name | # Accidents | ADT |
|----------------------|-----------------------|-----------------------|-----------------------|--------------------|------------|
| 0 | 6 | KEEAUMOKU ST | YOUNG ST | 4 | |
| 0 | 2 | BERETANIA ST | WARD AVE | 3 | |
| 0 | 13 | KAMANANUI RD | KAUKONAHUA RD | 3 | 9500 |
| 0 | 1 | KAMEHAMEHA HWY | KANEOHE BAY DR | 3 | 29600 |
| 0 | 1 | LIKELIKE HWY | KAHEKILI HWY | 3 | 37600 |
| 0 | 3 | MCCULLY ST | ALGAROBA ST | 3 | |
| 0 | 3 | PIIKOI ST | KINAU ST | 3 | |
| 0 | 1 | BERETANIA ST | NUUANU AVE | 2 | |
| 0 | 1 | EB OFF>KUNIA NB | KUNIA RD | 2 | N/A |
| 0 | 0 | EB OFF>MIDDLE ST | MIDDLE ST | 2 | N/A |
| 0 | 2 | FARRINGTON HWY | LEOLE ST | 2 | 34236 |
| 0 | 0 | HAIKU RD | ALALOA ST | 2 | |
| 0 | 2 | KAHEKILI HWY | KEAAHALA RD | 2 | 47700 |
| 0 | 2 | KAMEHAMEHA HWY | CENTER DR | 2 | 31725 |
| 0 | 1 | KAMEHAMEHA HWY | HEKAHA ST | 2 | 44434 |
| 0 | 2 | KAMEHAMEHA HWY | LANIKUHANA AVE | 2 | 21400 |
| 0 | 0 | KAMEHAMEHA HWY | PALI MOMI ST (IN) | 2 | 52339 |
| 0 | 2 | KAMEHAMEHA HWY | PUU MOMI ST | 2 | 37297 |
| 0 | 3 | KAMEHAMEHA HWY | VALKENBURGH ST | 2 | 29100 |
| 0 | 1 | KAUA ST | MIDDLE ST | 2 | N/A |
| 0 | 0 | KING ST | KALAKAUA AVE | 2 | |
| 0 | 1 | KING ST | UNIVERSITY AVE | 2 | |
| 0 | 1 | MCCULLY ST | CITRON ST | 2 | |
| 0 | 0 | MIDDLE ST | KING ST | 2 | 14281 |
| 0 | 1 | MOANALUA EB>WB ON | MOANALUA RD | 2 | N/A |
| 0 | 1 | MOKAUEA ST | KALANI ST | 2 | |
| 0 | 5 | NIMITZ HWY | OHOHIA ST | 2 | 29100 |
| 0 | 5 | NUUANU AVE | HOTEL ST | 2 | |
| 0 | 1 | PIIKOI ST | YOUNG ST | 2 | |

**2017 HONOLULU INTERSECTION LOCATIONS WITH ACCIDENTS INVOLVING DRIVERS
DISREGARDING THE TRAFFIC SIGNAL**

| Number Killed | Number Injured | Street Highway | Reference Name | # Accidents | ADT |
|----------------------|-----------------------|-----------------------|-------------------------|--------------------|------------|
| 0 | 0 | MIDDLE ST | KING ST | 4 | 14424 |
| 0 | 3 | KING ST | KOHOU ST | 3 | |
| 0 | 2 | MIDDLE ST | BUS TERMINAL/C&C REFUSE | 3 | 14424 |
| 0 | 2 | NIMITZ HWY | PAIEA ST | 3 | 29000 |
| 0 | 2 | FARRINGTON HWY | LEOLE ST | 2 | 36500 |
| 0 | 1 | H3W OFF | KAMEHAMEHA HWY | 2 | 33195 |
| 0 | 2 | HENE ST | HONOWAI ST | 2 | |
| 0 | 5 | KAMANANUI RD | WILIKINA DR | 2 | 17800 |
| 0 | 1 | KAMEHAMEHA HWY | CALIFORNIA AVE | 2 | 56500 |
| 0 | 1 | KAMEHAMEHA HWY | KANEOHE BAY DR | 2 | 31800 |
| 0 | 2 | KEEAUMOKU ST | YOUNG ST | 2 | |
| 0 | 3 | KINAU ST | PIIKOI ST | 2 | |
| 0 | 2 | KING ST | ISENBERG ST | 2 | |
| 0 | 1 | KING ST | MCCULLY ST | 2 | |
| 0 | 1 | LIKELIKE HWY | ANOI RD | 2 | 31800 |
| 0 | 1 | LIKELIKE HWY | NALANIEHA ST | 2 | 35653 |
| 0 | 0 | MOANALUA RD | HOOLAULEA ST | 2 | |
| 0 | 0 | PIIKOI ST | KONA ST | 2 | |

**2018 HONOLULU INTERSECTION LOCATIONS WITH ACCIDENTS INVOLVING DRIVERS
DISREGARDING THE TRAFFIC SIGNAL**

| Number Killed | Number Injured | Street Highway | Reference Name | # ACCIDENTS | ADT |
|----------------------|-----------------------|-----------------------|-----------------------|--------------------|------------|
| 0 | 6 | LIKELIKE | KAHEKILI | 5 | 38100 |
| 0 | 2 | KING | MCCULLY | 4 | 24006 |
| 0 | 3 | FERN | MCCULLY | 3 | |
| 0 | 1 | HARDING | KAPAHULU | 3 | |
| 0 | 1 | CITRON | MCCULLY | 2 | |
| 0 | 5 | DILLINGHAM | MOKAUEA | 2 | |
| 0 | 3 | FARRINGTON | LEOOLE | 2 | 36500 |
| 0 | 2 | FARRINGTON | MAKAKILO | 2 | 37200 |
| 0 | 1 | FORT WEAVER | KUNIA | 2 | 41500 |
| 0 | 2 | KAPOLEI | KEAUNUI | 2 | |
| 0 | 5 | KEEAUMOKU | YOUNG | 2 | |
| 0 | 1 | KING ST | KALAKAUA | 2 | 24006 |
| 0 | 0 | LAKEVIEW | WILIKINA | 2 | 38500 |
| 0 | 5 | MCCULLY | ALGAROBA | 2 | |
| 0 | 3 | MCCULLY | YOUNG | 2 | |
| 0 | 4 | WARD | LUNALILO | 2 | 4900 |

accidents involving drivers disregarding traffic signals from 2014 to 2018 was provided to the Red Light Running Committee established by the 2019 State Legislature in Senate Bill 663, S.D.2, H.D.1, C.D.1. (Data is attached hereto as Appendix "A"). As one can see, the intersections with the highest number of accidents in one year is not on the list for the other years. Therefore, another method of selecting intersections should be considered.

Finally, if this measure is enacted, all photographs or recorded images should be reviewed and approved by the county police to determine whether a red light infraction exists prior to any notice of traffic infraction is mailed to the registered owner. This requirement is essential, as one of the problems with the "van-cam" several years ago was that the citations were issued without any review by the county police. A police review will reduce the risk of wrongfully issued citations and minimize the number of contested hearings. In the city of Virginia Beach, Virginia, where the police review each photograph, 58% of total violations captured by the cameras in 2010 were thrown out. 30.32% of the total captured violations were dismissed because the police determined that the vehicle completed a safe turn on red. *See* National Cooperative Highway Research Program Report No. 729, Automated Enforcement for Speeding and Red Light Running.

Thank you for the opportunity to comment on H.B. No. 1676.

DAVID Y. IGE
GOVERNOR



CRAIG K. HIRAI
DIRECTOR

ROBERT YU
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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HONOLULU, HAWAII 96810-0150

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

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 TRANSPORTATION
ON
HOUSE BILL NO. 1676

January 31, 2020
10:00 a.m.
Room 423

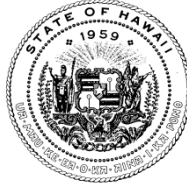
RELATING TO HIGHWAY SAFETY

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

H.B. No. 1676 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 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.



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

LATE

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

January 31, 2020
10:00 A.M.
State Capitol, Room 423

H.B. 1676
RELATING TO HIGHWAY SAFETY

House Committee on Transportation

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

Drivers of motor vehicles violating Hawaii's traffic laws has become intolerable especially those that 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.

DOT believes that intersections within any county should be selected for the placement of photo red light imaging detector equipment based on the criteria recommended by the red light running committee. However, H.B. 1676 provides that ten intersections within a "pilot program designated area" with the "highest accident rates" be installed with photo red light imaging detector equipment. However, crashes at intersections may be caused by other factors not associated with red light running violations.

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 (ie: crash reports (fatality, injury, property damage) and citations as well as volume/traffic counts and conduct a study addressing various engineering countermeasures.

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 12 to 13; (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 a

provisions that any summons or citations issued, or convictions for a photo red light imaging violation is 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.

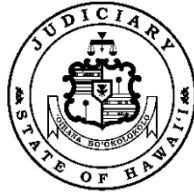
During calendar years 2015 to 2018, a total of 13 deaths statewide occurred from a driver of a motor vehicle disregarding a red light traffic-control signal.

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 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

Committee on Transportation

Rep. Henry J.C. Aquino, Chair
Rep. Troy N. Hashimoto, Vice Chair

January 31, 2020, 10:00 a.m.
State Capitol, Conference Room 423

WRITTEN TESTIMONY ONLY

By
Calvin C. Ching
Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 1676 – 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.

Judiciary's Position:

The Judiciary appreciates the intent of the proposed bill, but respectfully notes that the current form of the bill contains ambiguities. If unaddressed, these ambiguities could lead to inconsistent results, increased costs, and inconvenience to the public.

The bill contemplates that a notice of traffic infraction for failing to stop at a red light in violation of Haw. Rev. Stat. § 291C-32 will be sent to the registered owner of the motor vehicle; that a photographic, digital, or other visual image of the operator of the motor vehicle, along with other information, will be provided to the registered owner of the motor vehicle as prima facie



evidence of the alleged infraction; that the registered owner may contest the citation and present rebuttal evidence; and that failure to answer the notice of traffic infraction will result in a default judgment.

However, section 8 of the bill implies that the citation might be issued to the motor vehicle, rather than the registered owner of the motor vehicle, introducing ambiguity into the process. Such ambiguity could lead to inconsistent interpretation as to the person/organization/entity to be listed on the citation and impact the processing of the notice of traffic infraction.

To address the ambiguity, the Judiciary respectfully requests that the following modification of section 8 be considered:

SECTION 8. Registered owner's responsibility for a notice of infraction. In any proceeding for a violation of this Act, the information contained in the notice of traffic infraction mailed in accordance with section 7 of this Act shall be deemed evidence that the registered owner of the motor vehicle violated section 291C-32(a)(3), Hawaii Revised Statutes.

The Judiciary is also concerned that there can be discrepancies between the information provided to the court and the information reflected in the records of other agencies with authority over the registration of motor vehicles. Although we live in the digital age, records are not always readily available in electronic format. The transfer of motor vehicle registration is not instantaneous; if sellers and buyers of motor vehicles do not immediately submit the documents to the agencies responsible for motor vehicle registration, the records may not be accurate. Addressing and resolving such discrepancies will require additional staffing and resources; if additional staffing and resources are not provided, existing staffing and resources will need to be diverted from other court services and programs to the detriment of the public.

The Judiciary 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.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

January 31, 2020

TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

House Bill 1676 – Relating to Highway Safety

The Disability and Communication Access Board (DCAB) **SUPPORTS** House Bill 1676. 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 embodies these principles and DCAB urges your support.

Thank you for the opportunity to provide testimony.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

LATE

Harry Kim
Mayor



Roy Takemoto
Managing Director

Barbara J. Kossow
Deputy Managing Director

County of Hawai'i Office of the Mayor

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January 29, 2020

Representative Henry J.C. Aquino, Chair
Representative Troy N. Hashimoto, Vice Chair
Committee on Transportation

Dear Chair Aquino, Vice Chair Hashimoto, and Committee Members:

RE: HB 1676, Relating to Highway Safety

Thank you for hearing HB 1676. I testify in support of this measure.

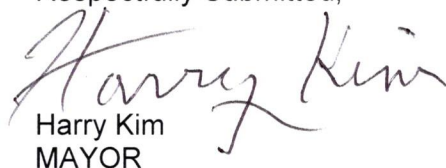
As our populations grow, so does traffic, leading to more traffic congestion and greater driver frustration. Frustration, in turn, can lead to more carelessness or more risk taking, such as pushing the envelope on running red lights to save a few precious seconds.

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 will provide that opportunity for those counties that wish to participate.

I ask for your favorable action on HB 1676.

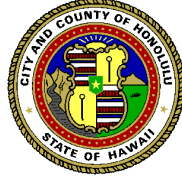
Respectfully Submitted,


Harry Kim
MAYOR

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • web: www.honolulu.gov

KIRK CALDWELL
MAYOR



WES FRYSZTACKI
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR

TESTIMONY TO THE
HOUSE COMMITTEE ON TRANSPORTATION (TRN)

JANUARY 31, 2020
10:00 AM

**IN SUPPORT OF
HB 1676 – RELATING TO HIGHWAY SAFETY**

Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

The Department of Transportation Services supports this measure. Increasing safety on Oahu's roads is a high priority for the City and County of Honolulu.

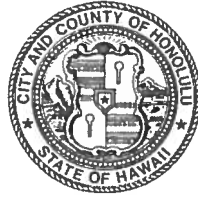
Drivers who run red lights endanger themselves, as well as other drivers and pedestrians in and around the intersection. Photo red light imaging detector systems are a proven deterrent of red light-running and they improve safety for drivers and pedestrians in an efficient and cost-effective manner. Deployment of this kind of system would complement several initiatives currently implemented aimed at reducing vehicle crashes and traffic fatalities and injuries, many of which occur at signalized intersections.

The Department of Transportation Services looks forward to working with the Hawaii Department of Transportation and partnering with other City agencies to successfully deploy and implement these systems.

Thank you for consideration of this measure and for the opportunity to provide this testimony.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



KIRK CALDWELL
MAYOR

SUSAN BALLARD
CHIEF

JOHN D. McCARTHY
CLYDE K. HO
DEPUTY CHIEFS

OUR REFERENCE CT-LC

January 31, 2020

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Transportation
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 423
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

SUBJECT: House Bill No. 1676, 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, 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, which will make our roadways safer and reduce the number of intersection-related crashes throughout the state.

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

Thank you for the opportunity to testify.

APPROVED:

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

Susan Ballard
Chief of Police

Sincerely,

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

Calvin Tong, Major
Traffic Division

January 31, 2020

TO: Representative Henry J.C. Aquino, Chair Transportation
Representative Troy N. Hashimoto, Vice Chair Transportation
Members of the House Transportation Committee

FR: AAA Hawaii

RE: **HB1676 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.

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 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 to make it a more effective bill in addressing the red-light running hazards in our state.

Sincerely,

Liane Sumida

Liane Sumida
General Manager

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

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HB-1676

Submitted on: 1/31/2020 7:48:52 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

LATE

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------------------|---------------------------|---------------------------|
| John Bickel | Americans for Democratic Action | Comments | No |

Comments:

ADA supports the concept of using government-operated red-light cameras for enforcement of law to make intersections safe. However, we note there is no language currently in the bill ensuring that operation and enforcement is not privatized to the benefit of private contractors.

We would support the bill if it is amended to specify that a red-light camera enforcement program would be operated by government only, consistent with the concern of ADA that law enforcement is never appropriate for privatization to private contractors.

Law enforcement and penalties for violations should remain in the public sector, fully accountable to the public. There should never be a private financial motive influencing enforcement of laws or for imposing fines or other penalties.

We understand it may be necessary to employ vendors to sell or install equipment, but that the operation of the equipment in the enforcement of traffic laws should remain in the public sector, and all fines should remain in the public sector, not payable to any private contractor, due to the concerns of public accountability and public interest in the fair enforcement of law in the public interest.



January 30, 2020

Testimony in Support of HB1676 Relating to Highway Safety

Aloha Chair Aquino, Vice Chair Hashimoto, and esteemed members of the Committee on Transportation:

Hawaii Bicycling League **supports with amendments** House Bill 1676 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. This red light committee 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 reached agreement on the report recommendations. The report represents best practices in red light running photo enforcement as considered by government agencies who would implement the red light program.

However, this bill proposes provisions that contradict some of the recommendations made by the red light committee.

| Red Light Committee recommendation | HB1676 |
|--|--|
| take photographs of the vehicle running the red light and hold the registered owner liable (20 states do this); use driver photograph only when needed | require photograph of driver (3 states do this) |
| provide notification of citation by first class mail | registered or certified mail (expensive and not effective) |

| Red Light Committee recommendation | HB1676 |
|--|--|
| allow 10 days for the citation to be mailed (other jurisdictions allow 14, 21, or 30 days) | 72 hours |
| allow the county police and transportation agencies to make determination of camera locations island-wide based on data regarding red light running incidents, volume/traffic counts, fatalities, injuries, crashes, and citations | 10 highest crash intersections within specifies boundaries of major arterials in Honolulu city |
| pilot program to be three years from start of camera operations (allowing for preparation, training, and procurement) | three years from 7/1/20 - 6/30/23 |

Hawaii Bicycling League suggests that HB2008 Relating to Highway Safety incorporates more of the committee recommendations.

Please consider amending this bill with the content of HB2008, or hearing and passing HB2008.

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



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Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: January 30, 2020

To: Representative Henry Aquino, Chair
Representative Troy Hashimoto, Vice Chair
Members of the Committee on Transportation

Re: Support for HB 1676, Relating to Highway Safety

Hrg: January 31, 2020 at 10:00 AM at Conference Room 423

The Obesity Prevention Task Force of the Hawai'i Public Health Instituteⁱ is in **Support of HB1676**, which 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.

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.

Increasing road safety for all users is critical to achieving Vision Zero and encouraging active transportation such as walking and biking. We support efforts to promote and improve safety and mobility for all residents, and ask to pass HB 1676 out of committee.

Thank you for the opportunity to provide testimony.

Mahalo,

A handwritten signature in black ink that reads 'Jessica Yamauchi'.

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/>



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

January 31, 2020

To: Representative Henry JC Aquino, Chair –House Committee on Transportation;
Representative Troy N. Hashimoto, Vice Chair; and members of the committee

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

Re: House Bill 1676 – Relating to Highway Safety

MADD Hawaii is testifying in strong support of House Bill 1676 *Relating to Highway Safety*.

Being vitally interested in highway safety, the members of MADD Hawaii endorse measures to protect our citizens by making enforcement of traffic laws more effective. The organization believes that Hawaii's counties should join the hundreds of other communities across the country that are reducing crashes through the implementation of photo red-light detector systems. However, MADD agrees that the appropriate approach for starting the program is to use a pilot project approach in any County or Counties that are willing. Honolulu County is the logical county to participate and others may join the program.

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.

As a member of the committee authorized by the 2019 Legislature to further investigate Red Light Cameras for Hawaii and to report back to the 2020 Legislature, I can vouch for the excellent research, discussion, and drafting that resulted in the bill you have before you. And, as a person who has known a young foreign student who was severely injured by a red-light runner on Kalaniana'ole Highway a few years ago, I have a personal reason to want red light running cameras installed as soon as possible.

MADD urges the committee to pass HB 1676 to start the process of increasing the safety of Hawaii's roads..

Thank you for the opportunity to testify.



Peoples Advocacy For Trails Hawai'i

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

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Subject: Support HB1676
Relating to Highway Safety
Hearing Time and Date: Friday, 01-31-20 10:00AM
Room: 423

Dear Chair Henry J.C. Aquino, Vice Chair Troy Hashimoto, and members of the House Committee on Transportation,

My name is Tina Clothier and I am the Strategic Projects Director for PATH~Peoples Advocacy for Trails Hawaii and a member of the Hawaii County Vision Zero Task Force. The Hawaii County Vision Zero Task Force has identified as a priority for 2020.

Recent analysis by FARS ranks Hawaii as the 5th worst in the nation for speed-related driving fatalities.¹ In addition, 2008-2017 FARS data reveals Hawaii as being above the national average for alcohol-impaired driving fatalities for the entire decade. We currently rank the 5th worst in the nation for the percentage of alcohol-impaired driving fatalities.² We applaud the legislature for the desire to reverse this trend and work towards eliminating deaths on our roadways.

HB1676 complements state and county vision zero efforts to eliminate traffic fatalities by 2030. This measure places emphasis on the two leading factors in roadway deaths in Hawaii, speed and impairment.

The Hawaii Vision Zero has a goal of ZERO traffic fatalities in Hawaii County by 2030. You can help us achieve our goal of reducing yearly fatalities, by supporting this measure.

The Hawaii County Vision Zero plan is being drafted and will be presented to Mayor Kim at the end of February.

Sincerely,

Tina Clothier
Strategic Projects Director

¹ https://icsw.nhtsa.gov/nhtsa/fars/speeding_data_visualization/

² <https://crashstats.nhtsa.dot.gov/Api/Public/ViewPublication/812630>

HB-1676

Submitted on: 1/30/2020 9:01:14 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Katie Folio | Individual | Support | No |

Comments:

Aloha Chair Aquino, Vice Chair Hashimoto, and honorable members of the Committee on Transportation.

I write today as a concerned citizen in support of HB1676. Red light and speeding enforcement cameras can be helpful enforcement tools to deter these behaviors and reduce traffic crashes, injuries and fatalities. According to the Hawai'i State Department of Transportation, there have been 1,616 intersection crashes from red light and other traffic signal violations between 2011 and 2016, and 13 deaths from drivers disregarding a red light between 2011 and 2018. Red light cameras have been found to reduce crashes at signalized intersections by 25-30% and reduce the most serious crashes that are most likely to result in serious injury or death.

Taking this step will help create more safety on our roads for our drivers, bikers, and pedestrians. Please pass this bill through your committee.

Mahalo nui loa,

Katie Folio

Kula, HI 96790

TO: Members of the Committee on Transportation

FROM: Natalie Iwasa
808-395-3233

HEARING: 10:00 a.m. Wednesday, February 20, 2019

SUBJECT: HB1676 Highway Safety (Red Light Imaging) - **OPPOSED**



Aloha Chair and Committee Members,

Thank you for allowing me the opportunity to provide testimony on HB1676, which would allow counties to establish a red light imaging detector system pilot program. I oppose this bill and urge you to vote “no.”

Our legal system was built on the premise that people are innocent until proven guilty. **If this bill were to be made law, people would be treated as guilty until they prove themselves innocent. That goes against the foundation of our legal system.**

In addition, there is no guarantee that this program would create safer roads. It may, however, increase the number of rear end crashes.

Please vote “**no**” on HB1676.

HB-1676

Submitted on: 1/29/2020 9:37:28 AM

Testimony for TRN on 1/31/2020 10:00:00 AM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Victor K. Ramos | Individual | Support | No |

Comments: