



*The Judiciary, State of Hawai'i*

**Testimony to the Thirtieth State Legislature, 2020 Session**

**Senate Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Tuesday, February 25, 2020, 12:00 p.m.  
State Capitol, Conference Room 016

**WRITTEN TESTIMONY ONLY**

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

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**Bill No. and Title:** Senate Bill No. 2994, S.D. 1, Relating to Highway Safety.

**Purpose:** Establishes the Photo Red Light Imaging Detector Systems Program (Program). Authorizes counties to administer the Program. Requires proceeds of fines to be expended in the county from which they were collected for operation of Program. (SD1)

**Judiciary's Position:**

The Judiciary provides the following comments and concerns regarding resources and conflicts between this bill and existing statutes. The Judiciary appreciates the intent of the proposed bill and from an operational standpoint, the Judiciary does not oppose the bill as long as sufficient resources are appropriated and sufficient time is provided for implementation. The Judiciary is open to further discussions with Hawaii Department of Transportation to ensure that any necessary changes to other statutes are made.

The Judiciary is 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.

In Section 2, proposed §-11 of the bill also contemplates that citations for red light infractions initiated through photo red light camera systems will not be recorded on traffic abstracts. However, the law currently requires that all moving violations arising from the operation of a motor vehicle must be included in a person's traffic abstract. Specifically, Haw. Rev. Stat. § 287-3 provides:

§287-3 Furnishing of operating records. (a) The traffic violations bureaus of the district courts, upon request, shall furnish any person a certified abstract of the bureaus' record, if any, of any person relating to all alleged moving violations and any convictions resulting there from, arising from the operation of a motor vehicle and any administrative license revocation pursuant to chapter 291E, part III and chapter 286, part XIV, as it was in effect on or before December 31, 2001. The traffic violations bureaus may collect a fee, not to exceed \$20, of which \$18 shall be deposited into the general fund and \$2 shall be deposited into the judiciary computer system special fund.

Under the plain language of Haw. Rev. Stat. § 291C-32, disregarding a traffic control signal would appear to be a moving violation arising from the operation of a motor vehicle, regardless of whether the alleged violation was personally observed by a police officer or captured on a recording by a photo red light imaging detector system. *See State v. Cooley*, 123 Hawai'i 293, 296 (2010) (to determine whether a traffic offense is a moving violation, courts must consider the plain language of the underlying statute).

Finally, in section 2, § - 13 of the bill contemplates that all fines collected for citations issued by and/or through a photo red light imaging detector system must be paid into a separate fund. The Judiciary notes that the proposed creation of this special fund would necessitate the creation of two entirely separate systems for processing citations issued under Haw. Rev. Stat. § 291C- 32(a)(3): one system for citations issued by a police officer and a second system for citations issued by and/or through a photo red light imaging detector system. This means that additional funds would need to be appropriated in order to create and produce new citation forms for citations issued by and/or through a photo red light imaging detector system; for integration of the new citations with JIMS (the Judiciary Management Information System); and for additional support staff.

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  
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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 SENATE COMMITTEE ON JUDICIARY  
ON  
SENATE BILL NO. 2994, S.D. 1

**February 25, 2020**  
**12:00 p.m.**  
**Room 016**

**RELATING TO HIGHWAY SAFETY**

The Department of Budget and Finance offers comments on the creation of the Photo Red Light Imaging Detector Systems Program Special Fund (PRLIDSPSF).

Senate Bill (S.B.) No. 2994, S.D. 1, establishes the Photo Red Light Imaging Detector Systems Program, administered by the counties, to help improve the enforcement of traffic signal laws. This bill also establishes the PRLIDSPSF, administered by the Department of Transportation, into which shall be paid revenues collected pursuant to this chapter. All proceeds of fines shall be expended in the county from which they were collected for the establishment, operation, management and maintenance of a photo red light imaging detector system.

As a matter of general policy, the department does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought

and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to S.B. No. 2994, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

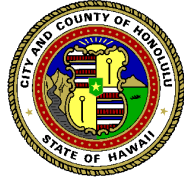
Further, there is no special fund appropriation to support the program as envisioned in the bill.

Thank you for your consideration of our comments.

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  
SENATE COMMITTEE ON JUDICIARY (JDC)

FEBRUARY 25, 2020  
12:00 PM

**IN SUPPORT OF  
SB 2994, SD 1– RELATING TO HIGHWAY SAFETY**

Chair Rhoads, Chair Keohokalole, 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. This measure reflects the recommendations from the Red Light Running Committee established by Act 131, Session Laws of Hawaii 2019.

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.

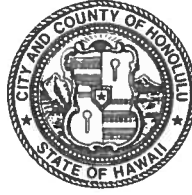
Thank you for consideration of this measure and for the opportunity to provide this testimony.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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

**LATE**

KIRK CALDWELL  
MAYOR



SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
CLYDE K. HO  
DEPUTY CHIEFS

OUR REFERENCE CT-LC

February 25, 2020

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2994, S.D. 1, Relating to Highway Safety

I am Stephen J. Silva, Jr., Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2994, S.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. The project will assist with making our roadways safer and reducing the number of intersection-related crashes throughout the state.

The HPD urges you to support Senate Bill No. 2994, S.D. 1, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

Handwritten signature of Susan Ballard in cursive script.

Susan Ballard  
Chief of Police

Handwritten signature of Stephen J. Silva, Jr. in cursive script.

Stephen J. Silva, Jr., Acting Major  
Traffic Division

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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February 24, 2020

**LATE**

Kenekoa/Senator Karl Rhoads, Luna Ho'omalua/Chair  
Kenekoa/Senator Jarrett Keohokalole, Hope Luna Ho'omalua/Vice Chair  
Committee on Judiciary

Dear Chair Rhoads, Vice Chair Keohokalole, and Committee Members:

**RE: SB 2994, SD1 Relating to Highway Safety**

Thank you for hearing SB 2994, SD1. I testify in support of this measure.

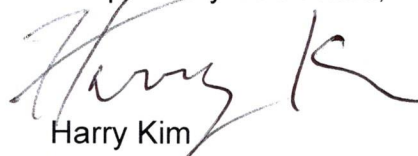
As our populations grow, so does traffic, leading to more traffic congestion and greater driver frustration. Frustration, in turn, can lead to more carelessness or more risk taking, such as pushing the envelope on running red lights to save a few seconds on one's journey.

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 SB 2994, SD1 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. SB 2994, SD1 will provide that opportunity for those counties that wish to participate.

I ask for your favorable action on SB 2994, SD1.

Respectfully Submitted,

  
Harry Kim  
MAYOR



February 23, 2020

## Testimony in Strong Support of SB2994 Relating to Highway Safety

Aloha Chair Rhoads, Vice Chair Keohokalole, Senate Committee on Transportation, and esteemed members of the committee:

Hawaii Bicycling League **strongly supports with suggested amendments** Senate Bill 2994, a program for photo red light imaging detector systems. Last session the legislature determined that red light running is dangerous, and that red light cameras reduce red light running, crashes, injuries, and deaths.

**Hawaii Red Light Running Committee recommendations.** The Hawaii 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](https://www.capitol.hawaii.gov/session2020/bills/DC250_.pdf).

Hawaii Bicycling League spent ten years doing research on red light cameras, visited red light camera operations in Culver City, CA and New York City, NY, and participated in three Vision Zero conferences as part of the national Vision Zero coalition where the red light camera issue is widely covered.

**New York City Red Light Camera Program Successful.** NYC has the longest running and most successful red light running Program in the US. Fines are low; repeat offender rates are low.

<https://www1.nyc.gov/html/dot/downloads/pdf/nyc-red-light-camera-program.pdf>. In NYC:

- the average daily number of red light running violations issued at each camera location has declined by over 75 percent
- comparison of the three years prior to the launch of the Program to the most recent three year period for which data is available shows that reportable right angle crashes at signalized intersections have declined by 71 percent citywide, from 7,221 to 2,084 annually
- severe injuries from such crashes have declined by over 83 percent, from 633 to 103 annually
- the program has not led to an increase in rear-end crashes. A comparison of the three years prior to the launch of the Program to the most recent three year period shows that reportable rear end crashes at signalized intersections have declined by 41 percent



citywide, from 7,348 annually to 4,344 annually. In addition severe injuries from such rear-end crashes have declined by 63 percent, from 341 to 126 annually.

- the Program has proven to be a valuable tool for deterring law-breaking and protecting New Yorkers at signalized intersections. People still die and get injured, but red light running crashes are drastically reduced, moving communities closer to Vision Zero.

**New York State Statute Proven Successful.** SB2994SD1 includes most of the recommendations made by the Hawaii Red Light Running Committee and much of the language of the New York State statute (see attachment A). The Hawaii Bicycling League requests that your committee use the New York State statute, proven over the last 25 years, as a base to add provisions that have helped make the NYC program tops in the country.

**License-Plate Only Photos Most Effective.** The primary difference between SB2994SD1 and the NY state statute is that NY state does not require, and, in fact, prohibits photos of drivers. **The registered owner is held liable for the vehicle running the red light. The identity of the driver is irrelevant. A car that runs the red light is like a dangerous loaded weapon being fired in traffic.** Most of the time the shot misses. No one is hurt. According to Hawaii DOT statistics, however,

- between 2015 and 2018, 13 people were killed in Hawaii as a direct result of red light running, more than 3 per year. If we do nothing, we can expect that more people will die each year from red light running crashes.
- between 2014 to 2018, a total of 1,312 intersection crashes occurred in Hawaii as a result of red light and other traffic signal violations, roughly 2 crashes every 3 days. The number of seriously injured persons from those red light crashes was not listed, but is estimated to be much higher than the 13 people killed. Who is hurt and killed? More than half of those injured and killed in red light crashes nationally are innocent people obeying the law, not the offending driver.

Of 23 states that use red light cameras, 20 have systems that require photographs of the car license plate only. (Only 3 states require photographs of the driver because of the cost, complications, and mainly because driver photos are not necessary to achieve the goal of changing driver behaviors.)

The photo enforcement system in Hawaii should be required by statute to capture the license plate only and hold the registered owner responsible to pay the fine. Without making it a statutory prerequisite for a violation, a county may decide to ask the contractor to provide photographs of drivers only if required by the Hawaii courts on rare occasions. This is what the Hawaii Red Light Running Committee intended.

**Specific New York state statute guidance (see attachment A).**

1. First, gray highlights indicate NY state law provisions already included in SB2994SD1.
2. Second, green highlights indicate NY state law provisions Hawaii Bicycling League recommends to include. The locations for the inclusions are in handwritten notes to SB2994SD1 in attachment B.
3. Third, yellow highlights indicate NY state law provisions also recommended to be inserted into SB2994SD1 as follows:

-Insert NY state statute section 1111-a (k) 2. (presumption of owner's consent to operate vehicle) [insert after SB2994SD1 section -3 (a) (County powers and duties)].

--Insert NY state statute section 1111-a (j) (lessee deemed owner) [insert after SB2994SD1 section -9 (Liability for rental or U-drive vehicle)].

---Insert NY state statute section 1111-a (k) 1. (owner may seek indemnification against operator) [insert after SB2994SD1 section -11(b) (Penalty)].

----Insert NY state statute section 1111-a (b) (not subject to double jeopardy if also ticketed by police officer for same violation) [insert after SB2994SD1 section -11(b) (Penalty)].

**Changes to HRS 291C-32 and 291C-31.** (see attachment C).

**HRS 291C-32.** The New York State statute 1111 (see top section of attachment A) makes clear that it is "traffic" that must obey the green, yellow, and red signals. HRS 2391C-32 also makes clear that "vehicular traffic" must obey the green, yellow, and red signals in paragraph (A). But for red signals paragraphs (B) and (C), HRS 291C-32 uses the word "driver" to describe who must obey the red signals under paragraphs (B) and (C). Hawaii Bicycling League's suggestion is to delete "a driver" and replace with "vehicular traffic" to be consistent and to prevent any argument that a registered owner must be the driver to be liable for a red light camera fine. The goal is not to prohibit a "driver" from violating the law, but to prohibit the vehicle from violating the law, so that the registered owner can be held liable no matter who is driving. The identity of the driver is irrelevant, as it is for parking violations and tow-away zones. The registered owner is also held liable for damages and injuries through insurance claims that may reach thousands and millions of dollars, no matter if someone else was driving the vehicle. The registered owner is responsible for entrusting a potentially dangerous weapon to someone else.

**HRS 291C-31.** HRS 291C-31 describes "Obedience to and required traffic control devices." The words "The driver of any vehicle" should be deleted and replaced with "Vehicular traffic" to make clear that it is all vehicular traffic that must obey traffic control devices. This change is to prevent a defense attorney from claiming that if the registered owner was not the driver, then the registered owner does not need to pay the fine for the red light camera violation. This may seem like semantics, but that is what defense attorneys have used in similar circumstances to defeat the intent of reasonable laws.

**Other important recommendations to SB2994SD1 from the Hawaii Red Light Running Committee:**

1. **Camera Locations.** Allow the county police departments together with county and state transportation officials to use data for red light running crashes, injuries, fatalities, incidents, citations, and traffic volume, along with their experience, to determine where red light cameras will be placed, with the goal of preventing crashes, injuries, and deaths.

2. **Engineering Reviews.** Require that engineering reviews be conducted before red light cameras are installed at potential intersections to determine whether engineering improvements such as road

improvements, signal visibility, traffic signal timing, and other countermeasures can feasibly be addressed prior to installing red light cameras.

Thank you again for your support for red light safety cameras to make our streets safe for every person.

Ride and Drive Aloha,



Daniel Alexander  
Co-Executive Director  
Hawaii Bicycling League  
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Chad Taniguchi  
Director Emeritus  
Hawaii Bicycling League  
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Attachments:

**Attachment A:** NY State Statutes Sections 1110, 1111 and 1111(a), 9 pages.

Gray highlights: provisions from NY State red light camera statute already in SB2994SD1

Green highlights: provisions from NY State red light camera statute suggested for inclusion in SB2994SD1, as marked on Attachment B.

Yellow highlights: provisions from NY State red light camera statute suggested for insertion in SB2994SD1, as noted on attachment B.

**Attachment B:** Marked copy of SB2994SD1, pages 1-9 only, showing where Green and Yellow highlighted provisions of NY State red light camera statute are proposed for inclusion. (Pages 10-14 not attached; no changes proposed).

**Attachment C:** Marked copies of HRS 291C-32 and HRS 291C-31 with proposed language changes. 3 pages.

**Hawaii Bicycling League testimony re SB2994SD1  
ATTACHMENT A.**

Article 24 - NY State Vehicle and Traffic Law, Title VII, Article 24 NY Vehicle and Traffic Law  
<http://ypdcrime.com/vt/article24.htm#t1110>

**S 1110. Obedience to and required traffic-control devices.** (a) Every person shall obey the instructions of any official traffic-control device applicable to him placed in accordance with the provisions of this chapter, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this title.

(b) No provision of this title for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, such section shall be effective even though no signs are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to the provisions of this chapter and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence.

(e) For purposes of this article, "intersection" shall include the area embracing the juncture of a highway with a private road or driveway and "intersecting roadway" shall include an intersecting private road or driveway.

**S 1111. Traffic-control signal indications.** Whenever traffic is controlled by traffic-control signals, other than lane direction control signal indications provided in section eleven hundred sixteen, exhibiting different colored lights, or colored lighted arrows, successively, one at a time or in combination, only the colors green, yellow and red shall be used, and said lights shall indicate and apply to drivers of vehicles and to pedestrians as follows:

(a) Green indications:

1. Traffic, except pedestrians, facing a steady circular green signal may proceed straight through or turn right or left unless a sign at such place prohibits either such turn. Such traffic, including when turning right or left, shall yield the right of way to other traffic lawfully within the intersection or an adjacent crosswalk at the time such signal is exhibited.

2. Traffic, except pedestrians, facing a steady green arrow signal may cautiously enter the intersection only to make the movement indicated by such arrow, or such other movement as is permitted by other indications shown at the same time, except that a U-Turn may be made by traffic facing a left green arrow signal unless a sign prohibits such U-Turn or such U-Turn is in violation of any other provision of law. Such traffic shall yield the right of way to other traffic lawfully within the intersection or an adjacent cross walk at the time such signal is exhibited.

3. Unless otherwise directed by a pedestrian-control signal as provided in section eleven hundred twelve, pedestrians facing any steady green signal, except when the sole green signal is a turn arrow, may proceed across the roadway within any marked or unmarked crosswalk.

(b) Yellow indications:

1. Traffic, except pedestrians, facing a steady circular yellow signal may enter the intersection; however, said traffic is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter.

2. Traffic, except pedestrians, facing a steady yellow arrow signal may cautiously enter the intersection only to complete the movement indicated by such arrow or make such other movement as is permitted by other indications shown at the same time; however, said traffic is thereby warned that the related green arrow movement is being terminated or that a red indication will be exhibited immediately thereafter.

3. Unless otherwise directed by a pedestrian-control signal as provided in section eleven hundred twelve, pedestrians facing any steady yellow signal are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

(d) Red indications:

1. Traffic, except pedestrians, facing a steady circular red signal, unless to make such other movement as is permitted by other indications

shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk, at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown except as provided in paragraph two of this subdivision.

2. Except in a city having a population of one million or more, unless a sign is in place prohibiting such turn:

a. Traffic facing a steady circular red signal may cautiously enter the intersection to make a right turn after stopping as required by paragraph one of this subdivision, except that right turning traffic is not required to stop when a steady right green arrow signal is shown at the same time. Such traffic shall yield the right-of-way to pedestrians within a marked or unmarked crosswalk at the intersection and to other traffic lawfully using the intersection;

b. Traffic, while on a one-way roadway, facing a steady red signal may cautiously enter the intersection to make a left turn onto a one-way roadway after stopping as required by paragraph one of this subdivision. Such traffic shall yield the right-of-way to pedestrians within a marked or unmarked crosswalk at the intersection and to other traffic lawfully using the intersection.

Notwithstanding any other provision of law, any city having a population of one million or more, is hereby authorized and empowered to adopt a local law authorizing subparagraph a or b of this paragraph to be applicable within such city. Upon the adoption of such local law the exception provided herein for a city having a population of one million or more shall no longer be applicable within such city.

c. On or after the effective date of this subparagraph, the sign which prohibits such turn shall be prominently displayed from all newly installed traffic signals where possible.

3. Traffic, except pedestrians, facing a steady red arrow signal may not enter the intersection to make the movement indicated by such arrow and, unless entering the intersection to make such other movement as is permitted by other indications shown at the same time, shall stop at a clearly marked stop line, but if none, then shall stop before entering the crosswalk on the near side of the intersection, or in the event there is no crosswalk at the point nearest the intersecting roadway where the driver has a view of the approaching traffic on the

intersecting roadway before entering the intersection and shall remain standing until an indication to proceed is shown.

4. Unless otherwise directed by a pedestrian-control signal as provided in section eleven hundred twelve, pedestrians facing any steady red signal shall not enter the roadway.

5. Notwithstanding the provision of paragraph two of this subdivision, no school bus, while transporting pupils for any purpose, shall be permitted to proceed when facing a steady red signal.

(e) Traffic shall obey signs requiring obedience to traffic-control signals at intersections other than those at which such signals are located. No intersection not controlled by such signs prior to the effective date of this section shall hereafter be made subject to such method of control and no ordinance, order, rule or regulation requiring such obedience shall hereafter be adopted.

(f) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

\* **S 1111-a. 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.

(l) 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.

(m) In any city which adopts a demonstration program pursuant to subdivision (a) of this section, such city shall submit an annual report on the results of the use of a traffic-control signal photo

violation-monitoring system to the governor, the temporary president of the senate and the speaker of the assembly on or before June first, two thousand seven and on the same date in each succeeding year in which the demonstration program is operable. Such report shall include, but not be limited to:

1. a description of the locations where traffic-control signal photo violation-monitoring systems were used;
2. within each borough of such city, the aggregate number, type and severity of accidents reported at intersections where a traffic-control signal photo violation-monitoring system is used for the year preceding the installation of such system, to the extent the information is maintained by the department of motor vehicles of this state;
3. within each borough of such city, the aggregate number, type and severity of accidents reported at intersections where a traffic-control signal photo violation-monitoring system is used, to the extent the information is maintained by the department of motor vehicles of this state;
4. the number of violations recorded at each intersection where a traffic-control signal photo violation-monitoring system is used and in the aggregate on a daily, weekly and monthly basis;
5. the total number of notices of liability issued for violations recorded by such systems;
6. the number of fines and total amount of fines paid after first notice of liability issued for violations recorded by such systems;
7. the number of violations adjudicated and results of such adjudications including breakdowns of dispositions made for violations recorded by such systems;
8. the total amount of revenue realized by such city from such adjudications;
9. expenses incurred by such city in connection with the program; and
10. quality of the adjudication process and its results.

(n) It shall be a defense to any prosecution 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 that such traffic-control indications were malfunctioning at the time of the alleged violation.

A BILL FOR AN ACT

**HBL Attachment B pp. 1-9**

RELATING TO HIGHWAY SAFETY.

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

PART I

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

The legislature further finds that in other jurisdictions in the United States, Canada, Europe, and other countries throughout the world, photo red light imaging detector systems have been proven reliable, efficient, and effective in identifying and deterring those who run red lights.

Photo red light imaging detector systems are safe, quick, cost-effective, and efficient. No traffic stop is involved, and a police officer is not at risk from passing traffic or armed violators. With photo red light imaging detector systems, a camera is positioned at intersections where red light violations are a major cause of collisions and serves as a twenty-four-hour deterrent to running a red light. Sensors ~~are buried under a crosswalk and~~ lead to a self-contained camera system mounted on a

nearby structure. When a vehicle enters the intersection against a red light, the camera takes a telephoto color picture of the rear of the car, capturing the license plate. A second wide-angle photograph takes in the entire intersection, including other traffic.

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

The system may also result in lower insurance costs for safe drivers through an overall reduction in crashes and injuries and by placing system costs on the violators who have created the need for the program, not on law-abiding taxpayers. Traffic laws are impartially enforced, and safety and efficiency are increased by reducing the number of chases and personnel required for traffic accident clean-up, investigation, and court testimony.

The legislature further finds that the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998, and implemented in January 2002, generated intense public opposition. As a result of this opposition, the legislature repealed Act 234 in its entirety. However, the majority of the opposition to this program resulted from the method by which the program was implemented. The public perceived that the program was operated more to maximize revenue for the vendor running the program than to improve traffic safety. In particular, vans in which the cameras were mounted were often placed at locations that did not necessarily have a history of speed-related accidents and instead were used to monitor locations with heavy traffic flow at lower speeds. This permitted the

vendor to issue the maximum number of citations in the shortest period of time and at the least cost, thereby maximizing the potential return to the vendor without improving traffic safety.

The legislature further finds that Act 131, Session Laws of Hawaii 2019, created the red light running committee, whose purpose was to "develop policy recommendations for red light running programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii."

After examining the red light running programs of Washington, Illinois, New York, and Florida, the red light running committee found that red light photo enforcement programs are a promising tool that, when implemented properly, can save lives and reduce injuries by changing drivers' behaviors and lead to safer driving habits. Based on their findings, the red light running committee made a number of policy recommendations, which are reflected in this Act.

The purpose of this Act is to:

- (1) Establish a photo red light imaging detector systems program to improve enforcement of the traffic signal laws;
- (2) Allow counties to implement the photo red light imaging detector systems program;
- (3) Authorize the deposit of fines collected under county programs into a special fund; and
- (4) Authorize the expenditure of funds from this special fund by the department of transportation in the county in which the fine was collected for the establishment, operation, management, and maintenance of the photo red light imaging detector systems program.

## PART II

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

### "CHAPTER

#### PHOTO RED LIGHT IMAGING DETECTOR SYSTEMS

§ -1 **Definitions.** As used in this chapter, unless the context otherwise requires:

"County" means the counties of Hawaii, Kauai, and Maui, and the city and county of Honolulu.

(No changes to this page)

"County highway" has the same meaning as used in section 264-1.

"Department" means the department of transportation.

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

"Photo red light imaging detector" means a device used for traffic enforcement that includes a vehicle sensor that works in conjunction with a traffic-control signal and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear and front of the motor vehicle, <sup>and</sup> the motor vehicle license plate ~~and driver of the motor vehicle~~ at the time the vehicles fails to stop when facing a steady red traffic-control signal in violation of section 291C-32.

"State highway" has the same meaning as used in section 264-1.

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

**§ -2 Photo red light imaging detector systems program;**

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

**§ -3 County powers and duties.** (a) Each county may establish and

implement, in accordance with this chapter, a photo red light imaging detector system imposing monetary liability on the registered owner ~~or operator~~ <sup>of the operator thereof</sup> of a motor vehicle for failure to comply with traffic-control signal laws. <sup>if such vehicle was used or operated with the permission of the owner, express or implied.</sup> Each county may provide for the procurement, location, <sup>insert NY 1111-a (k,2) (presumption of owner's consent.)</sup> installation, operation, maintenance, and repair of the photo red light imaging detector system. Where the photo red light imaging detector system affects state property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the photo red light imaging detector system established pursuant to this chapter.

(b) <sup>For</sup> The State or a county that establishes a red light imaging detector system under this chapter, the compensation paid by the State or a



county to a manufacturer or vendor of the equipment used shall be based upon the value of the equipment and services provided or rendered in support of the photo red light imaging detector system, and shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.

**§ -4 Photo red light imaging detector system requirements.** (a)

Photo red light imaging detector equipment may be operated from a fixed pole, post, or other fixed structure on a state or county highway.

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

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

(d) No summons or citation pursuant to the photo red light imaging detector systems program shall be issued unless it contains a clear and unobstructed photographic, digital, or other visual image of the <sup>vehicle license plate</sup> ~~driver~~ of the motor vehicle.

(e) The conditions specified in this section shall not apply when the information gathered is used for highway safety research or to issue warning citations not involving a fine, court appearance, or a person's driving record.

§ -5 **Summons or citations.** (a) Notwithstanding any law to the contrary, whenever any motor vehicle is determined, by means of a photo red light imaging detector system, to have disregarded a steady red signal in violation of section 291C-32(a)(3), the county shall cause a summons or citation, as described in this section, to be sent by first class mail, which is postmarked within ten calendar days of the date of the incident, to the registered owner of the vehicle at the address on record at the vehicle licensing division. If the end of the ten calendar day period falls on a Saturday, Sunday, or state holiday, then the ending period shall run until the end of the next day that is not a Saturday, Sunday, or state holiday. *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.*

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

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

(d) Upon receipt of the summons or citation, the registered owner shall respond as provided for in chapter 291D. A record of the mailing of the summons or citations prepared in the ordinary course of business is prima facie evidence of notification. The registered owner shall be determined by the identification of the vehicle's registration plates.

~~(e) The county, or the county's agent or employee, shall be available to testify as to the authenticity of the information provided pursuant to~~

~~this section.~~

§ -6 Registered owner's responsibility for a summons or citation.

In any proceeding for a violation of this chapter, ~~the information contained in the summons or citation mailed in accordance with section~~

~~-5 shall be deemed prima facie evidence that the registered owner of the motor vehicle~~ <sup>that</sup> ~~violated section 291C-32(a)(3).~~ <sup>Registered owner's defenses.</sup> ~~shall be deemed prima facie evidence that the registered owner of the motor vehicle~~ <sup>shall be liable for the monetary fine</sup>

§ -7 ~~Prima facie evidence.~~ <sup>(a)</sup> Whenever the photo red light

imaging detector system determines a motor vehicle to be in violation of section 291C-32(a)(3), <sup>and is provided</sup> ~~evidence~~ <sup>that</sup> the motor vehicle described in the citation or summons issued pursuant to this chapter was operated in violation of that section, ~~together with proof that the person to whom the summons or citation was sent was the registered owner of the motor vehicle at the time of the violation, shall constitute prima facie evidence that the registered owner of the motor vehicle was the person who committed the violation.~~

~~(b)~~ The registered owner of the vehicle may rebut the evidence in ~~subsection (a)~~ by any one of the following:

- ~~(1) Submitting a written statement as provided in section 291D-6(b)(2) and a photocopy of the registered owner's driver's license;~~
- ~~(2) Testifying in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;~~
- ~~(3) Calling witnesses to testify in open court under oath that the person was not the operator of the vehicle at the time of the alleged violation;~~
- <sup>(1)(4)</sup> Submitting evidence the <sup>motor vehicle</sup> driver passed through the intersection when the traffic light was red in order to yield the right-of-way to an emergency vehicle, or at the direction of a law enforcement office;
- <sup>(2)(5)</sup> Submitting evidence that the motor vehicle was part of a funeral procession escorted by the police;
- <sup>(3)(6)</sup> Presenting, prior to the return date established on the citation or summons issued pursuant to this chapter, a letter of verification of loss from the police department indicating that the vehicle or the vehicle license plates had been reported stolen, to the court adjudicating the alleged violation;
- <sup>(4)</sup> Presenting evidence that the motor vehicle ~~had~~ was sold prior to the <sup>(7)</sup> identifying the actual driver of the vehicle at the time of the alleged violation; or <sup>time of violation;</sup>
- ~~(8) At the direction of a law enforcement officer.~~
- <sup>(5)</sup> presenting evidence that traffic-control indications were malfunctioning at the time of the alleged violation.

§ -8 **Failure to comply with summons or citation.** If the registered owner of the vehicle does not return an answer in response to a summons or citation within a period of thirty days from the date of the mailing of the summons or citation, the district court shall issue, pursuant to section 291D-7(e), a notice of entry of judgment of default to the registered owner of the vehicle, *and pursuant to section 291D-10, restrictions on driver's license renewal and motor registration renewal or transfer.*

§ -9 **Liability for rental or U-drive vehicle.** Notwithstanding any law to the contrary, if the registered owner of record is the lessor of a rental or U-drive motor vehicle, as defined in section 286-2, pursuant to a written lease agreement, the lessee at the time of the violation shall be responsible for the summons or citation; provided that the lessor shall be responsible for the summons or citation if the lessor does not provide the court having jurisdiction over the summons or citation with the *name and address of the lessee within thirty days after a notice containing the* ~~name and address~~ *correct* date, time, and location of the alleged violation and the license number of the vehicle is sent to the lessor. *together with such other additional information contained in the rental, lease or other contract document, as may be reasonably required by the lessor*

*(insert NY 1111-a(j) (lessee deemed owner))*

§ -10 **Reissuance of summons or citation.** A summons or citation will be reissued to the person who the registered owner identifies as the ~~driver of the vehicle or the lessor identifies as the lessee of the vehicle~~ at the time of the infraction.

§ -11 **Penalty.** (a) The penalties for all consequences of a violation for disregarding a steady red signal initiated by the use of a photo red light imaging detector system shall be as provided in section 291C-161.

(b) Any summons or citations issues, or convictions resulting from this chapter, shall not be recorded on a person's traffic abstract.

*(c) insert NY 1111-a(k) (indemnification against operator)* *(d) insert NY 1111-a(l) (double jeopardy)*

§ -12 **Fines for unauthorized disclosure.** All personal and confidential information made available by any government agency to an agent of any county for the photo red light imaging detector systems program shall be kept confidential and shall be used only for the purposes *\* court pursuant to regulations that may be promulgated for such purpose.*

for which the information was furnished. Any officer, employee, or agent of a county who intentionally discloses or provides a copy of personal and confidential information obtained from a photo red light imaging detector system to any person or agency without authorization shall be fined not more than \$ ; provided that the fine shall not preclude the application of penalties or fines otherwise provided for by law.

§ -13 Photo red light imaging detector systems program special fund established. (a) There is established a photo red light imaging detector systems special fund to be administered by the department, into which shall be paid revenues collected pursuant to this chapter.

(b) All fines collected under this chapter shall be deposited into the photo red light imaging detector systems program special fund. Moneys in the fund shall be expended by the department in the county in which the fine was imposed, for purposes that include the establishment, operation, management, and maintenance of a photo red light imaging detector system.

§ -14 insert NY 111-9(m) (annual report)

§ -14<sup>5</sup> Rules. The department shall adopt rules pursuant to chapter 91, as may be necessary to implement this chapter."

PART III

SECTION 3. Section 291C-161, Hawaii Revised Statutes, is amended to read as follows:

"§291C-161 Penalties[-]; photo red light imaging detector system fines.

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

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

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

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

and HBL Attachment B  
[https://www.capitol.hawaii.gov/session2020/bills/SB2994\\_SD1\\_HTML](https://www.capitol.hawaii.gov/session2020/bills/SB2994_SD1_HTML)

(No changes to this page or the ones that follow in the bill)

## HBL AttachmentC p1of3

**§291C-32 Traffic-control signal legend.** (a) Whenever traffic is controlled by traffic-control signals exhibiting different colored lights, or colored lighted arrows, successively one at a time or in combination, only the colors green, red, and yellow shall be used, except for special pedestrian signals carrying a word or symbol legend, and the lights shall indicate and apply to drivers of vehicles and pedestrians as follows:

### (1) Green indication:

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

### (2) Steady yellow indication:

- (A) Vehicular traffic facing a steady yellow signal is thereby warned that the related green movement is being terminated or that a red indication will be exhibited immediately thereafter when vehicular traffic shall not enter the intersection.
- (B) Pedestrians facing a steady yellow signal, unless otherwise directed by a pedestrian-control signal as provided in section 291C-33, are thereby advised that there is insufficient time to cross the roadway before a red indication is shown and no pedestrian shall then start to cross the roadway.

### (3) Steady red indication:

- (A) Vehicular traffic facing a steady red signal alone shall stop at a clearly marked stop line, but if none, before entering the crosswalk on the near side of the intersection or, if none, then before entering the intersection and shall remain standing until an indication to proceed is shown, except as provided in the next succeeding paragraphs.
- (B) ~~The driver of a vehicle~~ which is stopped in obedience to a steady red indication may make a right turn but shall yield

Vehicular traffic



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

**Vehicular traffic** (C) ~~The driver of a vehicle~~ on a one-way street which intersects another one-way street on which traffic moves to the left shall stop in obedience to a steady red indication but may then make a left turn into said one-way street, but shall yield right-of-way to pedestrians, proceeding as directed by the signal at said intersection except that counties by ordinance may prohibit any such left turn as above described which ordinance shall be effective when a sign is erected at such intersection giving notice thereof.

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

(b) In the event an official traffic-control signal is erected and maintained at a place other than an intersection, the provisions of this section shall be applicable except as to those provisions which by their nature can have no application. Any stop required shall be made at a sign or marking on the pavement indicating where the stop shall be made, but in the absence of any such sign or marking the stop shall be made at the signal.

(c) For purposes of this section, a pedestrian is lawfully within an intersection or adjacent crosswalk when any part or extension of the pedestrian, including any part of the pedestrian's body, wheelchair, cane, crutch, or bicycle, is beyond the curb or the edges of the traversable roadway or moves onto the roadway within an intersection or crosswalk. [L 1971, c 150, pt of §1; am L 1981, c 190, §1; am L 2019, c 132, §2]

#### Case Notes

Defendant had right of allocation before being sentenced for violation charge of illegal turn; denial of right reversible error. 77 H. 241 (App.), 883 P.2d 663.

PART IV. TRAFFIC SIGNS, SIGNALS AND MARKINGS

Vehicular traffic

✓ ~~§291C-31~~ [§291C-31] Obedience to and required traffic-control devices. (a) ~~The driver of any vehicle~~ shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with law, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of an authorized emergency vehicle in this chapter.

(b) No provision of this chapter for which signs are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official sign is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that signs are required, the section shall be effective even though no signs are erected or in place.

(c) Whenever official traffic-control devices are placed in position approximately conforming to law, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(d) Any official traffic-control device placed pursuant to law and purporting to conform to the lawful requirements pertaining to such devices shall be presumed to comply with the requirements of this chapter, unless the contrary is established by competent evidence. [L 1971, c 150, pt of §1]

**Case Notes**

Stop sign was authorized by operation of statutory presumption. 72 H. 573, 827 P.2d 648.

Statutory presumption did not impermissively shift State's burden of proof to defendant; presumption was directory rather than mandatory. 9 H. App. 73, 823 P.2d 154.

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February 23, 2020

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To safely connect  
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**Testimony in Strong Support of SB2994 Relating to Highway Safety**

Aloha Chair Rhoads, Vice Chair Keohokalole, Senate Committee on Transportation, and esteemed members of the committee:

Peoples Advocacy for Trails Hawaii (PATH) **strongly supports with suggested amendments** Senate Bill 2994, a program for photo red light imaging detector systems. During the last session the legislature determined that red light running is dangerous, and that red light cameras reduce red light running, crashes, injuries, and deaths.

Hawaii Red Light Running Committee recommendations:

The red light committee agreed on best practices in red light running photo enforcement.

[https://www.capitol.hawaii.gov/session2020/bills/DC250\\_.pdf](https://www.capitol.hawaii.gov/session2020/bills/DC250_.pdf) .

Our colleagues from Hawaii Bicycling League have spent ten years doing research on red light cameras, visited red light camera operations in Culver City, CA and New York City, NY, and participated in three Vision Zero conferences as part of the national Vision Zero coalition where the red light camera issue is widely covered. They shared their research with the committee members and recommend that the New York City Red Light Camera Program elements be adopted in Hawaii. These recommendations were adopted by the committee.

SB2994SD1 includes most of the recommendations made by the Hawaii Red Light Running Committee and much of the language of the New York State statute. PATH requests that your committee use the New York State statute, proven over the last 25 years, as a base to add provisions that have helped make the NYC program one of the most effective in the country. These are:

1. License-Plate Only Photos: The primary difference between SB2994SD1 and the NY state statute is that NY state does not require, and, in fact, prohibits photos of drivers. The registered owner is held liable for the vehicle running the red light.  
[L] [SEP] The photo enforcement system in Hawaii should be required by statute to capture the license plate only and hold the registered owner responsible to pay the fine. Without making it a statutory prerequisite for a violation, a county may decide to ask the contractor to provide photographs of drivers only if required by the Hawaii courts on rare occasions. This is what the Hawaii Red Light Running Committee intended. [L] [SEP] Specific New York state statute guidance (see attachment A). [L] [SEP]
2. Camera Locations- Allow the county police departments together with county and state transportation officials to use data for red light running crashes, injuries, fatalities, incidents, citations, and traffic volume, along with their experience, to determine where red light cameras will be placed, with the goal of preventing crashes, injuries, and deaths.
3. Engineering Reviews- Require that engineering reviews be conducted before red light cameras are installed at potential intersections to determine whether engineering improvements such as road

Thank you again for your support for red light safety cameras.



**LATE**

## HIPHI Board

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College of Tropical Agriculture  
and Human Resources

Garret Sugai  
Kaiser Permanente

Catherine Taschner, JD  
McCorriston Miller Mukai  
MacKinnon LLP

Date: February 24, 2020

To: Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair  
Members of the Judiciary Committee

Re: Support for SB 2994, SD1, Relating to Highway Safety

Hrg: February 25, 2020 at 12:00 PM at Conference Room 016

The Obesity Prevention Task Force of the Hawai'i Public Health Institute<sup>i</sup> is in **Support of SB 2994, SD1 with amendments**. This bill would establish a red light camera program and authorize the counties to implement the program. It would also create a special fund, with the proceeds from the fines to be used for the operation of the 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%<sup>ii</sup> and reduce the most serious crashes that are most likely to result in serious injury or death<sup>iii</sup>.

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:

- Use license plate only photos and hold the registered driver accountable - do not require photographs of the driver.
- Allow the counties to determine the locations of the cameras.
- Require that engineering reviews be conducted before red light cameras are installed at potential intersections to determine whether engineering improvements are needed prior to installation.

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

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<sup>i</sup> 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.

<sup>ii</sup> 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)

<sup>iii</sup> 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

**LATE**

February 25, 2020

**To:** Senator Karl Rhoads, Chair –Senate Committee on Judiciary; Senator Jarrett Keohokalole , Vice Chair; and members of the Committee

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

**Re:** Senate Bill 2994, SD1 – Relating to Highway Safety

---

I am Carol McNamee, testifying for MADD Hawaii, in support of Senate Bill 2994, SD1 *Relating to Highway Safety with an amendment*. This bill would establish a red light running camera system for Hawaii, albeit MADD supports the program starting as pilot project, primarily in Honolulu County.

In line with the program in the City of New York and others, MADD supports the position that **cameras should not take photos of the driver of the vehicle** running a red light. The photo should only be of the license plate which can then be used to locate the person who ran the red light.

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 Kalanianaʻole 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 SB 2994, SD1 with the important amendment to start the process of increasing the safety of Hawaii's roads..

Thank you for the opportunity to testify.

**SB-2994-SD-1**

Submitted on: 2/21/2020 5:35:48 PM

Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Murakami-Akatsuka	Individual	Support	No

Comments:

I strongly support the passage of SB 2994, SD 1.

Thank you for the opportunity to testify.

**SB-2994-SD-1**

Submitted on: 2/22/2020 6:07:57 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott Smart	Individual	Oppose	No

Comments:

I OPPOSE SB2994 SD1 as currently drafted. The bill creates a powerful electronic surveillance system which can be used to track the movements of citizens via their cars or other transportation. There is no indication in the bill of any requirements for retention of information obtained from the proposed systems, nor any restriction on the use of the collected information (though it does suggest it can be used for certain research purposes).

Without specific safeguards concerning the sharing of the collected information, allowed uses of the collected data, and timely deletion of the collected data, this bill represents a dangerous restraint on the citizens' ability to travel freely.

COMMITTEE ON JUDICIARY

Senator Karl Rhoads, Chair  
Senator Jarrett Keohokalole, Vice Chair

Re: Senate Bill No. 2994, S.D. 1 -- Relating to Highway Safety

Tuesday, February 25, 2020  
Hawaii State Capitol, Conference Room 016  
12:00 p.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 resulting in many lawsuits. 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. Red light cameras will increase rear-end collisions.

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, too many are on for only three seconds. 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

**SB-2994-SD-1**

Submitted on: 2/24/2020 7:23:44 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

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

Comments:

Aloha Chair Rhoads and other members of the Senate Committee on the Judiciary

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



**SB-2994-SD-1**

Submitted on: 2/24/2020 8:01:22 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John Rogers	Individual	Support	No

Comments:

I support SB2994. Studies have shown that Red Light Enforcement Cameras reduce crashes and injuries at signalized intersections by 25-30%. HDOT analysis found 13 people were killed by red light running between 2011-2018. If Hawaii truly wants a Vision Zero Future Red Light Enforcement Cameras are one more tool in our tool chest that will help make it a reality.

**LATE**

**SB-2994-SD-1**

Submitted on: 2/25/2020 7:57:45 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Katie Folio	Individual	Support	No

Comments:

**LATE**

**SB-2994-SD-1**

Submitted on: 2/25/2020 8:18:43 AM

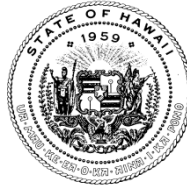
Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Maydan	Individual	Support	No

Comments:

I support SB 2994. Red light enforcement cameras that will make our intersections (the most dangerous parts of our streets) safer for everyone. 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% ([source](#))
- 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 ([source](#))
- 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 ([source](#))
- Red Light Safety Cameras have a role to play in making our streets safer and that they should be implemented.



**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 25, 2020  
12:00 P.M.  
State Capitol, Room 016

**S.B. 2994, S.D. 1**  
**RELATING TO HIGHWAY SAFETY**

Senate Committee on Judiciary

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The Department of Transportation (DOT) **supports** S.B. 2994, S.D. 1 which establishes the Photo Red Light Imaging Detector Systems Program.

Drivers of motor vehicles violating Hawaii's traffic laws have 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.

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.

New York's 2018 report, "New York City Red Light Camera Program" (Program) indicates that "right-angle" are "particularly dangerous because the sides of vehicles have relatively little space to absorb the force of impact and shield occupants, unlike fronts and rears of vehicles, which have substantial crumple zones. In addition, a vehicle which is involved in this type of crash may spin out of control or roll over, leading to secondary impacts."

This report cites that from 1991 to 1993, three years prior to the implementation of the Program, there were approximately 7,221 reportable right angle crashes at signalized

intersections annually in New York City. However, from 2014 to 2016 (most recent three-year period data is available) there was 71 percent fewer right angle crashes, approximately 2,084 annually. Additionally, “there was an 84 percent decline in severe injuries from right angle crashes at signalized intersections during these periods (from approximately 633 to 103 annually).”

Further, this report indicates the New York City experience did not indicate red light cameras led to an increase in rear-end crashes. From 1991 to 1993, three years prior to the implementation of the Program, there were approximately 7,348 reportable rear-end crashes annually. However, from 2014 to 2016 (most recent three-year period data is available) there was 41 percent fewer reportable rear-end crashes, approximately 4,344 annually.

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.

We ask that consideration be given to remove the mandate that the image of the driver be considered as part of the elements for the violation. Although an image will be obtained, it will be used for the citation and for identification purposes in the court.

The DOT urges your committee to pass S.B. 2994, S.D. 1 as it will save more lives and injuries by reducing red light running.

Thank you for the opportunity to provide testimony.



**SB-2994-SD-1**

Submitted on: 2/25/2020 9:14:15 AM

Testimony for JDC on 2/25/2020 12:00:00 PM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
David Kingdon	Individual	Support	No

Comments:

For the reasons articulated in previous testimony on this bill, I continue to support it -- with the important and well-researched amendments proposed by the Hawaii Bicycling League.

Thank you for your consideration,

David Kingdon, MPH, Paramedic

Wailuku, Hawaii

**LATE**

**SB-2994-SD-1**

Submitted on: 2/25/2020 10:49:16 AM

Testimony for JDC on 2/25/2020 12:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rayne	Individual	Oppose	No

Comments: