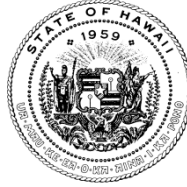


DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

February 3, 2022
3:00 P.M.
State Capitol, Via Videoconference

S.B. 1357
RELATING TO TRAFFIC VIOLATIONS

Senate Committee on Transportation

The Department of Transportation (DOT) **supports** S.B. 1357, which prohibits the display of any material that distracts, obstructs the view of, or affects the safety of other drivers, including but not limited to flags, towels, sheets, and cloths on vehicles being operated or moved on a public street, road, or highway, except when required to be displayed for loads that extend beyond the vehicle.

The DOT has received numerous complaints and inquiries from the public about flags and other materials that impair the visibility of other drivers on the road. As such, we support all efforts to eliminate these unnecessary distractions.

Thank you for the opportunity to provide testimony.

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 • Internet: www.honolulu.gov

LATE

RICK BLANGIARDI
MAYOR



J. ROGER MORTON
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR

TESTIMONY OF J. ROGER MORTON
DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE SENATE COMMITTEE ON TRANSPORTATION
Thursday, February 3, 2022, 3:00 PM, Via Videoconference

TO: Senator Chris Lee, Chair, and Members of the Committee on Transportation

RE: COMMENTS ON SENATE BILL 1357, RELATING TO TRAFFIC VIOLATIONS

The Department of Transportation Services (DTS) of the City and County of Honolulu (City), offers the following comments on Senate Bill 1357, relating to traffic violations.

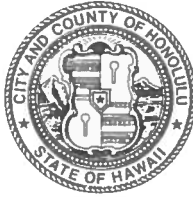
While DTS supports the intent of the measure to prohibit the flying of flags and other material from motor vehicles on public streets in order to prevent distractions, we have concerns that the law may also apply to safety flags on bicycles, personal motorized mobility devices, or motorized wheelchairs.

We believe that for safety concerns, the law should be clarified to ensure that the use of flags for bicycles, personal motorized mobility devices, or motorized wheelchairs are allowed under the law.

Thank you for the opportunity to submit these comments.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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



RICK BLANGIARDI
MAYOR

RADE K VANIC
INTERIM CHIEF

OUR REFERENCE JS-LC

February 3, 2022

The Honorable Chris Lee, Chair
and Members
Committee on Transportation
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 1357, Relating to Traffic Violations

I am James Slayter, Acting Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 1357, Relating to Traffic Violations.

The HPD supports the proposal that would prohibit the display of any material that distracts, obstructs the view of, or affects the safety of other drivers. This includes, but is not limited to, the display of flags, towels, sheets, and cloths (with the exception of vehicles with loads that extend beyond the vehicle) on vehicles being operated or moved on a public street, road, or highway.

The display of any material that could distract drivers or obstruct their view would cause an unnecessary risk for motorists, as well as other roadway users, and should be prohibited.

The Honorable Chris Lee, Chair
and Members
February 3, 2022
Page 2

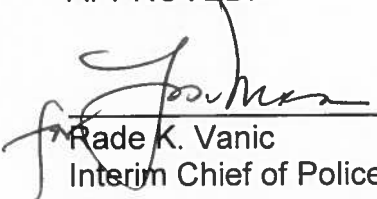
The HPD urges you to support Senate Bill No. 1357, Relating to Traffic Violations.

Thank you for the opportunity to testify.

Sincerely,


James Slayter, Acting Major
Traffic Division

APPROVED:


Rade K. Vanic
Interim Chief of Police

SB-1357

Submitted on: 2/1/2022 2:49:58 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Janel Sterbentz	Testifying for Livable Honolulu	Support	No

Comments:

According to Hawaii [state data](#), 34.3 percent of Hawaii's 108 traffic fatalities in 2019 involved distracted drivers. This is unacceptable. Anything that blocks the driver's view should be removed. Cyclists and pedestrians are often injured or killed because the driver "just didn't see them." This is because they are either distracted or their sightline was blocked. Please pass for safer streets. Mahalo.

SB-1357

Submitted on: 2/1/2022 12:48:59 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Choon James	Individual	Oppose	Yes

Comments:

Choon James: **STRONGLY OPPOSE SB 1357**

Aloha Senators:

It's very obvious that this SB 1357 is created to shut down citizen participation and involvement in Hawaii. There is no quarrel that Democracy can be messy, loud, and unpleasant, especially to authorities who are being resisted against.

Free speech, the freedom to protest, and to assemble with expressions must not be shut down through this thinly-veiled facade of " *Traffic violations to PROHIBIT display of any material that distracts, obstructs the view of, or affects the safety of other drivers, including but not limited to flags, towels, sheets, and cloths, on vehicles being operated or moved on a public street, road, or highway, except when required to be displayed for loads that extend beyond the vehicle. Sets a fine.*"

The public knows this SB 1357 is targeted at the recent displays of protests and discontent amongst many Hawaii residents. The displays of civil discontent have been displayed through banners and flags options that are available to the people. There have been no raids or violence or vandalism.

Instead of trying to **shut down** citizenship participation and discontent, it would be more democratic and effective to figure out how the government can improve to lessen this growing discontent.

SB 1357 is too over-bearing and tyrannical. It violates the basic fundamental rights of a citizen to express oneself in a free society. This SB 1357 not only tries to stamp out dissension, it also wants to punish those who participate through their expressions.

Please defer Bill 1357. It's over-bearing and tyrannical to say the least. No elected official in the Hawaii State Legislature should think or behave like they are akin to the Community Party of China - to crush and shut down public participation through various means.

Aloha,

Choon James

ChoonJamesHawaii@gmail.com

Report Title: Traffic Violations; Vehicles on Public Streets; Display of Materials Affecting Safety; Prohibition; Fines

Description: Prohibits display of any material that distracts, obstructs the view of, or affects the safety of other drivers, including but not limited to flags, towels, sheets, and cloths, on vehicles being operated or moved on a public street, road, or highway, except when required to be displayed for loads that extend beyond the vehicle. Sets a fine.

Companion:

Package: None

Current Referral: TRS, JDC

Introducer(s): INOUYE

SB-1357

Submitted on: 2/2/2022 11:46:29 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
T. Alana	Individual	Oppose	Yes

Comments:

This petty bill is just another form of genocide of the Kanaka Maoli. Another way to try and strip our identity from us. First, our lands were stolen by a businessman, that the former U.S. President Cleveland said were 'insurgents'. Then later former U.S. President Clinton apologized for the United States participation in the overthrow. Within the apology states that reparations and the transfer of government were to occur, yet here we are, STILL under the belligerent and illegal occupation of the Kingdom of Hawai'i.

Second, our language and hula was made illegal. It was pretty much illegal to be Kanaka Maoli on the lands our kūpuna discovered.

Third, this puppet government continues to harass and imprison Kanaka Maoli for protecting the 'āina and the wai. I can go on and on at the injustices we, Kanaka Maoli, have and continue to go through daily, in our own country! So you can write all the laws you want, but they still do not apply to the Kingdom of Hawai'i. Your ignorance to the existence of the Kingdom of Hawai'i, according to the International Court of Arbitration, will be a war crime that YOU all will have to answer to.

Maybe concentrate more on stopping the flushing of 6 MILLION GALLONS of filtered contaminated water, which is still contaminated and being dumped into the environment. Flags flying vs. Polluting Native Plants, Native and Endangered Animals, Pets, and People on O'ahu, flags shouldn't even be a bill to be passed.

In conclusion, flying our Hae Hawai'i shows our love and pride of our country, it is a part of our identity as Kanaka Maoli. Just like fireworks, make this petty bill legal and more hae Hawai'i will present itself. Last I checked there has not been any accidents from someone flying a flag, but there are hundreds of people being poisoned by jet fuel.

SB-1357

Submitted on: 2/2/2022 12:10:03 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapohuolahaina Moniz Pa	Individual	Oppose	Yes

Comments:

This futile bill is not necessary and only seeks to fine locals who are already suffering with rising the cost of living and houselessness that should take top priority! Politicians and corporate to sports & tourism events put up huge signs when campaigning or promoting and some don't take their signs down til months or years later. Also targeting Hawaiian signage and flags is racist and discrimination! Be better leaders to create harmony with fair representation that reestablishes trust in leadership as you were elected by Hawai'i's residents to do. We have a water crisis that's left a bigger life threatening sign priority! Put your bills to stop disaster and not get distracted by creating frivolous bills and wasting our tax dollars only to further fine residents. Enough targeting residents!

SB-1357

Submitted on: 2/2/2022 2:02:38 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kapua Medeiros	Individual	Oppose	Yes

Comments:

I am opposed to SB1357 as it infringes upon my Constitutional Right to Peaceful Protest.

And with the way our Federal and State Governments have been ignoring the Voice of the People as of lately. I will most definitely be called upon to exercise those American Given Constitutional Rights.

Mahalo and Aloha,

Kapua Medeiros

Waimānalo Raised Kanaka Maoli

SB-1357

Submitted on: 1/31/2022 9:14:19 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Charles Prentiss	Individual	Support	No

Comments:

Support. The items listed create a safety hazard.

SB-1357

Submitted on: 1/31/2022 11:51:55 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Thomas	Individual	Oppose	No

Comments:

Yet another attempt by a very out of touch politician to punish people for exercising their constitutional rights to free speech by targeting the visual things which add power to certain messages

Inouye must go

SB-1357

Submitted on: 2/1/2022 2:27:26 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
shantee brown	Individual	Oppose	No

Comments:

Protect Freedom of speech on personal property. Would you set a fine for someone wearing a "distracting" shirt or tattoos? Luxury vehicles like a Ferrari are going to "distract" and turn heads. Do those owners also deserve fines?

SB-1357

Submitted on: 2/1/2022 2:59:47 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gerard Silva	Individual	Oppose	No

Comments:

WE are not a Comunist State WE are United States of America the Republic. We are Bound by the Consitution witch Gives us the right to display our feeling wether you like it or not. We are a Fee people. You people are bing Given Notice we will not put up with this BULL SHIT any longer!!!

SB-1357

Submitted on: 2/1/2022 8:42:51 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Marlee Kamakaala-Miller	Individual	Oppose	No

Comments:

I strongly oppose this bill because it violates first amendment free speech rights.

SB-1357

Submitted on: 2/2/2022 8:52:02 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
cheryl B.	Individual	Oppose	No

Comments:

OPPOSE THIS BILL

This bill is a direct attack on freedom of speech and displays of support or opposition to an issue.

This bill leaves too much up to the discretion of law enforcement. There have been too many incidences in the past of a law enforcement officer's bias or presumption when issuing citations,

This bill purports to be for public safety but when looking more deeply it appears to be rooted in other such bills that are floating around other states under the guise of public safety but are really to stifle free speech expression. (ie Portland)

This bill should go no further. There are much more pressing issues on which to spend our time, energy and money.

OPPOSE THIS Bill

SB-1357

Submitted on: 2/2/2022 11:21:21 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Robert Douglas	Individual	Oppose	No

Comments:

I oppose SB1357 as it is nothing but poorly camouflaged targeting of the First Amendment right guaranteeing the freedom of expression utilized by the Kia'i or Mauna Kea protectors.

As written it's far too subjective and is ripe for law enforcement bias and abuse. Will all political trucks with banners and placards be fined. Carrying cargo that blocks the rear window would qualify for a fine. Side boards on a pickup truck could be cited. This also eliminates the Christmas parades and the floats.

This bill has nothing to do with safety just as the Mauna Kea safety enforcement campaign had zero to do with safety. It's blatant targeted harassment of the protectors.

LATE

SB-1357

Submitted on: 2/2/2022 6:03:11 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Doreen Kaolulo	Individual	Oppose	No

Comments:

I opposed Bill SB1357

LATE

SB-1357

Submitted on: 2/2/2022 7:13:43 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kamalani Keliikuli	Individual	Oppose	No

Comments:

I oppose this bill

LATE

SB-1357

Submitted on: 2/2/2022 7:21:23 PM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christoph Baranec	Individual	Support	No

Comments:

I'm surprised flying large flags from vehicles isn't already illegal. Passing this seems like a no brainer.

LATE

SB-1357

Submitted on: 2/3/2022 11:45:01 AM

Testimony for TRS on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ruth Coules	Individual	Oppose	No

Comments:

In the past, vehicles displaying the Hawaiian flag have been targeted for ticketing using a similar law. This bill is ostensibly a safety measure. If so there should must be very clear specifications about what exactly must be visible to the driver for a flag et al to be legal. Without those essential details the bill will only lead to unnecessary confusion on the part of drivers and potential abuse of the law by law enforcement. For those reasons I do not think the bill should be passed as written.