

JOSH GREEN, M.D.  
GOVERNOR



**TESTIMONY BY:**  
EDWIN H. SNIFFEN  
DIRECTOR

Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

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

March 31, 2023  
10:00 A.M.  
State Capitol, Room 016 & Videoconference

**H.B. 1319 H.D. 2**  
**RELATING TO THE TRAFFIC CODE**

Senate Committee on Judiciary

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The Department of Transportation **supports** H.B. 1319 H.D. 2 to allow operators of bicycles, motorcycles, or mopeds to proceed on a red light when vehicle detection device does not trigger traffic signal for their approach between 11:00 p.m. and 5:00 a.m.

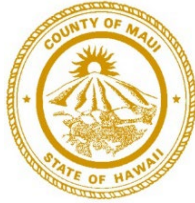
H.B. 1319 H.D. 2 will establish operator responsibilities for bicycles, motorcycles, or mopeds to continue through the intersection in a safe manner.

Thank you for the opportunity to provide testimony.

**RICHARD T. BISSEN, JR.**  
Mayor

**ANDREW H. MARTIN**  
Prosecuting Attorney

**SHELLY C. MIYASHIRO**  
First Deputy Prosecuting Attorney



**DEPARTMENT OF THE PROSECUTING ATTORNEY**  
COUNTY OF MAUI  
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TESTIMONY  
ON  
H.B. 1319 RELATING TO  
THE TRAFFIC CODE

March 29, 2023

The Honorable Karl Rhoads  
Chair  
The Honorable Mike Gabbard  
Vice Chair  
and Members of the Committee on Judiciary

Chair Rhoads, Vice Chair Gabbard, and Members of the Committee:

Thank you for the opportunity to testify **in opposition to H.B. 1319 H.D. 2** and request that it be deferred. Although we appreciate the legislature's efforts to address the issue of traffic safety for operators of bicycles, motorcycles, and mopeds, we oppose this measure in its current form for the following reasons:

1. The Department of the Prosecuting Attorney, County of Maui is concerned with the negative impacts on the safety of all motorists that would result from passage of the bill by making exceptions to long established "right-of-way" rules and signals for the benefit of a limited class of motorists;
2. Passage of this bill would result in increasing motorists' exposure to serious criminal liability. Currently, Chapter 707 of the Hawai'i Revised Statutes classifies as "vulnerable users" persons who are legally operating within a street or public highway bicycles and mopeds. See, HRS §707-700. Causing the death of a "vulnerable user" by negligent operation of a vehicle subjects the person to class a "B" or class "C" felony. See, HRS §§ 707-702.5(1)(b) and 707-703(1)(b). Currently, a bicyclist or moped operator who crosses an intersection against a red light would not be considered a "vulnerable user" for purposes of HRS §§ 707-702.5(1)(b) and 707-703(1)(b) because crossing against the red would not be considered

legal operation. The passage of this bill would create criminal liability where none existed before by allowing bicyclists and moped operators to legally cross an intersection against a red light under certain conditions.

For these reasons, the Department of the Prosecuting Attorney, County of Maui **opposes the passage of H.B. 1319 H.D. 2 and requests that the measure be deferred.** Please feel free to contact our office at (808) 270-7777 if you have any questions or inquiries.

Thank you very much for the opportunity to provide testimony on this bill.

**Rebecca V. Like**  
Prosecuting Attorney



**Keola Siu**  
First Deputy  
Prosecuting Attorney

**OFFICE OF THE PROSECUTING ATTORNEY**

**County of Kaua'i, State of Hawai'i**

3990 Ka'ana Street, Suite 210, Līhu'e, Hawai'i 96766  
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THE HONORABLE KARL RHOADS, CHAIR, SENATE COMMITTEE ON  
JUDICIARY, THIRTY-SECOND STATE LEGISLATURE

Regular Session of 2023

State of Hawai'i

March 30, 2023

**RE: HB 1319 RELATING TO THE TRAFFIC CODE.**

Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on  
Judiciary:

The Office of the Prosecuting Attorney, County of Kaua'i OPPOSES HB 1319, that would allow operators of bicycles, motorcycles, and mopeds to proceed through an intersection on a steady red signal during certain hours if the traffic signal is controlled by a vehicle detection device that is inoperative due to the size or composition of the bicycle, motorcycle, or moped.

The bill will allow for an unnecessary potential of dangerous conditions on Hawaii's roadways. Vehicles traveling on roadways approaching green lights assume they have the right of way and likely won't be attentive to cross traffic that would be allowed by this bill. These conditions will very likely result in high-speed collisions, significant injuries, and deaths of motorists.

Accordingly, the Office of the Prosecuting Attorney, County of Kaua'i, requests that this measure not be passed.

Thank you very much for the opportunity to testify.

**HB-1319-HD-2**

Submitted on: 3/25/2023 1:34:19 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ray Pagan	Testifying for STREET BIKERS UNITED HAWAII	Support	Written Testimony Only

Comments:

SUPPORT THIS BILL HB1319

**HB-1319-HD-2**

Submitted on: 3/27/2023 10:20:14 AM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Brant Perry	Testifying for Street Bikers United	Support	Written Testimony Only

Comments:

I Brant Perry, a member of Street Bikers United support this Bill.

**HB-1319-HD-2**

Submitted on: 3/27/2023 10:44:03 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Charles Harris	Testifying for Street Bikers United	Support	Written Testimony Only

Comments:

In regards to HB 1319;

As a licensed rider of a heavyweight motorcycle (HD FLHTCU, 800+lbs.) I am supporting this legislation. At certain traffic lights, the signals will not change. I have ridden my motorcycle to work (nights) for years and know all the tricks to get the lights to change when I stop for a red light and am the only vehicle present. Most times it works, some times it doesn't. This leaves me with the options of waiting for an automobile to pull up behind me to trigger the sensor or to proceed illegally through the red. The ability to legally and cautiously proceed in this situation would remove a burden from the rider.

For the record I have been vexed by the signals at the intersection of Ka Uka Blvd. and Ukee St. in Waipio as well as the left turn to Kailua at Castle junction.

Charles Harris, 1556 Uluhao St. Kailua HI 96734

**HB-1319-HD-2**

Submitted on: 3/25/2023 2:13:13 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Ted Marlatt	Individual	Support	Written Testimony Only

Comments:

I support this bill



**HB-1319-HD-2**

Submitted on: 3/25/2023 5:48:45 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pancho Owens	Individual	Support	Written Testimony Only

Comments:

I support this bill, and I urge our government representatives to please support it also as it is a "small ask" which will aid motorcyclists with a contingency to maneuver out of a potentially dangerous situation while applying patience, forethought, and common sense.

Thank you.

R, David N. Owens

**HB-1319-HD-2**

Submitted on: 3/26/2023 12:05:19 AM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Travis Toriki	Individual	Support	Written Testimony Only

Comments:

There are several lights, both for tuning or going straight, that are not triggered by my bicycle and motorcycle while going home. I would like to support this bill to allow motorcyclist and bicyclist alike to bypass these red lights in a safe manner.

**HB-1319-HD-2**

Submitted on: 3/26/2023 4:48:05 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This is Just plan Stupied. The person who put this in should Be locked up for even Sugjesting this!!!!

**HB-1319-HD-2**

Submitted on: 3/27/2023 9:33:36 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Lana Rapoza	Individual	Support	Written Testimony Only

Comments:

Thank you for your time and support.

Mr. Timothy & Mrs. Lana RAPOZA

**HB-1319-HD-2**

Submitted on: 3/28/2023 11:01:02 AM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Elvin Bumanglag	Individual	Support	Written Testimony Only

Comments:

This will help with traffic and unnecessary long periods of time at the stoplight

**HB-1319-HD-2**

Submitted on: 3/28/2023 12:16:55 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Scott Coffman	Individual	Support	Written Testimony Only

Comments:

This happens a lot, getting stuck at a red light when there's no other traffic, and my motorcycle does not trigger the light to change.

Being able to make a legal judgment call to proceed when safe through a red light, instead of waiting for a car to come along, is safer than what some people do, turn right, then make a u-turn and turn right again.

Please support and vote yes on this bill.

**HB-1319-HD-2**

Submitted on: 3/28/2023 1:00:32 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Pete Tingstrom	Individual	Support	Written Testimony Only

Comments:

I think ANYTIME a lightweight vehicle (bicycle, motorcycle, moped, etc) can not trigger the traffic signal to change (due to the weight of the vehicle), they should be allowed to proceed with caution through the intersection on a steady red light any time of day.

**HB-1319-HD-2**

Submitted on: 3/29/2023 8:43:00 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
William Hankins	Individual	Oppose	Written Testimony Only

Comments:

As the former Traffic Commander of MPD, I would strongly oppose this bill. Law enforcement has had a hard enough time getting motorists to voluntarily comply with red signals. To pass this bill will send the wrong message and create bad driving habits that will get vulnerable users killed. In short, passage of this bill will be giving bicyclist, motorcyclist and moped riders a green light to die. Furthermore there is technology available to address the concerns of bicyclist, motorcyclist, and moped riders at an intersection. This is an engineering fix not a legislative fix. Please do not pass this bill.



**HB-1319-HD-2**

Submitted on: 3/30/2023 1:35:30 PM

Testimony for JDC on 3/31/2023 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Curtis Bautista	Individual	Support	Written Testimony Only

Comments:

As a motorcycle rider this inconvenience can be solved if this bill is passed. I understand it can be dangerous which I agree with the timelines for this to be appropriate. Thus being less vehicles on the road at those times. Thank you.