



**TESTIMONY BY:**  
EDWIN H. SNIFFEN  
DIRECTOR  
KA LUNA HO'OKELE  
  
Deputy Directors  
Nā Hope Luna Ho'okele  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO

**STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'  
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097**

March 1, 2024  
10:31 a.m.  
State Capitol, Room 211

**S.B. 2443, S.D. 1  
RELATING TO HIGHWAY SAFETY**

Senate Committees on Judiciary and Ways and Means

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The Hawaii Department of Transportation **supports S.B. 2443, S.D. 1**, which establishes the Automated Speed Enforcement Systems Program. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning January 1, 2025, for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Appropriates funds.

Speeding has always been one of the top contributing factors in motor vehicle fatalities for the past decade. This program is necessary to reduce these senseless deaths and injuries on Hawaii's roadways. In 2023, there were 95 motor vehicle fatalities, speeding was a major contributing factor in half of those fatalities.

As the red-light photo imaging pilot project has shown, automated enforcement cameras are a powerful tool that can bring about positive change driving behaviors.

Suggest to include language:

- Section 7 - To extend the lapse date of the FY 25 appropriation to June 30, 2026.
- Section 1, Section XX - To provide a FY 24 emergency appropriation of \$230,000 for the 10 radar devices and consultant.

To provide the HDOT funding flexibility in establishing and implementing the program, recommend amending the bill to include the following as underscored:

**PART I**

**SECTION 1. This Act is recommended by the governor for immediate passage in accordance with section 9 of the article VII of the Constitution of the State of Hawaii.**

The legislature finds that the prevalence of drivers who violate Hawaii's traffic laws is intolerable, particularly drivers who speed. This dangerous behavior puts the lives of all of Hawaii's roadway users at risk. According to state traffic data, speeding continues to be the most common contributing factor in motor vehicle fatalities. Data from the

department of transportation shows that speeding contributed to almost fifty per cent of all motor vehicle fatalities.

Automated speed enforcement cameras are powerful tools that can reduce motor vehicle crashes and fatalities by augmenting traditional enforcement efforts or enforcing in locations where traffic stops are impractical or unsafe.

The purpose of this Act is to establish an automated speed enforcement program to improve enforcement of speeding laws.

#### PART IV

SECTION 7. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$            or so much thereof as may be necessary for fiscal year 2024-2025 for the establishment and implementation of the automated speed enforcement systems program. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION XX. There is appropriated out of the highway safety fund of the State of Hawaii the sum of \$230,000 or so much thereof as may be necessary for fiscal year 2023-2024 to be deposited into the automated speed enforcement systems program special fund.

SECTION XX. There is appropriated out of the automated speed enforcement systems program special fund the sum of \$230,000 or so much thereof as may be necessary for fiscal year 2023-2024 for the establishment and implementation of the automated speed enforcement systems program. The sum appropriated shall be expended by the department of transportation for the purposes of this Act.

Thank you for the opportunity to provide testimony.

JON N. IKENAGA  
STATE PUBLIC DEFENDER

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S.B. No. 2443, S.D.1: RELATING TO HIGHWAY SAFETY

Chair Donovan M. Dela Cruz  
Vice Chair Sharon Y. Moriwake  
Honorable Committee Members

Chair Karl Rhoads  
Vice Chair Mike Gabbard  
Honorable Committee Members

The Office of the Public Defender **opposes** this bill.

Replacing officers with discretion to cite speeding motorists with an automated system that will cite every driver going over the speed limit no matter how slight and without exception is detrimental to the general public. While ensuring motorists are going at a safe speed in compliance with the law, the “flow of traffic” sometimes allows them to travel over the speed limit in a safe way. For example, a police officer stationed in a 35-mile-per-hour zone may decide not to pull over a driver going 38 m.p.h. but may issue a citation for someone going 50 m.p.h. In another scenario, a driver going 38 m.p.h. with a lot of other vehicles on the road may warrant the same type of citation.

Moreover, by making the “motor vehicle” strictly liable as opposed to the offending motorist, registered owners who let family members or friends use the vehicle become liable. This is unfair to the motorist—especially for families with limited incomes who have to share a vehicle to go to work, commute to school, or run errands.



*The Judiciary, State of Hawai'i*

**Testimony to the Thirty-Second State Legislature, 2024 Regular Session**

**Committee on Ways and Means**  
Senator Donovan M. Dela Cruz, Chair  
Senator Sharon Y. Moriwaki, Vice Chair

**Committee on Judiciary**  
Senator Karl Rhoads, Chair  
Senator Mike Gabbard, Vice Chair

Friday, March 1, 2024, 10:31 a.m.  
Conference Room 211 & Via Videoconference

By:

Michelle D. Acosta  
Deputy Chief Court Administrator  
Court Operations and Court Services, First Circuit

**WRITTEN TESTIMONY ONLY**

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**Bill No. and Title:** Senate Bill No. 2443, SD1 – Relating to Highway Safety

**Purpose:** Establishes the Automated Speed Enforcement Systems Program for ten school zones. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Declares that the general fund expenditure ceiling in exceeded. Makes an appropriation. Takes effect 1/1/2050. (SD1)

**Judiciary's Position:**

The Judiciary respectfully provides the following comments but takes no position as to the intent of this measure.

The Judiciary is concerned that an implementation date of January 1, 2025 would be challenging based on the scope of the program. The Judiciary will need ample time to coordinate

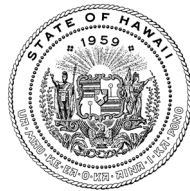
Testimony for SB2443, SD1, Relating to Highway Safety  
Senate Committee on Ways and Means  
Senate Committee on Judiciary  
March 1, 2024, 10:31 a.m.  
Page 2

with the Department of Transportation and the selected vendor to ensure that the vendor can provide the necessary infrastructure and support for a program of this size.

As the measure would allow the automated speed cameras to be installed statewide, the Judiciary will need to assess the impact to the courts in the counties where the speed cameras are installed. Staffing levels vary for each of the district court divisions throughout the state and an increase in staffing may be necessary to process the citations, payments, written statements, and scheduling of trial dates for those motorists wanting a trial.

In addition, the Judiciary anticipates funding will be needed for the Judiciary Information Management System (JIMS) for system modifications, testing, and additional software licensing.

Thank you for the opportunity to testify on this measure.



JOSH GREEN, M.D.  
GOVERNOR

SYLVIA LUKE  
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA  
DIRECTOR

SABRINA NASIR  
DEPUTY DIRECTOR

**STATE OF HAWAII**  
**DEPARTMENT OF BUDGET AND FINANCE**  
*Ka 'Oihana Mālama Mo'ohelu a Kālā*  
P.O. BOX 150  
HONOLULU, HAWAII 96810-0150

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

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

**WRITTEN ONLY**

TESTIMONY BY LUIS P. SALAVERIA  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON WAYS AND MEANS AND JUDICIARY  
ON  
SENATE BILL NO. 2443, S.D. 1

**March 1, 2024**  
**10:31 a.m.**  
**Room 211 and Videoconference**

RELATING TO HIGHWAY SAFETY

The Department of Budget and Finance (B&F) offers comments on this bill.

Senate Bill (S.B.) No. 2443, S.D. 1, makes an emergency appropriation from the highway safety fund (HSF) to be deposited into the Automated Speed Enforcement Systems Program Special Fund (ASESPSF) for the Department of Transportation (DOT). This bill also adds a new chapter to Title 17, HRS, entitled "Automated Speed Enforcement Systems" to establish an automated speed enforcement systems program to help improve the enforcement of speeding laws.

The automated speed enforcement systems program may be implemented by the State or county, in not more than ten school zones throughout the state on any State or county highway. The State shall establish and implement an automated speed enforcement systems program imposing monetary liability on the registered owner of a motor vehicle for failure to comply with the speed limit. The State or any county may provide for the: 1) procurement, location, and oversight of an automated speed enforcement system; and 2) installation, operation, maintenance, and repair of the

automated speed enforcement system through a third-party contractor. The automated speed enforcement system equipment shall be operated from a fixed pole, post, or other fixed structure on a State or county highway.

Beginning on January 1, 2025, any motor vehicle in violation of the posted speed limit determined by the automated speed enforcement system, shall be issued a summons or citation to be sent by first class mail that is postmarked within ten calendar days after the date of the incident to the registered owner of the motor vehicle.

This bill creates a new offense of noncompliance with the posted speed limit under the automated speed enforcement system and imposes fines based on the amount of speed exceeding the speed limit. All fines collected under the automated speed enforcement system shall be deposited into the ASESPSF.

This bill establishes the ASESPSF, to be administered by DOT, into which shall be deposited all fines collected pursuant to this chapter. All proceeds of fines shall be expended by DOT in the county from which the fine was imposed for the establishment, implementation, operation, oversight, management, repair, and maintenance of an automated speed enforcement system. This bill appropriates an unspecified amount of general funds for FY 25 for the establishment and implementation of the automated speed enforcement systems program to operate in not more than ten school zones. This bill also appropriates \$230,000 from the HSF to be deposited into the ASESPSF for FY 24 and appropriates \$230,000 from the ASESPSF for FY 24 for ten radar devices and one full-time equivalent consultant position. The appropriations authorized in this bill have an extended lapse date of June 30, 2026.

As a matter of general policy, B&F 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. Regarding S.B. No. 2443, S.D. 1, it is difficult to determine whether the proposed special fund would be self-sustaining.

Since this bill is related to highway safety, it appears that the more appropriate source of funding would be the State Highway Fund (SHF) instead of general funds. Additionally, this bill appropriates funds from the HSF, however, it is unclear what authorization establishes the HSF or if the intent was to use SHF.

Also, since this is an emergency appropriation bill, it is noted that the Governor must designate this bill for immediate passage to enable passage prior to the FY 25 Executive Supplemental Budget bill.

Thank you for your consideration of our comments.





## DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 1, 2024

### TESTIMONY TO THE SENATE COMMITTEES ON JUDICIARY, AND ON WAYS AND MEANS

#### Senate Bill 2443 SD1– Relating to Highway Safety

The Disability and Communication Access Board (DCAB) supports Senate Bill 2443 SD1 – Relating to Highway Safety.

This bill establishes the Automated Speed Enforcement Systems Program for ten school zones. Authorizes the state or counties to administer the Automated Speed Enforcement Systems Program. Requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. Declares that the general fund expenditure ceiling in exceeded.

Vehicles that speed pose a danger for all pedestrians, but especially for pedestrians with certain disabilities. Persons who use wheelchairs and other mobility devices and persons of short stature are lower to the ground and are therefore less visible to drivers looking over the hood of their vehicles. Blind pedestrians rely on audio cues from traffic control devices and are unlikely to be able to take actions to avoid a car. In addition, pedestrians with a mobility disability – such as persons with arthritis, vascular and orthopedic conditions – may not have the agility or reflexive speed to get out of the way of an approaching vehicle.

For the above reasons, we support this bill.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

DEPARTMENT OF TRANSPORTATION SERVICES  
KA 'OIHANA LAWELAWE 'ŌHUA  
CITY AND COUNTY OF HONOLULU

711 KAPI'OLANI BOULEVARD, SUITE 1600 • HONOLULU, HAWAII 96813  
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RICK BLANGIARDI  
MAYOR  
MEIA



J. ROGER MORTON  
DIRECTOR  
PO'O

JON Y. NOUCHI  
DEPUTY DIRECTOR  
HOPE PO'O

TESTIMONY OF J. ROGER MORTON  
DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE SENATE COMMITTEES ON  
WAYS AND MEANS AND JUDICIARY  
**DECISION MAKING**

**Friday, March 1, 2024, 10:31 AM, CR 211 & Videoconference**

TO: Sen. Donovan M. Dela Cruz, Chair, and Sen. Sharon Y. Moriwaki, Vice Chair, and Members of the Committee on Ways and Means  
Sen. Karl Rhoads, Chair, Sen. Mike Gabbard, Vice Chair, and Members of the Committee on Judiciary

RE: WRITTEN TESTIMONY IN SUPPORT OF SENATE BILL 2443, SENATE DRAFT 1, RELATING TO HIGHWAY SAFETY, WITH COMMENTS

The Department of Transportation Services (DTS) of the City and County of Honolulu **supports** Senate Bill 2443, Senate Draft 1, relating to highway safety and provides the following comments.

DTS strongly supports the bill's intent to establish an Automated Speed Enforcement Systems Program and authorize the State and counties to administer the program. DTS encourages the Legislature to consider expanding the program to more than ten school zones statewide, given that there are nearly 300 public schools across the State, and many have current traffic safety and speeding challenges.

DTS is committed to ending traffic fatalities and serious injuries on O'ahu. Addressing speeding is critical to accomplishing this goal. Excessive speed was a contributing factor in the deaths of at least 102 people on O'ahu (or 32% of all traffic fatalities) O'ahu in the period from 2015 through 2020, per police crash reports - a statistic many acknowledge to be underreported. The Federal Highway Administration emphasizes the basics of physics and kinetic energy, namely the exponential relationship between the speed at which a crash occurs and the likelihood of survival. This relationship is particularly acute for the most vulnerable users of our transportation system: kūpuna, people walking, and those from low-income communities.

Automated Speed Enforcement System Programs are proven safety countermeasures to speed related fatalities. The National Transportation Safety Board, in providing summary studies on Automated Speed Enforcement System Programs, found that Automated Speed Enforcement System Programs have been applied in many locations around the United States and internationally, and have significantly reduced the number of fatalities and serious injuries.

Thank you for the opportunity to submit this written testimony in support with comments.



## Testimony of the Oahu Metropolitan Planning Organization

### Senate Committee on Ways and Means and Senate Committee on the Judiciary

03/01/23 10:00 AM

Conference Room 211 & Videoconference

**SB 2443 SD1**

**Relating to Highway Safety**

Dear Chairs Dela Cruz and Rhoads, Vice Chairs Moriwaki and Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB 2443 SD1**, which would establish an Automated Speed Enforcement Systems Program for ten school zones; authorizes the state or counties to administer the Automated Speed Enforcement Systems Program; requires fines collected beginning 1/1/2025 for violations on a county highway to be expended for the operation of the Automated Speed Enforcement Systems Program; and creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System. This bill would help us achieve the OahuMPO's goal of reducing traffic related deaths and serious injuries to zero by 2050.

The National Safety Council (NSC) indicated that forty-eight percent (48%) of all traffic fatalities in Hawaii were speed related, which meant Hawaii had the dishonorable distinction of having the highest percentage of speed related fatalities in the nation. Speeding impedes driver's reaction times and safety countermeasures. Providing mechanisms to deter risky driving behaviors, such as speeding, is imperative to combatting the epidemic of people dying in speed related crashes.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP) that encourages and promotes a safe and efficient transportation system to serve the mobility needs of people and freight (including walkways, bicycles, and transit), fosters economic growth and development, and takes into consideration resiliency needs, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.

TESTIMONY OF  
**LARRY S VERAY**

TO THE COMMITTEE'S ON WAYS AND MEANS & ON JUDICIARY

**IN STRONG SUPPORT OF SB2443 SD1**

**RELATED TO HIGHWAY SAFETY**

February 29, 2024

Aloha, Chair's Dela Cruz and Rhoads, Vice Chair's Moriwaki and Gabbard and Committee members. I am Larry Veray, Chairman for the Pearl City Neighborhood Board No. 21. I am submitting this testimony representing our board as a whole and families that live in Pearl City where their children attend our schools and require traffic safety. Thank you for allowing me the opportunity to provide testimony in strong support of SB2443 SD1.

Our board has submitted several resolutions recommending improvement to traffic safety for Pearl City. Our board has also engaged the Honolulu Police Department during our monthly board meetings especially addressing our concerns with speeding in school zones. Speeding vehicles pose an extreme danger to our families escorting their children to and from school. Our elderly are among those families who have disabilities and require more time crossing intersections and crosswalks near our schools. We need to integrate technology around our schools with the newer digital speed cameras and monitoring devices to make our drivers accountable for adhering to the posted speed limits around our schools, being respectful and patient while waiting in traffic for those families to deliver and pickup their children.

We most strongly urge you to pass SB2443 SD1. Mahalo!

Respectfully,

*Larry S. Veray*

**SB-2443-SD-1**

Submitted on: 2/27/2024 10:50:13 PM

Testimony for JDC on 3/1/2024 10:31:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Chad K Taniguchi	Individual	Support	Written Testimony Only

Comments:

The only reason speed cameras are needed are because some drivers speed excessively and endanger the lives of other road users.

Police can't be everywhere. Red light cameras have proven effective when they are implemented following best practices from other effective cities.

Please pass SB2443.

Thank you.

TO: Members of the Committees on Ways and Means & Judiciary

FROM: Natalie Iwasa  
808-395-3233

HEARING: 10:31 a.m. Friday, March 1, 2024

SUBJECT: SB2443, SD1, Cameras for Speeding - **OPPOSED**

Aloha Chairs Dela Cruz and Rhoads and Committee Members,

Thank you for allowing the opportunity to provide testimony on SB2443, SD1, which would allow for speed enforcement via cameras in 10 school zones and put fines in a special fund. I oppose this bill and ask you to vote “no” or defer the bill in committee.

This bill holds the registered owner – not the driver – of a vehicle responsible if the vehicle is recorded as speeding. Citations would potentially be sent to people who were not driving the vehicle or have had their vehicle or license plates stolen.

**Our legal system was built on the premise that people are innocent until proven guilty. Not the other way around. As this bill is written, people are presumed guilty until they prove themselves innocent. That goes against the foundation of our legal system.**

This bill also includes a special fund to be used as specified. Special funds add to the cost of government, usually without equivalent benefits.

Please vote “**no**” on SB2443, SD1.

