

ACT 131

S.B. NO. 663

A Bill for an Act Relating to Highway Safety.

Be It Enacted by the Legislature of the State of Hawaii:

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 struck children or the elderly.

The legislature further finds that in other jurisdictions in Canada, Europe, the United States, 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 finds that the photo speed imaging detector system created by Act 234, Session Laws of Hawaii 1998, as amended by Act 263, Session Laws of Hawaii 1999, and Act 240, Session Laws of Hawaii 2000, and implemented in December 2001, generated intense public opposition. As a result of this opposition, the legislature repealed Act 234, as amended, in its entirety through the enactment of Act 58, Session Laws of Hawaii 2002. 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 to maximize revenue for the vendor running the program rather than to improve traffic safety.

The purpose of this Act is to establish a red light running committee to develop policy recommendations for red light running pilot programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii, and to make recommendations on staffing requirements, capital improvements, and evaluation and efficacy metrics.

SECTION 2. (a) The department of transportation shall establish a red light running committee to develop policy recommendations for red light running pilot programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii.

(b) When developing any policies, the committee shall consider that all pilot programs are to be conducted directly by the state, or jointly with the county in which the program is located, and the enforcement and maintenance of the programs shall not be contracted out to a third party vendor. In developing its recommendations, the committee shall also:

- (1) Estimate the staffing needs for each pilot program, provided that each pilot program shall be solely funded by the state or the county in which the program is located;
- (2) Estimate any capital improvement needs for each pilot program, provided that all moneys for any capital improvement projects shall be appropriated out of state or county funds;
- (3) Determine the most appropriate location for each pilot program; and
- (4) Develop an evaluation plan, which shall include appropriate metrics for determining how effective each program is in promoting public safety and reducing incidents of pedestrian fatalities.

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(c) The department of transportation shall invite the following to participate on the red light running committee:

- (1) The deputy administrative director of the courts or the deputy's designee;
 - (2) The state public defender or the state public defender's designee;
 - (3) The chair of the state highway safety council or the chair's designee;
 - (4) Representatives from each county police department;
 - (5) Representatives from each county prosecutors' office; and
 - (6) Transportation officials from each county.
- (d) The red light running committee shall submit a report, including any findings, recommendations, and proposed legislation, to the legislature no later than twenty days prior to the convening of the 2020 regular session.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 25, 2019.)