



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-SECOND LEGISLATURE, 2024**

ON THE FOLLOWING MEASURE:

S.B. NO. 2443, S.D. 2, H.D. 1, RELATING TO HIGHWAY SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

DATE: Tuesday, March 19, 2024 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325 and Videoconference

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Denise W. M. Wong, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to establish an automated speed enforcement program to improve enforcement of speeding laws.

Section 2 of the bill on page 1, line 15, to page 12, line 6, proposes to add to title 17 of the Hawaii Revised Statutes (HRS) a new chapter to establish the automated speed enforcement program that uses automated speed enforcement cameras and devices to improve enforcement of speeding laws.

Section 3 of the bill, on page 12, line 7, to page 14, line 2, adds to chapter 291C, HRS, a new section that provides for noncompliance with speed limits under the automated speed enforcement system by imposing liability upon the **registered owner** of a motor vehicle, who may be cited for the owner's motor vehicle traveling at a speed greater than the maximum speed limit. However, certain portions of the new chapter proposed by section 2 of the bill refer to a registered owner of a motor vehicle being required to comply with section 291C-102, HRS, which requires the **driver** of the motor vehicle to comply with the speed limit.

Because the automated speed enforcement system is intended to impose liability on the **registered owner, not the driver**, of the motor vehicle for violation of the speed limit, for this bill to be effective, the references to "section 291C-102" on page 3, line 17; page 6, line 12; page 7, line 13; page 9, line 20; and page 10, line 2, must be replaced

with references to "section 291C- ", the new section added to chapter 291C, as set forth on page 12, line 10, to page 14, line 2. Subsection (b) of that new section on page 12, line 20, to page 13, line 3, expressly distinguishes between the citation of the registered owner of the motor vehicle under the new chapter and the citation of the driver of the motor vehicle under section 291C-102 to provide for the dismissal of the citation of the registered owner under the new chapter if the driver has been cited for the same speeding offense.

Thank you for the opportunity to testify.



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 19, 2024
2:00 p.m.
State Capitol, RM 325

S.B. 2443, S.D. 2, H.D. 1
RELATING TO HIGHWAY SAFETY

House Committee on Judiciary & Hawaiian Affairs

The Hawaii Department of Transportation **supports S.B. 2443, S.D. 2, H.D. 1**, which establishes the Automated Speed Enforcement Systems Program, to be implemented in at least one school or work zone in each county. Authorizes the State to administer 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.

Thank you for the opportunity to provide testimony.



The Judiciary, State of Hawai'i

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

Committee on Judiciary & Hawaiian Affairs
Representative David A. Tarnas, Chair
Representative Gregg Takayama, Vice Chair

Tuesday, March 19, 2024, 2:00 p.m.
Conference Room 325 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Ernest DeLima
Deputy Chief Court Administrator, Second Circuit

Bill No. and Title: Senate Bill No. 2443, SD2, HD1 – Relating to Highway Safety.

Purpose: Establishes the Automated Speed Enforcement Systems Program, to be implemented in at least one school or work zone in each county. Authorizes the State to administer 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. Effective 7/1/3000. (HD1)

Judiciary's Position:

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

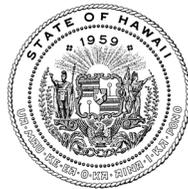
The Judiciary is concerned that an implementation date of January 1, 2025 at which time the Judiciary would start receiving summons or citations referenced in Section 2, page 7, line 10 would be challenging based on the scope of the program. The Judiciary will need ample time to coordinate with the Department of Transportation and the selected vendor to ensure that the vendor can provide the necessary infrastructure and support for a program of this size.

Testimony for SB2443, SD2, HD1, Relating to Highway Safety
House Committee on Judiciary & Hawaiian Affairs
March 19, 2024, 2:00 p.m.
Page 2

As the measure would require at least one automated speed camera to be installed in at least one school zone or work zone in each county, 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

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

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

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 HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
ON
SENATE BILL NO. 2443, S.D. 2, H.D. 1

**March 19, 2024
2:00 p.m.
Room 325 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. 2, H.D. 1, 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 shall be implemented by the State in at least one school zone or work zone in each county 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 shall 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 Automated Speed Enforcement Systems Program Special Fund (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 from the Highway Safety Fund (HSF) to be deposited into the ASESPSF for FY 25 and appropriates an unspecified amount from the ASESPSF for FY 25 for ten radar devices and an unspecified number of full-time equivalent consultant positions. 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. 2, it is difficult to determine whether the proposed special fund would be self-sustaining.

It should be noted that while this bill appropriates funds from the HSF to be deposited into the ASESPSF, it appears that the HSF does not exist. Therefore, it is unknown how the program would be implemented without a proper funding source. Since this bill is related to highway safety, it appears that the appropriate source of funding would be from the State Highway Fund.

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 19, 2024

TESTIMONY TO THE SENATE COMMITTEE ON JUDICARY AND HAWAIIAN AFFIARS

Senate Bill 2443 SD2 HD1– Relating to Highway Safety

The Disability and Communication Access Board (DCAB) supports Senate Bill 2443 SD2 HD1 – Relating to Highway Safety.

This bill establishes the Automated Speed Enforcement Systems Program, to be implemented in at least one school or work zone in each county. Authorizes the State to administer the Automated Speed Enforcement Systems Program. Creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System.

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.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW
Executive Director

JON N. IKENAGA
PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. NO. (808) 586-2080

DISTRICT COURT DIVISION
TEL. NO. (808) 586-2100

FAMILY COURT DIVISION
TEL. NO. (808) 586-2300

FELONY DIVISION
TEL. NO. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

HAYLEY Y. C. CHENG
ASSISTANT PUBLIC DEFENDER

HILO OFFICE
275 PONAHAHAWAI STREET
SUITE 201
HILO, HAWAII 96720
TEL. NO. (808) 974-4571
FAX NO. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. NO. (808) 327-4650
FAX NO. (808) 327-4651

KAUAI OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. NO. (808) 241-7128
FAX NO. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. NO. (808) 984-5018
FAX NO. (808) 984-5022

**TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER, STATE OF HAWAII
TO THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS**

March 18, 2024

SB 2443, SD2, HD1: RELATING TO HIGHWAY SAFETY

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

The Office of the Public Defender **opposes** SB 2443, SD2, HD1.

Law enforcement officers use their discretion when issuing citations to speeding motorists. Replacing officers with an automated system that will cite every driver going over the speed limit, no matter how slight and without exception, does not account for the reality of motorists driving with the “flow of traffic” who may be slightly over the speed limit but still driving in a safe way.

The use of automated speed enforcement cameras captures an image of the vehicle license plate and results in the issuance of a citation to the registered owner of the vehicle rather than the actual driver. This practice shifts the burden to a vehicle owner who was not driving to prove someone else operated the vehicle, rather than placing the burden on the State to prove the owner was in fact operating the vehicle at the time of the violation. Unlike parking citations that cite the vehicle owner, moving violations have a significant impact on an individual’s driving abstract and can increase insurance rates.

The maintenance, calibration, and accuracy of automated traffic systems is also a significant issue. “While we often rely on technology, and especially on cameras, to deliver accurate findings, there are numerous instances in which speed cameras have malfunctioned, mistakenly

ticketing a car for moving violation or misidentifying the license plate... Without adequate checks in place and systems for redress, there is ample opportunity for innocent drivers to get swept up in ticketing schemes that may continue erroneously for years.”¹

Thank you for the opportunity to comment on this measure.

¹ Fegan, Maya. Speeding into the Future: The Pitfalls of Automated Traffic Enforcement. *Berkley Journal of Criminal Law*, 15 April 2021. <https://www.bjcl.org/blog/speeding-into-the-future-the-pitfalls-of-automated-traffic-enforcement>

LATE *Testimony submitted late may not be considered by the Committee for decision making purposes.

KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.gov



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE ST-KK

March 19, 2024

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and
Hawaiian Affairs
House of Representatives
415 South Beretania Street, Room 325
Honolulu, Hawai'i 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 2443, S.D. 2, H.D. 1, Relating to Highway Safety

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2443, S.D. 2, H.D. 1, Relating to Highway Safety.

The HPD supports measures that address the enforcement of speeding vehicles. Higher vehicle speeds equate to less reactionary time, as well as a higher propensity for property damages and injuries. In addition, speeding is a major contributing factor to many motor vehicle collisions resulting in critical injuries and fatalities.

The HPD urges you to support Senate Bill 2443, S.D. 2, H.D. 1, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED

Sincerely,



Arthur J. Logan
Chief of Police


Stason Tanaka, Major
Traffic Division

TESTIMONY OF
LARRY S VERAY

TO THE COMMITTEE JUDICIARY & HAWAIIAN AFFAIRS

IN STRONG SUPPORT OF SB2443 SD2, HD1

RELATED TO HIGHWAY SAFETY

March 18, 2024

Aloha, Chair Tarnas, Vice Chair Takayama 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 SD2, HD1.

Our board has submitted several previous resolutions and letters to both Hawaii Department of Transportation and City & County of Honolulu Department of Transportation Services 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 and on highways. 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 pick up their children.

Speed cameras have been a huge success in other U.S. mainland cities but also internationally in Australia. This technology will slow drivers down and save lives.

We most strongly urge you to pass SB2443 SD2, HD1. Mahalo!

Respectfully,

Larry S. Veray



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Judiciary and Hawaiian Affairs

03/19/24 2:00PM

Conference Room 325 & Videoconference

SB 2443 SD2 HD1

Relating to Highway Safety

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB 2443 SD2 HD1**, which would establish the Automated Speed Enforcement Systems Program to be implemented in at least one school or work zone in each county; authorize the State or counties to administer the Automated Speed Enforcement Systems Program; require 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 create 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.



Email: communications@ulupono.com

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Tuesday, March 19, 2024 — 2:00 p.m.

Ulupono Initiative supports SB 2443 SD2 HD1, Relating to Highway Safety.

Dear Chair Tarnas and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve the quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food, renewable energy and clean transportation choices, and better management of freshwater resources.

Ulupono supports SB 2443 SD2 HD1, which establishes the Automated Speed Enforcement Systems Program, to be implemented in at least one school or work zone in each county; authorizes the State to administer the Automated Speed Enforcement Systems Program; and, creates a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System.

Ulupono supports the measure's intent to reduce the risks associated with speeding, especially in school zones. To enhance the effectiveness of the program, we recommend the following be considered for inclusion:

- Codify the program goal to improve safety on our roads.
- Add reporting requirements to ensure the program meets its stated objectives.
- Mandate coordination with safety action plans to promote a comprehensive approach, taking into account street design, engineering enhancements, and infrastructure changes. Emphasizing this holistic perspective is crucial, as relying solely on increased enforcement may not be sufficient.¹

These changes will help ensure that the program is implemented effectively with safety and speed reduction as its primary goal. Such a program will increase safety as our keiki walk, ride, or roll to and from school and other vulnerable users as well.

Thank you for the opportunity to testify.

Respectfully,

Micah Munekata
Director of Government Affairs

¹ <https://finesandfeesjusticecenter.org/content/uploads/2023/12/Driving-the-Wrong-Way-5.pdf>



AAA Hawaii

March 15, 2024

Chair David Tarnas
Judiciary and Hawaiian Affairs Committee
Hawaii State Capitol, Room 442
Honolulu, HI 96813

RE: SB 2443 HD1 (Elefante) – Automated Speed Enforcement Systems Program
Position: Comments

Chair Tarnas,

AAA Hawaii respectfully submits the following comments on SB 2443 HD1 (Elefante) as amended. In May 2021, the AAA joined a coalition of national traffic safety organizations to prepare an Automated Enforcement Program Checklist for red light camera and speed enforcement (see attached). The comments below reflect recommendations from that Checklist that we believe should be considered in implementing an automated speed camera program in the state.

- **Stakeholder Advisory Groups.** The state should establish a stakeholder advisory group to provide input on issues such as safety, equity, and transparency when developing and implementing its automated speed camera program. This group can help design the program and support its implementation. It can also be helpful to the public education element of the program.
- **Speed Tolerance.** The point of speed cameras is to target flagrant, rather than marginal, infractions. We are concerned SB 2443 H1 provides zero tolerance and proposes to cite motorists traveling at any speed greater than the maximum speed limit. Most automated speed camera programs only cite drivers after they exceed a threshold, such as 10 mph. Alternatively, this bill imposes an added \$10 surcharge for traveling 10 mph over the posted limit.
- **Warning Signs.** Flashing beacons are commonly used in school zones and are often attached to school speed limit signs per the Hawaii Department of Transportation. We strongly recommend requiring beacon lights when installing speed cameras in school and work zones, so drivers know lower speed limits are in effect. Other states, such as California, have similar beacon light requirements for speed cameras.
- **Contesting Violations.** The Checklist recommends the state establish clear procedures for contesting alleged violations, including a fair appeals process. In addition, the AAA recommends adding a process to submit an “affidavit of non-liability” for unique circumstances such as when speed camera violations are accrued with stolen vehicles. Neither of these provisions are reflected in SB 2442 HD1.

Studies show automated enforcement can play in improving safety for motorists, pedestrians, and other road users by improving compliance with speed limits and other traffic control devices. AAA agrees, when implemented fairly and effectively, speed surveillance devices can potentially slow vehicles down and improve

speed limit compliance by motorists. This, in turn, improves safety for all road users, including drivers, passengers, bicyclists, and pedestrians. We encourage you to advance this bill after carefully consider the comments noted above. If you any questions about our policy about our position, please contact Marianne Kim at kim.marianne@ace.aaa.com or (213) 741-4488.

Respectfully Submitted,

Liane Sumida

Liane Sumida
Regional Manager

Attachment



AUTOMATED ENFORCEMENT PROGRAM CHECKLIST

For red light cameras and automated speed enforcement

Automated enforcement is an effective tool to make roads safer. Research shows that red light cameras reduce violations and injury crashes, especially the violent front-into-side crashes most associated with red light running. Speed cameras have been shown to reduce vehicle speeds, crashes, injuries and fatalities. Both types of programs should be designed, implemented and administered properly. Poorly run programs are less likely to be durable and may undermine support for automated enforcement generally.

Speed and red light camera programs augment traditional enforcement to improve traffic safety by deterring dangerous driving behaviors. Automated enforcement does not require traffic stops, and well-designed programs can improve safety for all road users in a neutral manner.

Successful programs are transparent and have a strong public information component. Communities should take into account racial and economic equity when making decisions about camera placement and fines. Automated enforcement programs should be data-driven and should prioritize safety, not revenue. In fact, communities should expect that revenue will decline over time as fewer drivers run red lights or violate speed limits.

This checklist assumes your community is already legally authorized to set up a program. It provides a minimum list of considerations to help you follow best practices. The goal is to operate a successful program that reduces crashes and prevents deaths and injuries while maintaining strong public support. Automated enforcement can be integrated into broader efforts to discourage unsafe driving that includes optimizing speed limits for safety and improving roadway design.



ADVOCATES FOR HIGHWAY & AUTO SAFETY



✓ FIRST STEPS

- Identify problem intersections and roadways.
 - Assess violation and crash data.
 - Conduct field observations.
 - Collect resident and roadway user input.
- Consider what role automated enforcement should play as part of a comprehensive traffic safety strategy.
- Make any engineering or signage changes needed to improve drivers' compliance with the law.
 - Ensure the road geometry conforms with guidelines from the American Association of State Highway and Transportation Officials, National Association of City Transportation Officials guidance or state road design manuals, as appropriate.
 - Remove sightline obstructions of signals and signage.

For red light cameras:

- Ensure that yellow light timing conforms to the Manual on Uniform Traffic Control Devices and Institute of Transportation Engineers guidelines.

For automated speed enforcement:

- Ensure the speed limit is appropriate and accounts for all road users. Follow guidance and use tools from the Federal Highway Administration, Institute of Transportation Engineers, and the National Association of City Transportation Officials.
 - Ensure the speed limit is appropriate for special conditions, such as work zones and school zones.
 - Assess whether engineering changes could be made to promote compliance with the speed limit.
 - Ensure adequate posting of speed limits.
- Establish an advisory committee comprised of stakeholders.
 - Consider including law enforcement, transportation department employees, victim advocates, equity and civil rights advocates, school officials, community residents, first responders, health officials and the courts.
 - Outline the committee's role. This may include developing guiding principles related to safety, equity, and transparency, as well as other aspects of the program.
 - Ensure committee meetings are open to the public and deliberations are transparent.
 - Meet with the media, including newspaper editorial boards, to build support and educate the public.



SECOND STEPS

- Make program design decisions, consulting with the advisory committee as appropriate.

Program design considerations

Target violations with the greatest safety consequences. For example, you might decide not to ticket for right-turn-on-red violations when pedestrians, bicyclists, and oncoming vehicles are not present or to limit violations in work zones to when workers are present, provided the road configuration has not also been altered for construction.

Establish a reasonable fine structure. Create options for indigent violators such as payment plans or other alternatives.

Establish a threshold that must be crossed before a vehicle is photographed for a violation of red light running or speeding (i.e., a period after a light turns red or a certain mph over the posted speed). The point is to target flagrant, rather than marginal, infractions.

Programs should include a process for evidence review by appropriately trained personnel to determine if a violation occurred and issue a citation if warranted.

Establish clear procedures for contesting an alleged violation. Consider options to contest online or by mail.

When possible, red light camera violations should be recorded in real time video, and videos of the offense should be made available to the vehicle owner for review via the Internet.

Fines in excess of program costs should be allocated to transportation safety programs.

- Use safety data gathered in the first steps to determine camera locations, ensuring that particular neighborhoods are neither overlooked nor overrepresented.
- Publicize the extent of the safety problem and the need for innovative solutions.
- Secure a vendor and establish payment based on the vendor's actual costs, not the number of citations.
- Publicize procedures for contesting an alleged violation.
- Create a website and social media plan to publicize program details, such as how to pay and dispute tickets. Establish a method for answering questions accurately and in a timely manner.
- Develop an emergency action plan for handling problems, such as system malfunctions.

IMPLEMENTATION

- Hold a kickoff event with advisory committee members. Introduce a well-developed and sustained public education campaign focused on improving safety by changing driver attitudes and behavior.
- Connect the program to overall roadway safety in the community and identify the goal of zero tickets resulting from changes in driver behaviors.
- Install prominent warning signs.
- Start with a probationary period during which only warnings are issued.
- Follow current guidance from the U.S. Department of Transportation for implementation and operation of automated enforcement devices.
- Allow for due process. Minimize the number of days between the violation and citation issuance.

LONG TERM

- Publicize changes, including new camera locations. Reinstate the probationary period before ticketing begins at new locations.
- Monitor program operation and publicize results. Undertake periodic reviews and ensure racial, economic and other equity issues and public concerns are addressed.
- Require regular field reviews. Verify monthly camera calibration and synchronization with signals.
- Require regular evaluations of the traffic safety benefits of the program by collecting crash and infraction data. Before-and-after comparisons must use control intersections and roadways. Include control intersections and roadways that are not subject to spillover effects.
- Regularly meet with the advisory committee and media to review program status and sustain public support.
- Continue to improve programs based on new and updated guidance and best practices and look for opportunities to expand automated enforcement use.
- Consider other changes, including roadway design improvements, in order to reduce opportunities for unsafe driving.

SB-2443-HD-1

Submitted on: 3/17/2024 2:17:03 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

SB2443 Automated Speed Enforcement.

The automated speed enforcement cameras are not needed and will cause more of a distraction for drivers. Drivers will brake suddenly on the road way to avoid a ticket which could cause a collision. Does speed alone cause 48% of the collisions on the road or is it just one of the factors? We have laws on the books that are not being enforced that address speeding. We need to enforce the current laws equally, vehicular and pedestrians are both equally responsible for road safety.

This program is very unpopular as shown by the van camera program. This is an obvious money making scheme that comes at the expense of the general public. Why should all drivers be forced to go below the speed limit or even slam brakes when getting close to a photo enforced area? These cameras violate our rights to confront our accuser and the presumption of innocence before a jury trial.

Safer streets are all street users and sidewalk users responsibility the cameras excessively place the burden on only one side of the equation. This needs to be taken into consideration.

Please do not pass this measure.

TO: Members of the Committee on Judiciary & Hawaiian Affairs

FROM: Natalie Iwasa
808-395-3233

HEARING: 2 p.m. Tuesday, March 19, 2024

SUBJECT: SB2443, SD2, HD1, Cameras for Speeding - **OPPOSED**

Aloha Chair Tarnas and Committee Members,

Thank you for allowing the opportunity to provide testimony on SB2443, SD2, HD1, which would establish a speed enforcement program via cameras in at least one school or work zone and sets up yet another special fund. It would require a comprehensive engineering study at each location and baseline information on speeding, among other things.

This bill holds the wrong person responsible, i.e., registered owner. 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, SD2, HD1.

SB-2443-HD-1

Submitted on: 3/18/2024 1:43:00 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Chris Abe	Individual	Oppose	Written Testimony Only

Comments:

Please stop with the techno-fascist police state policies that penalize local residents for marginal violation of normal social norms for private corporate profit. Follow the money, the idea that you'd contract out the traffic camera work to a private company tells citizens everything we need to know about lawmakers' interests in promoting traffic camera policies: privatize profit and generating government revenue. People speed all the time, cops speed all the time, stop pretending it isn't normal that everyone goes 5 to 10 miles over the speed limit as a social norm. If you care about speeding I dare you all to put cameras on LITERALLY EVERY street to enforce the speed limit to the exact mile, anything less is hypocritical and selective enforcement.

Citizens don't want to be micro-policed in every aspect of their life. Driving 5-10 miles over the speed limit is not a problem that needs to be legislated, what we really need are good jobs, cheap homes, retirement income and affordable food prices, not more ways for law enforcement to screw us. so work on those issues first before finding ways to monitor and financially punish us for normal behavior.

SB-2443-HD-1

Submitted on: 3/18/2024 2:38:27 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Charmaine Doran	Individual	Support	Written Testimony Only

Comments:

Thank you for considering this matter. All communities should have access to resources that enable them to be safer for the residents that reside there. Speed enforcement cameras are just one resource. Legislation mandating that all communities will have at least minimal access to this valuable resource is a step in the right direction.

mahalo!

SB-2443-HD-1

Submitted on: 3/18/2024 3:48:38 PM

Testimony for JHA on 3/19/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Andrew Pereira	Individual	Oppose	Written Testimony Only

Comments:

Dear Members of the Judiciary and Hawaiian Affairs Committee,

Speeding cameras present a number of problems, which include the following:

1. Negative safety effects due to driver behavior changes near camera sites.
2. Possibility of drivers diverting to other routes to avoid cameras, impacting traffic patterns on our already congested highways.
3. Fairness and privacy implications of automated enforcement systems.
4. Challenges related to public trust and community engagement in implementing speed camera programs.
5. Issues with the burden placed on vehicle owners to prove innocence in cases of violations.
6. Lack of effectiveness and necessity of speed cameras as a long-term solution versus traditional speed management strategies.
7. Opposition to the use of private companies for operating speed camera systems, raising questions about financial incentives and accountability.

Do to the numerous negative issues listed above, I humbly ask the members of the committee not to approve this or any similar measure. If photo enforcement seeks to reduce traffic collisions, then red light enforcement is the proper venue and has already been proven effective at key intersections in Honolulu.