

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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

HOUSE COMMITTEE ON TRANSPORTATION

**DATE:** Tuesday, March 12, 2024                      **TIME:** 10:30 a.m.

**LOCATION:** State Capitol, Room 312 and Videoconference

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

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Chair Todd 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.

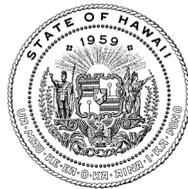
Section 3 of the bill on page 2, line 4, to page 12, line 11, proposes to add to title 17 of the Hawaii Revised Statutes (HRS) a new chapter to establish the automated speed enforcement program that uses automated speed enforcement cameras and devices to improve enforcement of speeding laws.

Section 4 of the bill, on page 12, line 13, to page 14, line 8, 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 3 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.

As the intent of the bill is to impose liability on the registered owner of the motor vehicle for violation of the speed limit, we recommend that the references to "section 291C-102" on page 4, line 3; page 6, line 18; page 7, line 18; and page 10, lines 5 and

7, be replaced with references to "section 291C- ", the new section added to chapter 291C, as set forth on page 12, line 16, to page 14, line 8.

Thank you for the opportunity to testify.



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  
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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 HOUSE COMMITTEE ON TRANSPORTATION  
ON  
SENATE BILL NO. 2443, S.D. 2

**March 12, 2024**  
**10:30 a.m.**  
**Room 312 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, 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. 2, 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 to be deposited into the ASESFSF, however, it appears that the HSF does not exist. Therefore, it is unknown how the program would be implemented without a funding source.

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.



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

March 12, 2024  
10:30 a.m.  
State Capitol, RM 312

**S.B. 2443, S.D. 2**  
**RELATING TO HIGHWAY SAFETY**

House Committee on Transportation

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The Hawaii Department of Transportation (HDOT) **supports S.B. 2443, S.D. 2**, 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 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.

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.



## 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 12, 2024

### TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

#### Senate Bill 2443 SD2– Relating to Highway Safety

The Disability and Communication Access Board (DCAB) supports Senate Bill 2443 SD2 – 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.

Thank you for considering our position.

Respectfully submitted,

KIRBY L. SHAW  
Executive Director

STATE PUBLIC DEFENDER

ASSISTANT PUBLIC DEFENDER

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S.B. No. 2443, SD2: RELATING TO HIGHWAY SAFETY

Chair Chris Todd  
Vice Chair Darius K. Kila  
Committee Members

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

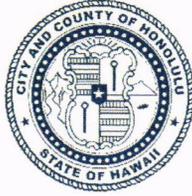
Replacing officers with discretion to cite speeding motorists with an automated system that will cite every driver going over the speed limit no matter how slight and without exception is detrimental to the general public. While ensuring motorists are going at a safe speed in compliance with the law, 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.

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

POLICE DEPARTMENT  
KA 'OIHANA MĀKA'I O HONOLULU  
**CITY AND COUNTY OF HONOLULU**

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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-TK

March 12, 2024

The Honorable Chris Todd, Chair  
and Members  
Committee on Transportation  
House of Representatives  
415 South Beretania Street, Room 312  
Honolulu, Hawai'i 96813

Dear Chair Todd and Members:

SUBJECT: Senate Bill No. 2443, S.D. 2, 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, 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.

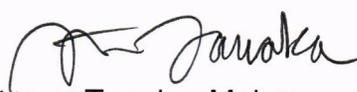
The HPD urges you to support Senate Bill 2443, S.D. 2, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED

Sincerely,

  
Arthur J. Logan  
Chief of Police

  
Stason Tanaka, Major  
Traffic Division



## Testimony of the Oahu Metropolitan Planning Organization

### House Committee on Transportation

03/12/24 10:30 AM

Conference Room 312 & Videoconference

**SB 2443 SD2**

**Relating to Highway Safety**

Dear Chair Todd, Vice Chair Kila, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB 2443 SD2**, which would establish the Automated Speed Enforcement Systems Program for ten school zones; 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; create a new offense of noncompliance with the posted speed limit under the Automated Speed Enforcement System; declare that the general fund expenditure ceiling in exceeded; makes an appropriation; takes effect 1/1/2050. 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](mailto:communications@ulupono.com)

HOUSE COMMITTEE ON TRANSPORTATION  
Tuesday, March 12, 2024 — 10:30 a.m.

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

Dear Chair Todd 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**, which 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; 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.<sup>1</sup>

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

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

**SB-2443-SD-2**

Submitted on: 3/10/2024 5:48:23 PM

Testimony for TRN on 3/12/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Isaac Guzzo	Individual	Oppose	Written Testimony Only

Comments:

I am writing to strongly oppose the use of traffic speed cameras on our roads. They are an invasion of privacy, a violation of due process, an ineffective solution to speeding and a source of unjust revenue for the government. Here are my reasons:

First, traffic speed cameras invade the privacy of drivers and passengers. The cameras capture the images and license plates of every vehicle that passes by, regardless of whether they are speeding or not. This creates a massive database of personal information that can be accessed by the government, third parties with no proper oversight, or hackers. The cameras also expose drivers and passengers to potential harassment, discrimination, or identity theft based on their appearance, ethnicity, religion, or lifestyle.

Second, traffic speed cameras create a presumption of guilt rather than innocence. The cameras issue fines based on the assumption that the owner is responsible for the speed of the vehicle, without considering other factors such as traffic conditions, weather, road design, or vehicle malfunction. The burden of proof is shifted to the owner, who has to prove their innocence or pay the fine. This is a violation of the legal principle of due process and the presumption of innocence.

Third, traffic speed cameras are a wasteful and ineffective system that enriches the government at the cost of the people. The cameras are programmed to maximize the number of tickets, not to enhance road safety. The authorities can impose unreasonable speed limits, conceal the cameras in hard-to-see locations, or alter the duration of traffic signals to trap more drivers. The penalties are often excessive and unfair, and they disproportionately impact low-income and marginalized groups who have no means to pay or contest them. The money from the tickets goes to the government or private contractors, not to the public good. This is another example of how the government spends more money it doesn't have for a system that doesn't work. Instead of wasting money on traffic cameras, the government could invest in improving public transportation, repairing and optimizing our infrastructure, or providing driver education and incentives for safe driving to name a few.

Fourth, traffic speed cameras only work for a short time, as drivers soon learn to slow down when they see them and speed up again when they are out of sight and fail to stop speeders in the act the way an officer would. This reduces the effectiveness of the cameras in deterring speeding and improving road safety. Moreover, traffic speed cameras have negative impacts on traffic flow, as drivers slow excessively, brake suddenly, or change lanes to avoid them, causing

congestion or accidents. This is something we have already seen happen with the red light cameras and speed humps implemented throughout the state that ultimately exacerbate the issue of speeding. Therefore, traffic speed cameras are not a long-term solution for reducing speeding and enhancing road safety. They should be replaced by other measures, such as education, enforcement, engineering, and evaluation, to address the root causes of speeding and change drivers' behavior and attitude.

Finally, these cameras undermine the role of human judgment and discretion in law enforcement, by imposing a rigid and arbitrary standard of speed limit compliance that does not account for the context and circumstances of each situation. For example, a driver may be speeding to avoid a collision, to pass a slow-moving vehicle, or to respond to an emergency. A human officer would be able to assess these factors and decide whether to issue a warning or a citation, while an automated camera would only record the speed and issue a ticket. This erodes the trust and respect between drivers and law enforcement and reduces the effectiveness of traffic safety campaigns. There is no conclusive evidence that automated speed enforcement cameras have a significant impact on traffic safety, and they should be replaced by more proven and less controversial measures such as education, engineering, and enforcement by trained officers.

The argument that cameras augment traditional enforcement efforts or enforcement in locations where traffic stops are impractical or unsafe is not proven and is illogical as no traffic stop is practical or without inherent risk. By design, speed cameras do not stop speeders, only fine vehicle owners. Therefore, I urge you to reject the use of traffic speed cameras and to respect the rights and interests of law-abiding drivers, vehicle owners and citizens of Hawai'i.



*The Judiciary, State of Hawai'i*

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

**Committee on Transportation**

Representative Chris Todd, Chair

Representative Darius K. Kila, Vice Chair

Tuesday, March 12, 2024, 10:30 a.m.

Conference Room 312 & Via Videoconference

**WRITTEN TESTIMONY ONLY**

By:

Michelle D. Acosta

Deputy Chief Court Administrator

Court Operations and Court Services, First Circuit

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**Bill No. and Title:** Senate Bill No. 2443, SD2 – 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. (SD2)

**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 3, Part II, page 7, line 15 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.

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.

**SB-2443-SD-2**

Submitted on: 3/11/2024 8:18:31 AM

Testimony for TRN on 3/12/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Denise Boisvert	Individual	Support	Written Testimony Only

Comments:

I fully support SB2443 SD2.

**SB-2443-SD-2**

Submitted on: 3/11/2024 1:22:06 PM

Testimony for TRN on 3/12/2024 10:30:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Kim Jorgensen	Individual	Support	Written Testimony Only

Comments:

I support this measure for increased safety on roadways.

**SB-2443-SD-2**

Submitted on: 3/12/2024 7:30:35 AM

Testimony for TRN on 3/12/2024 10:30:00 AM

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

Comments:

Red light cameras work. So will speed cameras. Police can't be everywhere careless drivers speed and endanger others. Please support.