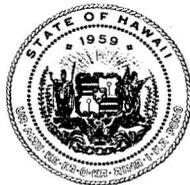


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GOVERNOR



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

IN REPLY REFER TO:

February 2, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 145

COMMITTEE ON TRANSPORTATION

House Bill 145 establishes a photo red light imaging detector system program, which authorizes counties to implement the program.

The Department of Transportation (DOT) supports the intent of this measure. However we prefer House Bill 1170.

HB 1170 proposes that future revenues generated by this program be collected directly by the counties rather than being deposited into the State's general fund as proposed in this legislation. The Department believes that this is the most efficient process as the counties should directly collect and administer the funds because they will be in charge of implementing the program.

We do believe in the bill's potential for having a positive impact on highway safety, because there is empirical evidence that indicates that enforcing red light laws with cameras is a cost-effective way of reducing serious crashes and fatalities. In an April 2005 document entitled, "Safety Evaluation of Red-Light Cameras" the Federal Highways Administration concluded that even though some of the positive effects on angle crashes were offset by the negative effects of rear end crashes, there was still an economic benefit between \$39,000 and \$50,000 per year per intersection with camera enforcement.



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Transportation**

February 2, 2009, 9:00 a.m.

H.B. No. 145: RELATING TO HIGHWAY SAFETY

Chair Souki and Members of the Committee:

This measure would establish a photo red light imaging detector systems program. This system would be an unmanned, automated system, which would be triggered by sensors buried in the road when a vehicle enters an intersection against a red light. Although we believe that strict enforcement of our traffic laws results in a reduction of traffic accidents and increased traffic safety, we do not believe this measure appropriately balances the rights of the accused violators with the public's interest in traffic safety.

According to Section 1 of this measure, two photographs of the violator would be taken, one photograph of the rear of the vehicle, capturing the license plate, and a second photograph of the entire intersection. The summons would be sent to the registered owner of the motor vehicle, and would constitute prima facie evidence that the registered owner was the person who committed the violation. These portions of this measure directly contradict Section 4 of this measure. According to Section 4(d) (page 8 of this bill), a summons or citation will not be issued unless it contained a clear and unobstructed photographic, digital, or other visual image of the driver of the motor vehicle. How do you reconcile the system requirement that prior to the commencement of a prosecution of a photo red light violation, a clear, unobstructed photographic image of the driver of the motor vehicle be obtained, with the presumption that the registered owner of the motor vehicle committed the photo red light violation. We believe that prior to the issuance of any summons or citation for a photo red light violation, not only would it be necessary to have a photograph of the driver, but that the driver be identified and properly cited, rather than placing the burden of proof on the registered owner. The registered owner, if he was not driving the motor vehicle during the photo red light violation, would be inconvenienced by having to prepare a written statement, testify in court, call witnesses or obtain extrinsic proof of his innocence, at his own expense. The registered owner would also be forced to choose between accepting responsibility for a violation he did not commit and assisting the government in the prosecution of a spouse, friend or family member.

Another factor this committee has to consider is the cost of implementing a photo red light program. The general public has already voiced its outspoken opposition to photo speed detection systems. Do we have the public's support for such a program? What happens after the public demands that this program be disbanded, much like the van cam

system? Before we embark on such a program, we must be certain of the total cost of installing the cameras and detection equipment, and that there is public support for the expenditure.

We oppose the passage of H.B. No. 351. Thank you for the opportunity to be heard on this matter.



THE JUDICIARY, STATE OF HAWAII

Testimony to the Twenty-Fifth Legislature, Regular Session of 2009

House Committee on Transportation
The Honorable Joseph M. Souki, Chair
The Honorable Karen Leilani Awana, Vice Chair

Monday, February 2, 2009, 9:00 a.m.
State Capitol, Conference Room 309

by
Iris Murayama
Deputy Chief Court Administrator
District Court of the First Circuit

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 145, Relating to Highway Safety

Purpose: Establishes the photo red light imaging detector system program. Authorizes counties to implement the program. Increases the time to mail a citation to the owner of the vehicle that used a high occupancy lane illegally.

Judiciary's Position:

The Judiciary takes no position on the merits of House Bill No. 145, but is concerned with the negative impact on the Judiciary operations.

The bill calls for the summons or citations to be issued to the registered owners of the offending vehicles. However, the governmental body responsible for the managing of the motor vehicle registrations is not always current with its vehicle registrations and there are always pending vehicle transfers transactions. Thus, it may result in the summons or citations regarding the offending vehicles being mailed to the previous owners.

Because of this discrepancy, it may mean that a large number of the summons or citations issued in error will still require processing by District Court staff. In addition, should the defendants contest the summons or citations by either submitting written statements or by



House Bill No. 145, Relating to Highway Safety
House Committee on Transportation
Monday, February 2, 2009
Page 2

making requests for court hearings, District Court staff will need to prepare these written statements for review or schedule the cases for court hearings.

Secondly, the potential impact on our fiscal staff needs to be considered. Because the Judiciary's fiscal staff will be responsible for the collection of the imposed fines, there is presently no mechanism to identify the fines to be transferred to the counties.

Thank you for the opportunity to testify on this measure.

WRITTEN ONLY

TESTIMONY BY GEORGINA K. KAWAMURA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE HOUSE COMMITTEE ON TRANSPORTATION
ON
HOUSE BILL NO. 145

February 2, 2009

RELATING TO HIGHWAY SAFETY

Section 5 of House Bill No. 145 appropriates unspecified general fund amounts to each county for Fiscal Year 2010 to establish a photo red light imaging detector system program.

We defer to the Department of Transportation on the operational aspects of this bill. We request that Section 5 be amended to add a provision to reimburse the general fund for start-up costs, and to establish a special fund to cover the costs of the photo red light imaging detector system program assuming the program would be self-sufficient.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET, HONOLULU, HAWAII 96813
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PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

**THE HONORABLE JOSEPH SOUKI, CHAIR
HOUSE TRANSPORTATION COMMITTEE**
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai'i

February 02, 2009

RE: H.B. 145; RELATING TO HIGHWAY SAFETY.

Chair Souki and members of the House Committee on Transportation, the Department of the Prosecuting Attorney submits the following testimony in support of H.B. 145 but with a suggested amendment.

The purpose of this bill is to establish photo red light imaging programs that will be implemented by the counties on state or county highways. The programs are intended to enforce state laws on running red lights. The bill also requires that the photo red light imaging detector equipment must be operated from a fixed structure and that signage must be provided on all major routes entering the areas in which photo red light imaging detectors may be used.

We support the concept of using photo traffic enforcement as a part of a traffic safety program. When used appropriately, we believe that photo enforcement can help in increasing public awareness of traffic safety issues and can decrease traffic injuries and fatalities. We believe that the proposed amendments do correct some of the flaws in the previous photo enforcement efforts by suggesting that the placement of the photo enforcement devices be based upon traffic safety criteria rather than revenue generation.

We would recommend the following amendment to this bill. At page 8, line 21 we would suggest including the phrase, "with a return receipt" as follows:

...certified or registered mail **with a return receipt** to the registered owner of the vehicle...

This amendment would assist us in proving that the registered owner did receive the mailed citation and thus did receive notice of the infraction.

Thank you for this opportunity to testify.



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Alison Powers
Executive Director

TESTIMONY OF ALISON POWERS

HOUSE COMMITTEE ON TRANSPORTATION
Representative Joseph M. Souki, Chair
Representative Karen Leinani Awana, Vice Chair

Monday, February 2, 2009
9:00 a.m.

HB 145

Chair Souki, Vice Chair Awana and members of the Transportation Committee, my name is Alison Powers, Executive Director of Hawaii Insurers Council. Hawaii Insurers Council is a non-profit trade association of property and casualty insurance companies licensed to do business in Hawaii. Member companies underwrite approximately 60% of all property and casualty insurance premiums in the state.

Hawaii Insurers Council **supports** H.B. 145. HIC favors the establishment of a photo red light imaging system as part of a comprehensive approach to implementing countermeasures to reduce injuries and crashes at intersections where there is a high incidence of red light running.

Vehicle crashes attributable to red light running by motorists may result from a number of contributing factors and, consequently, may be addressed by a variety of countermeasures. These include engineering improvements, enhanced driver and public education, and increased enforcement. With regard to red light cameras, studies have demonstrated the program's efficacy in reducing crashes. The Insurance Institute for Highway Safety in 2007 reported that a study of two intersections in Philadelphia, Pennsylvania that had been identified as having some of the highest crash rates in the nation, red light cameras, in concert with extension of yellow lights, virtually eliminated

red light violations. In a previous study conducted by the Institute in Oxnard, California, red light running violations across the city dropped 42% after cameras were installed at only nine intersections. There were also significant reductions in crashes as well: injury crashes at signalized intersections down 29%; front-to-side collisions down 32%; and front-to-side crashes involving injuries down 68%. Red light cameras are operating in over 200 U.S. communities in 22 states and the District of Columbia.

Photo red light imaging systems do serve as an effective deterrent to red light running and have proven themselves in other states. In addition, courts across the country have reviewed constitutional challenges to such automated enforcement programs and have found that they do not violate a person's constitutional rights.

For these reasons, we support H.B. 145.

Thank you for this opportunity to testify.

From: Carolyn Fujioka [carolyn.fujioka.atxn@statefarm.com]
Sent: Thursday, January 29, 2009 4:27 PM
To: TRNtestimony
Subject: Testimony HB145 feb 2

Categories: Yellow Category

**Testimony to the House Committees on Transportation
Monday, February 2, 2009 9:00 a.m.
Conference Room 309, State Capitol**

Re: HB 145 Relating to Highway Safety

Chair Souki, Vice Chair Awana, and committee members:

I am Carolyn Fujioka on behalf of State Farm Mutual Automobile Insurance Company. **State Farm supports HB 145.**

According to a Jan. 27 2007 "Status Report" from the Insurance Institute for Highway Safety (IIHS), red light running causes about 800 crash deaths per year, and about half of the people who are killed aren't the signal violators. They are pedestrians and people in vehicles that are struck by motorists committing the violations. Another 165,000 people are estimated to be injured in red light running crashes each year.

Results of a 2004 Philadelphia study rebut camera opponents who claim that lengthening yellow signal intervals is the solution to reduce intersection crashes. Appropriate yellow intervals are required, but cameras have a bigger impact. Violations at six approaches to two Philadelphia intersections ranged from 8 to 251 per 10,000 vehicles before any changes were introduced. After yellow signal timing was lengthened, violation rates declined by 20 to 63 percent, depending on the location. After red light cameras had been operating for about a year, the rates declined an additional 87 to 100 percent.

State Farm supports laws and regulations that encourage the use of new technologies, such as cameras, to help enforce laws against red-light runners. We think these devices should be used at appropriate intersections as determined by state and county authorities. We are confident in the accuracy of IIHS research that shows cameras deter red-light running and reduce intersection crashes. Concerns about privacy can be and have been adequately addressed by state laws that allow use of these devices.

Thank you for the opportunity to testify.

COMMITTEE ON TRANSPORTATION

Honorable Joseph M. Souki, Chair
Honorable Karen Leinani Awana, Vice Chair

Re: House Bill No. 145 -- Relating to Highway Safety

Monday, February 2, 2009
Hawaii State Capitol, Conference Room 309
9:00 a.m.

HONORABLE JOSEPH M. SOUKI, CHAIR, HONORABLE KAREN LEINANI
AWANA, VICE CHAIR, AND MEMBERS OF THE COMMITTEE:

My name is Milton Imada. I am a registered voter with a background in fleet maintenance and safety who also maintains a commercial driver's license. I am testifying in behalf of private and professional drivers who believe as I do.

We ask you not to spend our hard earned tax dollars on any form of traffic cameras that citizens rejected in 2002 especially during a time of failing economy and high unemployment.

Please do not let the tactic of attaching Section 4 on page 12 on H.B. No. 145 concerning the high occupancy vehicle lane citations force you to pass the unpopular redlight imagining detector system.

ENTRAPMENT:

Commercial drivers will be this Bill's most common victims because the inadequate timing of yellow lights fails to allow enough time for all lengths of commercial vehicles and buses entering the intersections on the yellow lights to pass the photo sensors and safely exit the intersections under all conditions of traffic. The size, weight, load and length of commercial vehicles and busses require much more space in front to come to a safe stop without which they are committed to engage the intersection and become a photo victim. Buses stopping abruptly may cause passenger injuries.

Currently there isn't a problem because a vehicle entering an intersection on the yellow light is allowed to exit without being cited in spite of the vehicle's rear end still over the entry side of the intersection. This will all change with

the passage of House Bill No. 145. Supporters of this Bill will be knowingly and deliberately trapping these exceptional individuals, forcing them to receive undeserving red light citations and increasing insurance premiums that will threaten their livelihoods.

DISCRIMINATION AND SAFETY CONTRADICTION:

The intersection stoplight photo imaging system this Bill imposes is bias and unjustly discriminates against car and truck drivers because it fails to provide an effective way to identify and cite motorcycle and moped red light violators. Both of which are also motor vehicles. If safety is the true intention of this Bill, then this Committee should be consistent and apply it equally to all motor vehicles.

For justice sake, this Committee needs to determine who is legally at fault for causing each roadway crossing fatality before blindly blaming the vehicle drivers. How many fatalities are actually related to drivers running the red light at intersections? The public needs to know the truth that will also help lawmakers make an informed decision.

EXPLANATION:

This Bill tries to gain emotional support and confuse citizens into thinking the offenses of running the red lights at intersections are related to news reports that commonly describe hit-and-run drivers who run over small children or the elderly, when in fact news reports prove pedestrian casualties are happening outside the intersections and in too many cases outside the crosswalks when pedestrians jaywalk.

Pedestrians crossing in crosswalks also cause accidents when they fail to look out for vehicles like drivers have to look out for them.

This Bill attacks car and truck drivers while excusing pedestrians who carelessly cross roadways and cause accidents. Too many pedestrians are ignorant of the law or believe, by law, they always have the right of way no matter what. Their carelessness place themselves and drivers in harms way and is a formula for disaster. The innocent drivers and their families also suffer when accidents occur.

Contrary to this Bill, red light cameras were not found to be beneficial in all jurisdictions in the United States.

Be forewarned that this Bill will increase rear end collisions at intersections. Large trucks may lose their loads and fishtail into other vehicles when drivers panic stop in fear and paranoia of photo cameras.

Hawaii drivers do not drive like drivers in other jurisdictions, therefore, do not deserve to be treated in the same manner. We want to keep Hawaii a very special place without becoming photo targets and unwilling benefactors.

Public beware this Bill is not a means to an end but will open a Pandora's box with growing negativity infringing on our rights to privacy and lead Hawaii down a dangerous path of eroding civil liberties.

If you truly want to make a positive difference in the eyes of drivers, provide for additional police officers who can once again maintain a meaningful presence on our highways and at intersections. Police presence fosters a mind sticking law abiding consciousness that will never be achieved with cameras.

Police officers can enforce immediate driver and vehicle laws that cameras cannot.

Government will solve nothing by squandering our hard earned monies on this unpopular project that will meaningfully increase the stresses of today's drivers who are already on edge trying to cope with Oahu's increasingly overcrowded roadways.

SUGGESTIONS -- Alternative rather than imposing this Bill:

1. Create bills that will require the City and State transportation agencies to adequately increase the timing of yellow lights at all various types of intersections to allow all lengths of vehicles covered under the commercial driver's license entering intersections on the yellow caution light to exit without being cited under all conditions of traffic. Doing so may be the magic solution to all our intersection's woes without the use of cameras.

2. In lieu of intersection photo cameras, create bills that will require the State and City to restripe all crosswalks, and post signs indicating crosswalks. Add mid city block crosswalks. Build pedestrian overpasses at

accident prone areas or install pedestrian activated stoplight crosswalks especially around schools and accident prone areas.

3. Provide that a violation for which a civil penalty is imposed under this Bill be treated the same as a seat belt and child restraint violation to prevent insurance companies raising premiums.

Consider that if insurance premiums go up, drivers will drive without insurance.

4. In lieu of photo imaging, we suggest creating a part time police unit dedicated to highway and intersection safety with the following considerations:

- A. Utilize our already trained volunteer police officers.
- B. Hours of work not to exceed part time status.
- C. Duties will be confined to maintaining roadway and intersection safety.

There is no Aloha spirit in photo traffic enforcement.

We look forward to your support.

Thank you.