



## Office of the Public Defender State of Hawaii



### Testimony of the Office of the Public Defender, State of Hawaii to the Senate Committees on Transportation and Energy and Public Safety, Intergovernmental and Military Affairs

February 6, 2017, 3:00 p.m.

S.B. No. 221: RELATING TO HIGHWAY SAFETY

Chairs Inouye and Nishihara and committee members:

The Office of the Public Defender opposes S.B. 221.

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 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. 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. 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.

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? The difference between photo red light detection and the speeding vans is that in order to implement photo red light detection, monies must be spent up front, for the fixed cameras and embedded sensors. 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.

Other states, most notably California, Arizona and Louisiana, have begun to disband their photo red light programs. The fines generated from red light violations have not kept up with the cost of operating the cameras. Furthermore, vendors in other jurisdictions have sought to reduce the duration of the yellow light in order to “catch” more violators and generate more revenue. A shortening of the yellow light sequence may result in more red light violations, but will also increase the danger of motor vehicle and pedestrian accidents.

This measure will do more to generate revenue for the vendors of the photo red light technology than increase public safety. Many drivers who run red lights do so because they are distracted, and believe they have the right of way. For these people, the existence of a photo red light detection system will not be a deterrent. The most effective way to get people to slow down and pay attention to the traffic laws is the existence of a police presence. Problem intersections should be targeted by the police for red light enforcement. A longer delay between the red/green light sequences would also decrease the amount of collision at intersections. Studies have shown that lengthening a yellow light by even one second will have a significant impact on reducing red light violations and traffic accidents. Extending the yellow light and creating a short delay between the red and green light is more effective than photo red light enforcement, and does not cost the taxpayer any money. A photo red light detection system will not pay for itself. It will have to be funded by the taxpayers year after year.

It seems as if every few years, photo red light enforcement legislation is introduced, without success. The number one reason for the implementation of this kind of system is to make money for its vendor. We oppose the passage of S.B. No. 221. Thank you for the opportunity to be heard on this matter.

POLICE DEPARTMENT  
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OUR REFERENCE TT-GR

February 6, 2017

The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Transportation and Energy  
The Honorable Clarence K. Nishihara, Chair  
and Members  
Committee on Public Safety, Intergovernmental,  
and Military Affairs  
State Senate  
Hawaii State Capitol  
415 South Beretania Street, Room 225  
Honolulu, Hawaii 96813

Dear Chairs Inouye and Nishihara and Members:

SUBJECT: Senate Bill No. 221, Relating to Highway Safety

I am Thomas Taflinger, Captain of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 221, Relating to Highway Safety.

The passage of this bill will decrease the number of red light violations that go undetected, thereby reducing the likelihood of collisions that may result in death or serious bodily injury.

The HPD urges you to support Senate Bill No. 221, Relating to Highway Safety.

Thank you for the opportunity to testify.

APPROVED:

  
Cary Okimoto  
Acting Chief of Police

Sincerely,

  
Thomas Taflinger, Captain  
Traffic Division

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 2:10 PM  
**To:** TRE Testimony  
**Cc:** victor.ramos@mpd.net  
**Subject:** \*Submitted testimony for SB221 on Feb 7, 2017 13:30PM\*

**SB221**

Submitted on: 2/7/2017

Testimony for TRE/PSM on Feb 7, 2017 13:30PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victor K. Ramos	Individual	Support	No

Comments:

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, February 7, 2017 1:40 PM  
**To:** TRE Testimony  
**Cc:** mendezj@hawaii.edu  
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**SB221**

Submitted on: 2/7/2017

Testimony for TRE/PSM on Feb 7, 2017 13:30PM in Conference Room 229

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Javier Mendez-Alvarez	Individual	Oppose	No

Comments:

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