



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
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HONOLULU, HAWAII 96813-5097

March 27, 2024
3:30 p.m.
State Capitol, RM 308

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

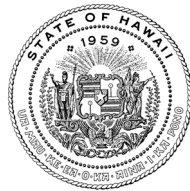
House Committee on Finance

The Hawaii Department of Transportation **supports S.B. 2443, S.D. 2, H.D. 2**, 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.



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
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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 FINANCE
ON
SENATE BILL NO. 2443, S.D. 2, H.D. 2

March 27, 2024
3:30 p.m.
Room 308 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. 2, 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 and shall be limited to only those locations where a photo red light imaging detector system has been implemented. 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, H.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.



The Judiciary, State of Hawai‘i

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

House Committee on Finance

Representative Kyle T. Yamashita, Chair
Representative Lisa Kitagawa, Vice Chair

Wednesday, March 27, 2024, 3:30 p.m.
Conference Room 308 & Via Videoconference

WRITTEN TESTIMONY ONLY

By:

Michelle D. Acosta
Deputy Chief Court Administrator
Court Operations and Court Services, First Circuit

Bill No. and Title: Senate Bill No. 2443, SD2 HD2 – Relating to Highway Safety

Purpose: Establishes the Automated Speed Enforcement Systems Program, to be implemented by the State in only those locations where a photo red light imaging detector system has been implemented. Creates a new offense of noncompliance with maximum speed limit under automated speed enforcement system. Appropriates funds. Effective 7/1/3000. (HD2)

Judiciary’s Position:

The Judiciary takes no position as to the intent of this measure. If this measure remains in the current HD2 version requiring the use of only the locations where the photo red light imaging

detector system is currently being operated and using the same vendor operating the photo red light system, the implementation date of January 1, 2025 at which time the Judiciary would start receiving summons or citations would be sufficient. If however, a different technological system is contemplated, the Judiciary respectfully requests a later implementation date.

Thank you for the opportunity to testify on this measure.

JON N. IKENAGA
PUBLIC DEFENDER

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HONOLULU, HAWAII 96817

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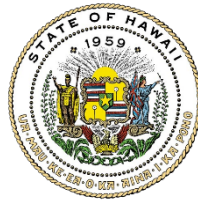
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**TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER, STATE OF HAWAII
TO THE HOUSE COMMITTEE ON FINANCE**

March 26, 2024

SB 2443, SD2, HD2: RELATING TO HIGHWAY SAFETY

Chair Yamashita, Vice Chair Kitagawa, and Members of the Committee:

The Office of the Public Defender **opposes** SB 2443, SD2, HD2.

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.

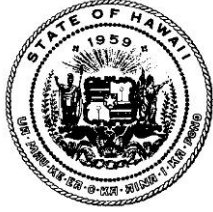
The use of automated speed enforcement cameras captures an image of the vehicle license plate and results in the issuance of a citation to the registered owner of the vehicle rather than the actual driver. This practice shifts the burden to a vehicle owner who was not driving to prove someone else operated 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 are also significant issues. “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>



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 27, 2024

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

Senate Bill 2443 SD2 HD2 – Relating to Highway Safety

The Disability and Communication Access Board (DCAB) supports Senate Bill 2443 SD2 HD2 – Relating to Highway Safety.

This bill establishes the Automated Speed Enforcement Systems Program, to be implemented by the State in only those locations where a photo red light imaging detector system has been implemented. Creates a new offense of noncompliance with maximum speed limit under 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

DEPARTMENT OF TRANSPORTATION SERVICES
KA 'OIHANA LAWELAWE 'ŌHUA
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI
MAYOR
MEIA



J. ROGER MORTON
DIRECTOR
PO'O

JON Y. NOUCHI
DEPUTY DIRECTOR
HOPE PO'O

TESTIMONY OF J. ROGER MORTON
DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE HOUSE COMMITTEE ON
FINANCE

Wednesday, March 27, 2024, 3:30 PM, CR 308 & Videoconference

TO: Rep. Kyle T. Yamashita, Chair, Rep. Lisa Kitagawa, Vice Chair, and Members of the Committee on Finance

RE: WRITTEN TESTIMONY IN SUPPORT OF SENATE BILL 2443, SENATE DRAFT 2, HOUSE DRAFT 2 (SB2443, SD2, HD2), RELATING TO HIGHWAY SAFETY, WITH COMMENTS

The Department of Transportation Services (DTS) of the City and County of Honolulu **supports** SB2443, SD2, HD2, relating to highway safety and provides the following comments.

DTS strongly supports the bill's intent to establish an Automated Speed Enforcement Systems Program and authorize the State to administer the program. DTS encourages the Legislature to consider expanding the program to more than just those locations where a photo red light imaging detector system has been implemented pursuant to Chapter 291J, Hawaii Revised Statutes, given that there are many current traffic safety and speeding challenges such as along pedestrian walkways within the 300 public schools across the State.

DTS is committed to ending traffic fatalities and serious injuries on O'ahu. Addressing speeding is critical to accomplishing this goal. Excessive speed was a contributing factor in the deaths of at least 102 people on O'ahu (or 32% of all traffic fatalities) in the period from 2015 through 2020, per police crash reports - a statistic many acknowledge to be underreported. The Federal Highway Administration emphasizes the basics of physics and kinetic energy, namely the exponential relationship between the speed at which a crash occurs and the likelihood of survival. This relationship is particularly acute for the most vulnerable users of our transportation system: kūpuna, people walking, and those from low-income communities.

Automated Speed Enforcement System Programs are proven safety countermeasures to speed related fatalities. The National Transportation Safety Board, in providing summary studies on Automated Speed Enforcement System Programs, found that Automated Speed Enforcement System Programs have been applied in many locations around the United States and internationally, and have significantly reduced the number of fatalities and serious injuries.

Thank you for the opportunity to submit this written testimony in support with comments.



Testimony of the Oahu Metropolitan Planning Organization

House Committee on Finance

03/27/24 3:00PM

Conference Room 308 & Videoconference

SB 2443 SD2 HD2

Relating to Highway Safety

Dear Chair Yamashita, Vice Chair Kitagawa, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB 2443 SD2 HD2**, which establishes the Automated Speed Enforcement Systems Program, to be implemented by the State in only those locations where a photo red light imaging detector system has been implemented. SB 2443 SD2 HD2 also creates a new offense of noncompliance with maximum speed limit under 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.

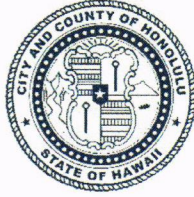
The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional 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.

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

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

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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 27, 2024

The Honorable Kyle T. Yamashita, Chair
and Members
Committee on Finance
House of Representatives
415 South Beretania Street, Room 308
Honolulu, Hawai'i 96813

Dear Chair Yamashita and Members:

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



Email: communications@ulupono.com

HOUSE COMMITTEE ON FINANCE
Wednesday, March 27, 2024 — 3:30 p.m.

Ulupono Initiative supports SB 2443 SD2 HD2, Relating to Highway Safety.

Dear Chair Yamashita 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 HD2, which establishes the Automated Speed Enforcement Systems Program, to be implemented by the State in only those locations where a photo red light imaging detector system has been implemented and creates a new offense of noncompliance with the maximum 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 25, 2024

Chair Kyle Yamashita
House Finance Committee
Hawaii State Capitol, Room 306
Honolulu, HI 96813

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

Chair Yamashita,

AAA Hawaii respectfully submits the following comments on SB 2443 HD2 (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 H2 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, 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 stolen vehicles. Neither of these policies are reflected in SB 2442 HD2.

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