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IN REPLY REFER TO:

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

February 7, 2018
1:45 pm
State Capitol, Room 225

S.B. 2912
RELATING TO TRAFFIC CONTROL

Senate Committee on Transportation and Energy

The Department of Transportation (DOT) **opposes** S.B. 2912 to permit a vehicle to proceed through an intersection against a red light after two signal timing cycles. Although there may be circumstances where vehicle operators would need to violate a red light, in most situations the vehicle operator can legally reroute around the red light such as moving out of the left turn storage lane or making a right turn on red. The DOT has the following concerns on allowing this under any condition:

1. Traffic signals may be locked in red light to prevent unsafe movements during contraflow operations and/or when no left turns are allowed;
2. Defective or malfunctioning traffic signals are usually related to the service life of our infrastructure. DOT's top priorities of safety and system preservation will reduce these types of occurrences; and,
3. Advances in vehicle detection technologies reduces non-detection of small, lightweight or micro vehicles. The DOT is already using video detection and infrared sensors to eliminate this situation.

Thank you for the opportunity to provide testimony.

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THE HONORABLE LORRAINE R. INOUE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawai`i

February 7, 2018

RE: S.B. 2912; RELATING TO TRAFFIC CONTROL.

Chair Inouye, Vice-Chair Espero and members of the Senate Committee on Transportation, the Department of the Prosecuting Attorney of the City & County of Honolulu (“Department”) submits the following testimony, expressing concerns, regarding S.B. 2912.

The purpose of S.B. 2912 is to provide a means for vehicles stopped at a “dead red light” to proceed through the red light safely and without penalty. While the bill is well-intentioned, the Department is concerned that this proposed solution may inadvertently provide a convenient defense for those who would violate Section 291C-32(a)(3), Hawaii Revised Statutes (“HRS”), failure to stop at a red light, and abuse the new defense. The crux of our concern is that such a defense would be nearly impossible for the State to disprove.

Although contested traffic infractions are initially handled solely by a judge--based on their review of the citation and defendant’s written / verbal arguments--the Department gets involved when those cases are ruled in favor of the State and the defendant then requests a *trial de novo* (i.e. essentially an appeal). For *trial de novo* cases, our deputy prosecuting attorneys present evidence and subpoena witnesses--similar to any other trial--and witnesses are called upon to testify under oath, subject to direct and cross examination.

For purposes of enforcing HRS §291C-32(a)(3), the current language of S.B. 2912 would have the unintended consequence of providing a defense that severely inhibits or handicaps prosecution of these offenses. When police officers patrol their districts, they often come across vehicles proceeding through red lights, and may cite the offending drivers for violation of HRS §291C-32(a)(3). As proposed in S.B. 2912, a defendant who is cited could argue that they

waited for two cycles before proceeding against the red light--even if they did not--pursuant to HRS §291C-32(c). Because it is very unlikely that the officer would have been present to observe the defendant's vehicle for two complete cycles, the officer would not be able to testify that the defendant's claims were false. This would leave the State with little to no defense of such claims and potentially negate enforcement of this offense.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu expresses concerns regarding the passage of S.B. 2912. Thank you for the opportunity to testify on this matter.