

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-151
Hawaii Administrative Rules

1. Chapter 151 of Title 19, Hawaii Administrative Rules, entitled "Photo Red Light Imaging Detector System" is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5

MOTOR VEHICLE SAFETY OFFICE

CHAPTER 151

PHOTO RED LIGHT IMAGING DETECTOR SYSTEM

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§19-151-1 Purpose. (a) The purpose of this chapter is to establish a photo red light imaging detector systems program to enforce the traffic-control signal laws of the State of Hawaii.

(b) This program may be initially implemented by the State or the city and county of Honolulu as a pilot program within the city and county of Honolulu on any of the state or county highways.

(c) This program may be implemented by the State or any county following the completion of a pilot program within the city and county of Honolulu on any of the state or county highways. [Eff 9/15/2020]
(Auth: HRS §291J-13)

§19-151-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"County" means the counties of Hawaii, Kauai, Maui, and the city and county of Honolulu.

"County highway" has the same meaning as used in HRS section 264-1.

"Department" means the state department of transportation.

"HRS" means Hawaii Revised Statutes.

"Motor vehicle" means every vehicle which is self-propelled and every vehicle which is propelled by electric power but not operated upon rails but excludes a moped.

"Photo red light imaging detector" means a device used for traffic enforcement that includes a vehicle sensor that works in conjunction with a traffic-control signal and a camera synchronized to automatically record one or more sequenced photographs, microphotographs, or electronic images of the rear of the motor vehicle and the motor vehicle license plate at the time the motor vehicle fails to stop when facing a steady red traffic-control signal in violation of HRS section 291C-32(c).

"Program" means the photo red light imaging detector systems program.

"Registered owner" includes a legal owner of a vehicle where there is no security interest held by

anyone on the vehicle, a buyer under a purchase money security interest, or a debtor under any security interest.

"State highway" has the same meaning as used in HRS section 264-1.

"System" means photo red light imaging detector system.

"Traffic-control signal" means any device, whether manually, electrically, or mechanically operated, by which traffic is alternately directed to stop and permitted to proceed.

"Vendor" means the entity selected through the procurement process to provide the red light imaging detector system program services as specified in the contract with the State of Hawaii or any county in the State of Hawaii. [Eff 9/15/2020] (Auth: HRS §291J-13)

§19-151-3 Authority. (a) The State or any county may establish and implement, in accordance with this chapter, a photo red light imaging detector system to impose monetary liability on the registered owner of a motor vehicle for the failure to comply with state traffic-control laws.

(b) The State or any county may provide for the:

- (1) Procurement, location, and oversight of a system; and
- (2) Installation, operation, maintenance, and repair of the system through a third party manufacturer or vendor.

(c) Where a system affects state property, the department shall cooperate with and assist the county as needed to install, maintain, and repair the system established pursuant to this chapter. [Eff 9/15/2020] (Auth: HRS §§291J-4, 291J-13) (Imp: HRS §291J-13)

§19-151-4 Manufacturer or vendor compensation.

(a) The State or any county shall pay compensation to a manufacturer or vendor for the equipment used based upon the value of the equipment and services provided in support of the system.

(b) Compensation to a manufacturer or vendor shall not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment. [Eff 9/15/2020] (Auth: HRS §§291J-4, 291J-13)

§19-151-5 Studies required. (a) To determine if a traffic-controlled intersection should be equipped with a system, the State or county shall conduct a study to acquire:

- (1) A baseline average of the number of red light traffic-control signal violations committed by motor vehicles in accordance with HRS §§291J-4 -4(c)(2); and
- (2) At a minimum, the most recent three years available of motor vehicle crash data involving fatalities, injuries and property damage at intersections being considered for the installation and operation of a system.

(b) The State or county, prior to the installation and operation of a system at an intersection considered for enforcement by the system, shall conduct a comprehensive engineering study to identify conditions that may be present that contribute to red light violations, such as, but not limited to:

- (1) The grade of an intersection approach;
- (2) Poor visibility that reduces a motorist's ability to identify signs, signals or other traffic control devices at intersections;
- (3) Traffic volume; and
- (4) Traffic-control signal timing.

(c) The State or county shall implement appropriate countermeasures for intersections identified in their comprehensive engineering study that may correct conditions that contribute to red light violations prior to the installation and operation of a system. Such countermeasures considered shall consist of, but not limited to:

- (1) Improving signal head visibility;
- (2) Additional signal heads;

- (3) All-Red interval;
- (4) Appropriate yellow intervals;
- (5) Signalized intersection warning sings;
- (6) Advanced yellow flashing lights;
- (7) Adjusting the approach speed;
- (8) Traffic signal coordination;
- (9) Advanced vehicle detection; and
- (10) Removal of on-street parking. [Eff 9/15/2020] (Auth: HRS §§291J-4, 291J-13)

§19-151-6 Informational and educational

campaigns. (a) The department, in conjunction with any county that implements a systems program shall conduct a comprehensive informational and educational campaign to assist motorists and the public in understanding the safety issues fundamental to red light running.

(b) The initial campaign shall be held at least sixty days prior to any system becoming operational.

(c) The initial campaign should:

- (1) Provide information and data that defines the red light running problem;
- (2) Explain reasons that red light running is dangerous;
- (3) Identify the measures currently being initiated to reduce the number of incidents of red light running.

(d) As part of the informational and educational campaign, a warning of a photo red light imaging detector violation of HRS section 291C-32(c) shall be issued and mailed to the registered owner of the motor vehicle at the address on record during the first thirty days of operation at that particular traffic-control signal.

(e) The department, in conjunction with any county that implements a red light running program may continue to conduct an on-going informational and educational campaign throughout the program.

(f) Such on-going informational and educational campaigns can be facilitated through such means as, but not limited to:

- (1) Public service announcements;
- (2) Press releases;
- (3) Banners;
- (4) Posters: and
- (5) Hand-outs.

(g) Informational and educational campaigns may be funded through the photo red light imaging detector systems special fund as provided in Act 030, Session Laws of Hawaii 2020. [Eff 9/15/2020] (Auth: HRS §§291J-4, 291J-13)

§19-151-7 Retention and storage of motor vehicle and motor vehicle license plate images. (a) A manufacturer or vendor shall obtain a clear and unobstructed photograph, digital or other visual image of the violation and shall make such visual image available for viewing by the registered owner of the motor vehicle of the alleged violation.

(b) The vendor shall obscure the facial images of any individuals that are seated in the bed of a pick-up truck or other motor vehicle that are visible in the image of photograph, digital or other visual image of the violation.

(c) The vendor shall make available for viewing to the registered owner of the motor vehicle alleged to be in violation the evidence of the violation on-line.

(d) The vendor shall remove and dispose of all images of the photo red light imaging detector system violations upon notification by the court that the case has been resolved. [Eff 9/15/2020] (Auth: HRS §§291J-5, 291J-13)

§19-151-8 Reports required. (a) Any county that implements a photo red light imaging detector system program, shall cooperate with the State by providing any and all information available necessary to complete and submit various reports in a timely manner, if required, to:

- (1) The Hawaii State Legislature; and

(2) Any federal agency such as the National Highway Traffic Safety Administration or the Federal Highway Administration. [Eff 9/15/2020] (Auth: HRS §291J-13)

§§19-151-9 to 19-151-99 (Reserved)

§19-151-100 Severability. If any section of this chapter is held invalid for any reason, the invalidity shall not affect the validity of the remaining sections or parts of this chapter." [Eff 9/15/2020] (Auth: HRS §291J-13)

2. The adoption of chapter 19-151, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in the Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on XXXXXXXXXXXXXXXX, and filed with the Office of the Lieutenant Governor.

JADE T. BUTAY
Director of Transportation

APPROVED AS TO FORM:

Deputy Attorney General