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IN REPLY REFER TO:

December 30, 2019

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Twenty-Ninth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the House of
Representatives
Twenty-Ninth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Red Light Running Report as requested in ACT 131 (19).

In accordance with HRS 93-16, I am also informing you that the report may be viewed electronically at: <http://hidot.hawaii.gov/library/reports/reports-to-the-legislature/>

Sincerely,

A handwritten signature in black ink, appearing to read "J. T. Butay", written over the typed name and title.

JADE T. BUTAY
Director of Transportation

c: Legislative Reference Bureau

REPORT TO THE THIRTIETH LEGISLATURE:

OF

THE STATE OF HAWAII

REGULAR SESSION OF 2020

ON SENATE BILL 663 SD2 HD1 CD1

SUBJECT: "DEVELOP POLICY RECOMMENDATIONS FOR RED LIGHT RUNNING PILOT PROGRAMS IN THE CITY AND COUNTY OF HONOLULU, AND THE COUNTIES OF MAUI, KAUAI AND HAWAII."

State of Hawaii

Department of Transportation

December 2019

**TITLE: REPORT TO THE THIRTIETH LEGISLATURE
OF THE STATE OF HAWAII, REGULAR SESSION 2020
ON SENATE BILL 663 SD2 HD1 CD1**

SUBJECT: ESTABLISH A RED LIGHT RUNNING COMMITTEE TO DEVELOP POLICY
RECOMMENDATIONS FOR RED LIGHT RUNNING PILOT PROGRAMS IN THE CITY AND
COUNTY OF HONOLULU, AND THE COUNTIES OF MAUI, KAUAI AND HAWAII

Purpose

Act 131 tasked “the department of transportation shall establish a red light running committee to develop policy recommendations for red light running pilot programs in the city and county of Honolulu, and the counties of Maui, Kauai, and Hawaii.”

The Red Light Running Committee began its work in September 2019. The participating committee members and public participants are listed below:

Participants

The Red Light Running Committee is under the Sunshine Law which allows the public to attend the meetings as non-voting participants. While voting was reserved for the Red Light Running Committee members, community members were able to participate by attending the meeting, contributing information and participating in the discussions.

Committee Members

Department	Representative
State of Hawaii, Judiciary	Lisa Lum
State of Hawaii, Public Defender’s Office	James Tabe
State Highway Safety Council	Kari Benes
Honolulu Police Department	Sgt. Stephen Silva Jr. Andre Peters
Hawaii Police Department	Torey Keltner Andrew Burian
Kauai Police Department	Lt. Vernon Scribner Jr.
Maui Police Department	Lt. William Hankins
State Highway Safety Council	Kari Benes
City & County of Honolulu, Department of the Prosecuting Attorney	Dwight Nadamoto Trisha Nakamatsu Mark Tom
Maui County, Department of the Prosecuting Attorney	Byron Fujieda Terence Herndon Brandon Segal

Hawaii County, Office of the Prosecuting Attorney	Stephen Frye
Kauai County, Office of the Prosecuting Attorney	Ramsey Ross
Hawaii Department of Transportation	Bryan Kimura
Hawaii Department of Transportation	Rob Lee
City & County of Honolulu, Department of Transportation Services	Mark Kikuchi
Kauai Public Works	Lyle Tabata
Hawaii Public Works	Mahfoud Tebbakh David Yamamoto

Community Members

- Daniel Alexander, Hawaii Bicycling League
- Todd Boulanger, Bike Share Hawaii
- Kathy Grebe, Safe Streets Advocate
- Peter Koonce, Portland Bureau of Transportation
- Carol McNamee, Mothers Against Drunk Driving
- Peggy Mierzwa, Blue Zones Project
- Chad Taniguchi, Hawaii Bicycling League

DOT Staff Members

- Lee Nagano, Motor Vehicle Safety Office
- Scott Haneberg, Motor Vehicle Safety Office
- Robert Lung, Motor Vehicle Safety Office

Findings

When implemented properly, red light photo enforcement programs have shown to be a promising tool that can save lives and reduce injuries by changing driver’s behavior and lead to safer driving habits.

To determine what would be best for Hawaii, we reviewed national research and programs from other states.

During this process, the Hawaii Department of Transportation (HDOT) and our partners researched red light running programs in other states and counties to identify program elements that could be adopted by Hawaii.

Some of the programs that were reviewed were:

- Washington State
- Illinois
- New York
- Florida

Washington State Findings:

Washington State law, in part, provides the following:

1. Responsibility for the violation.
 - a. The registered owner of a vehicle is responsible for an infraction. The presumption of the registered owner's responsibility is overcome only if the registered owner states, under oath, in a written statement to the court or in testimony before the court that the vehicle, at the time, was stolen or in the care, custody, or control of a person other than the registered owner.
 - b. If the vehicle is registered to a rental car company (company) before the citation is issued, the issuing agency provides a written notice to the company that a violation may be issued to the company if the company does not, within 18 days of receipt of the violation, provide by return mail:
 - i. A statement under oath that provides the name and address of the individual driving or renting the vehicle when the violation occurred; or
 - ii. A statement under oath that the company is unable to determine who was driving or renting the vehicle at the time the violation occurred because the vehicle was stolen (a copy of a filed police report must accompany the statement); or
 - iii. Instead of identifying the vehicle operator, the rental car company may pay the applicable fine.
 - iv. A timely mailing of the above statement to the issuing law enforcement agency relieves a rental car company of any liability for the citation.
2. A provision that compensation paid to the manufacturer or vendor of the equipment used must be based only upon the value of the equipment and services provided or rendered in support of the system and may not be based upon a portion of the fine or civil penalty imposed or the revenue generated by the equipment.
3. Citations are issued only by law enforcement officers.
4. Citations must be mailed within 14 days of the violation.
5. Violations detected through the use of Red Light Enforcement Cameras (RLECs) are not part of the registered owner's driving record and are treated and processed in the same manner as parking violations.
6. RLECs may only take pictures of the vehicle and vehicle license plate, only while the violation is occurring.
 - a. Pictures must not reveal the face of the driver or of the passengers in the vehicle.
 - b. RLECs are installed in a manner that minimizes the impact of camera flashes on drivers.
7. All intersections where RLECs are installed must be clearly marked at least 30 days prior to activation by placing signs that clearly indicate that the driver is entering a zone where RLECs are used for enforcement.
8. Jurisdictions using RLECs must post an annual report on the number of crashes at each RLEC intersection, number of citations issued by each RLEC and any other relevant information about the RLECs the jurisdiction deems appropriate.

Illinois Findings

Illinois State law, in part provides the following:

1. Citations are issued to the vehicles' registered owners.
2. Citations are mailed out, generally, within 30 days.
3. Registered owners are responsible for the citation regardless of who is driving unless:

- The driver was issued a Uniform Citation by a police officer for the same incident as captured by the RLEC.
 - The violation occurred at a time during which the vehicle or its license plate was reported to a law enforcement agency as having been stolen and the vehicle or license plate had not been recovered by the owner at the time of the alleged violation.
 - The vehicle was leased to another, and within sixty (60) calendar days after the citation was mailed to the lessor, lessor submitted to the municipality, the correct name and address of the lessee of the vehicle identified in the violation notice at the time of the alleged violation, together with a copy of the lease agreement, the lessee's driver's license number and any additional information that may be required.
 - The vehicle was an authorized emergency vehicle, or it was yielding the right-of-way to an emergency vehicle.
 - The vehicle was lawfully participating in a funeral procession.
 - The respondent was not the registered vehicle owner, lessee or renter of the cited vehicle at the time of the violation.
4. A provision that reads that "compensation paid for an automated traffic law enforcement system must be based on the value of the equipment or the services provided and may not be based on the number of traffic citations issued or the revenue generated by the system."
 5. The registered owner may elect to pay the fine, complete a traffic education course, or both; or contest the liability of the citation in court, by mail or by an administrative hearing.
 6. The registered owner is subject to a fine of \$100 or the completion of a traffic education course, or both; plus, and not more than an additional \$100 if the registered owner fails to pay the fine, complete the required traffic education program, or both, in a "timely manner." (A fee not to exceed \$25 is assessed for participating in the traffic education program. However, a commercial driver license holder is not required to complete such a course.)
 7. Requires that the Secretary of State suspend the driver's license of a person who is charged with the automated red light violation, who does not pay the fine, complete the traffic education program, or both, for five (5) violations/citations.
 8. The violation of an automated red light violation is not treated as a "violation of a traffic regulation governing the movement of vehicles" and shall not be "recorded on the driving record of the owner of the vehicle."
 9. Lists information fields that the citation is required to include.
 10. Provisions require intersections with RLECs to have:
 - Signage on the approach of intersections equipped with RLECs;
 - "Yellow change intervals" to conform with the state Manual on Uniform Traffic Control Devices;
 - Locations of intersections equipped with RLECs on the municipality/county website;
 - A municipality/county operating a RLEC system to conduct a statistical analysis to assess the safety impact of the RLEC system at an intersection following installation.

New York

New York State law, in part provides the following:

1. Authorizes a city with a population of 1 million or more to “adopt and amend a local law or ordinance establishing a demonstration program imposing monetary liability on the owner of a vehicle for failure of an operator thereof to comply with traffic-control indications in such city” in accordance with the State law.
2. The owner of the vehicle “shall be liable for a penalty ... if such vehicle was used or operated with the permission of the owner, express or implied, ... and such violation is evidenced by information obtained from a traffic-control signal photo violation-monitoring system (system) ...”
3. Notices of liability (Citations) are issued by a “technician” employed by the city based upon inspection of photographs, videotape or other recorded images produced by a system and shall be prima facie evidence of the facts.
4. Fines shall not exceed \$50 for each violation. However, that such local law or ordinance may provide for an additional penalty not in excess of \$25 for each violation for the failure to respond to a notice of liability within the prescribed time period.
5. A traffic-control signal photo violation from a traffic-control signal violation-monitoring system “shall not be made a part of the operating record of the person upon whom such liability is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage.”
6. Citations are sent by first class mail and personal delivery on the owner of the vehicle shall not be required. “A manual or automatic record of mailing prepared in the ordinary course of business shall be prima facie evidence of the facts contained therein.”
7. Citations contain a warning that advises persons charged that failure to contest in the manner and time provided shall be deemed an “admission of liability” and a default judgement may be entered.
8. A company that rents or leases vehicles are not liable for the citation if that company within the prescribed time frame, provides a rental or lease contract with the name and address of the “lessee clearly legible” that covers the vehicle on the date of the violation. Failure to send in such information will render that company liable for that citation.
9. Any city that uses a traffic-control signal violation-monitoring system shall submit an annual report that contains information such as, locations of traffic-control signal violation-monitoring system; the number, type and severity of crashes occurring at traffic-control signal violation-monitoring system locations to the extent that information is maintained; number of violations recorded at each intersection where a traffic-control signal violation-monitoring system is used (daily, weekly, monthly basis); number of citations issued for those violations, etc.

Florida

Florida State law, in part provides the following:

1. A “notice of violation” and a “traffic citation” may not be issued:
 - “For failure to stop at a red light if the driver is making a right-hand turn in a careful and prudent manner at an intersection where right-hand turns are permissible”; and
 - “If the driver of the vehicle came to a complete stop after crossing the stop line and before turning right if permissible at a red light, but failed to stop before crossing over the stop line or other point at which a stop is required.”

2. Within 30 days after the violation, a notice of violation must be sent to the registered owner of the motor vehicle.
 - Notification must be sent by first-class mail. The mailing of the notice of violation constitutes notification.
 - The violator must pay a fine of \$158 or request a hearing within 60 days following the date of notification to avoid the issuance of a traffic citation.
3. A traffic citation is issued by certified mail to the registered owner:
 - If payment for the violation is not made within 60 days after the notification of violation is mailed;
 - If the registered owner has not requested a hearing;
 - If the registered owner has not submitted an affidavit containing the name, address, date of birth and driver license number (if known) of the person who leased, rented or had "care, custody and control" of the vehicle at the time of the alleged violation.
4. A notice of violation is handled as a parking violation and not recorded on a person's driving record. However, a traffic citation issued because of the factors in #3 above, is handled as a traffic violation and recorded on a person's driving record.
5. The registered owner has the right to review the "photographic or electronic images or the streaming video evidence that constitutes a rebuttable presumption against the owner of the vehicle."
6. The notice of violation must direct the person to a website that provides information of the person's right to request a hearing and all court costs and a form to request a hearing.
7. If a person initiates a proceeding to challenge the violation, that person waives any challenge or dispute as to the delivery of the notice of violation.
8. "An individual may not receive a commission from any revenue collected from violations detected through the use of a 'traffic infraction detector.' A manufacturer or vendor may not receive a fee or remuneration based on the number of violations detected through the use of a 'traffic infraction detector.'"
9. The owner of the vehicle is responsible and liable for paying the traffic citation, unless the owner can establish:
 - The motor vehicle passed through the intersection in order to yield the right-of-way to an emergency vehicle or as part of a funeral procession;
 - The motor vehicle passed through the intersection at the direction of a law enforcement officer;
 - The motor vehicle was, at the time of the violation, in the care, custody or control of another person;
 - A citation was issued by a law enforcement officer to the driver of the vehicle for a red light violation;
 - The owner of the vehicle was deceased on or before the date of the violation as established by an affidavit submitted by a representative of the owner's estate or other designated person or family member.

In addition to reviewing national recommendations and programs from other states, committee members also reached out to red light running photo enforcement vendors to see what type of photo

enforcement systems are currently available. We did this to have a more informed discussion when making policy recommendations.

We were able to make contact with the following vendors:

- Redflex
- OPTO Traffic
- Conduent
- NOVOAGLOBAL, Inc.

From our discussions with photo enforcement system vendors, and other States with photo enforcement programs, we learned about:

- Equipment and software options
- Potential cost of the systems
- Infrastructure requirements

Based on our findings and discussions, the Red Light Running Committee suggests the following policy recommendations:

Policy Recommendations

- The goal of the automated traffic law enforcement program is to reduce fatalities and injuries by using red light running photo enforcement as a deterrent, not the generation of revenue.
- A study shall be conducted at potential intersections to determine the number of red light running incidents. This is to determine whether or not red light running is an issue at the potential location, and will provide us with base line data that will be used during the pilot program evaluation.
- An engineering review shall be conducted on the potential intersection(s) to determine the extent of the problem and the possible causes of red light running. The study helps ensure that the red light running problem is not due to engineering or other shortcomings. The study may also identify problems that can be addressed with engineering countermeasures such as road improvements, improved visibility of signals, traffic signal timing, etc.
- The red light running photo enforcement program pilot shall begin in the City & County of Honolulu, due to the number of intersections and high volume of vehicles.
- The length of the red light running photo enforcement pilot program should be three years from the start date of the operation.
- At the minimum, the photo enforcement cameras should be piloted at three intersections. The initial number of intersections is to ensure a smooth implementation of the programs. Once the

issues, if any, are corrected, then the implementing jurisdiction may expand up to a total of eight intersections during the pilot program after issues, if any, are identified and resolved.

- Three photos should be taken:
 - 1) Photo of the vehicle prior to the intersection with the red light indication
 - 2) Photo of the vehicle in the intersection with the red light indication
 - 3) Photo of the driver
- The camera systems would be automated such that the photos produced would be only of suspected violations.
- Citations issued through the photo enforcement system, will be treated as a non-moving violation and will not appear on the registered owner's traffic abstract.
- During the pilot program left turn and straight through violations of the red light will be cited. Turning right on red without coming to a complete stop, while still violations, will not be cited **[by]** during the pilot program.
- Submit legislation that allows the State and counties to implement the program and enact ordinances.

Vendor

- Act 131 SLH 2019 provides that "the enforcement and maintenance of the programs shall not be contracted out to a third-party vendor." However, the committee respectfully requests that the legislature allow the State or counties to contract a third-party vendor during the pilot program. Some of the main reasons are:
 - The photo enforcement systems and software are proprietary and require a high degree of skill and training. As such, the installation and routine maintenance should only be done by the vendor.
 - The vendors/vendor representatives can be called as expert witnesses in court. The technician can verify the technical aspects of the photo enforcement system during a hearing.
 - The vendor shall be paid a flat monthly fee, regardless of the number of citations issued per month.
 - The vendor shall conduct an initial review of the photos, then send to the county police department for review, verification and approval of issuance of the citation.
 - The vendor shall mail out the citation upon receiving approval from the county police department.

-Reduces the number of personnel the State and county need to allocate to the program.

-Requiring the State or counties to hire a highly trained technical staff is not economically feasible.

Citations

- The citations of violations shall be processed in the same manner as parking violations and shall be issued to the registered owner of the vehicle.
- Citations shall be mailed out no more than 10 calendar days, via regular mail, from when the violation occurred.
- Citations issued through the photo enforcement system will be considered as a non-moving violation and will not appear on the registered owner's Traffic Abstract.
- If a person fails to pay the fine of a photo enforcement citation, restrictions shall be applied in accordance with §291D-10, Hawaii Revised Statutes.

Program Implementation

- Photo enforcement signs shall be placed at intersections where cameras are located and will be clearly visible. The signs will warn drivers that they are approaching an intersection with photo enforcement cameras.
- For the initial thirty days of the photo enforcement system becoming operational, only warnings shall be issued. Each new photo enforcement site shall also issue warnings for the first thirty days.

Use of Revenue Derived from the Automated Enforcement System

- No portion of any fine collected, through the use of the automated red light enforcement system, may be used as general revenue by the implementing jurisdiction.
- A special fund shall be created for the revenue generated by the photo enforcement system.
- Revenue derived from the automated enforcement shall be utilized solely to fund highway safety (non-infrastructure) programs as well as Infrastructure projects directly related to red light running systems functions and projects, which may include automated enforcement program costs.
- Automated red light enforcement program costs may be funded by revenues derived from citation fines. Automated enforcement program costs that may be funded by revenues derived from citation fines are limited to equipment acquisition, installation and replacement,

maintenance, program administration, education, and periodic program evaluations of compliance, public awareness and impacts on highway safety.

Public Information

- An education campaign must precede the start of the program, to inform the public about the program and how it has the potential to save lives and reduce injuries. It is recommended that this campaign begin at least three months before the cameras become operational.
- The public information campaign shall continue throughout the program and may be funded from revenues derived from the program.

Program Evaluation

- The implementing jurisdiction shall complete an annual report to evaluate whether the goal of reducing injuries and deaths related to red light running crashes has changed.

(1) Staffing Requirements (Still waiting for more data, should have the data by Wednesday, will send you the revised section)

Each of the four county police departments were asked to submit an estimate of staffing needs to implement and staff the program. We asked each police department to submit budgets for two scenarios, one running the camera system and a second scenario with a third party vendor.

Without a third party vendor (up to three intersections):

Honolulu Police Department	\$445,000.00
Maui Police Department	\$445,000.00
Hawaii Police Department*	\$246,000.00
Kauai Police Department	\$445,000.00
City & County of Honolulu – Department of Transportation Services	\$210,000.00
State Judiciary	\$55,000.00
Total per year:	\$1,846,000.00

- Honolulu, Maui and Kauai police departments will use five police officers and one Sergeant.
- Hawaii Police Department will utilize one sworn officer and three civilian staff members.
- The City & County of Honolulu’s Department of Transportation Services will need to increase staff by three.
- The State Judiciary will need to add one additional clerk to process the citations.

With a third party vendor:

Agency	
Honolulu Police Department	\$215,000.00
Maui Police Department	\$215,000.00
Hawaii Police Department*	\$188,000.00
Kauai Police Department	\$215,000.00
City & County of Honolulu – Department of Transportation Services	\$0
State Judiciary	\$55,000.00
Total per year:	\$888,000.00

- Honolulu, Maui and Kauai police departments will use three police officers.
- Hawaii Police Department will utilize one sworn officer and two civilian staff members.
- The City & County of Honolulu’s Department of Transportation Services will not need to hire additional staff.
- The State Judiciary will need to add one additional clerk to process the citations.

***The Hawaii Police Department made the following assumptions are also being made for both project scenarios:**

- The projects would be confined to either Hilo or Kona, not both and not spread out around the island.
- The camera systems would be automated such that the photos produced would be only of suspected violations.

(2) Capital Improvements

In order to implement the photo enforcement program, there are infrastructure improvements that will need to be made. These are:

Based on a three-lane approach (direction), the following capital improvements would need to be made:

- Installation of type I traffic signal pole & foundation - \$10,000
- Camera & associated equipment - \$4000
- Stop bar detector in-pavement over 3 lanes - \$4500 (\$1500 per lane)
- 200 ft. of conduit - \$60,000 (\$300 per ft)

The estimated cost is \$78,000 - 80,000 per approach (direction).

It should be noted that some automated enforcement systems do not require any capital improvements and can operate without physical modifications to the intersection, thereby reducing costs.

(3) Location

Traffic crash data, provided by the HDOT's State of Hawaii Advanced Crash Analysis (SHACA) system, should be used to identify the most appropriate location for each pilot program. The committee members agreed that intersections, where a high number of crashes were caused due to drivers disregarding a red light signal, should receive priority.

The committee members agreed that the following criteria be used to determine the most appropriate location for the pilot program:

- Results from the study of potential intersections to determine the number of red light running incidents to determine baseline data.
- Volume/traffic count data
- Fatality data
- Injury data
- Crash (property damage only) data
- Citation data

The committee recommends that the most current crash data be evaluated when considering potential locations for the photo enforcement systems as the data changes from year to year.

Additionally, an engineering review shall be conducted on the potential intersection(s) to determine the extent of the problem and the possible causes of red light running. The study helps ensure that the red light running problem is not due to engineering or other shortcomings. The study may also identify problems that can be addressed with engineering countermeasures such as road improvements, improved visibility of signals, traffic signal timing, etc.

(4) Evaluation Plan

The implementing jurisdiction shall complete an annual report to evaluate whether the goal of reducing injuries and deaths related to red light running crashes has changed.

The evaluation criteria used shall include:

- Red light running data
- Fatality data
- Injury data
- Crash (property damage only) data
- Citation data

