



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

February 11, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 60

COMMITTEE ON TRANSPORTATION

House Bill 60 proposes to allow audible reverse warning systems to be turned off for noise control purposes between 10:00 p.m. and 6:00 a.m., provided the driver is guided while reversing by another person outside of the vehicle.

The Department of Transportation (DOT) supports this bill but requests an amendment.

The DOT agrees that vehicles can be reversed safely without an audible reverse warning system under certain circumstances and that the bill provides adequate safeguards. It is our understanding that the intent of the bill is to allow any worker who is conveniently available to serve as watchperson, and if a watchperson is not available, the driver must use the reverse alarm.

Our requested amendment is to change the proposed wording in section 2, subsection (b) from "...after a fixed period of time as specified by rule" to "when the transmission is shifted out of reverse." Another possibility is to allow the driver to set the time of deactivation to the estimated time required for the maneuver. If the maneuver is completed before the estimated time expires and the driver forgets to turn off the deactivation, it will turn off automatically when the estimated time expires, similar to the way a microwave oven automatically turns off after a set period of time. There are many different reversing situations with different time requirements that it does not seem practical to require a fixed time to be established by administrative rules. The bill's objective can be achieved without a fixed time period and without rules.



February 11, 2009

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON HB 60 RELATING TO TRAFFIC VIOLATIONS**

Thank you Chair Souki and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with 380 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association has concerns about this bill.

As a principal, it is worrisome whenever a safety device is eliminated or disengaged. This one is especially so because it involves the act of reversing a vehicle - the most dangerous maneuver a large vehicle can undertake.

The danger is exacerbated because the safety device is disengaged during a period when it is dark and there are people in the area having a good time (i.e. inebriated and/or socializing) and not always paying attention to their surroundings - especially in Waikiki.

It has been accepted in the construction industry that a warning system is not necessary when a guide is assisting the driver. However, the guiding is done by personnel familiar with the type of vehicles, and this movement takes place in a controlled area populated by people who are also knowledgeable of the situation.

A guide who is unfamiliar with, or is unaware of the limitations of, large vehicles can miss critical directional needs. A guide may miss detecting pedestrians or obstructions because of the darkness and/or limited line of sight because of the vehicle's size.

This guide's role is extremely critical and that person should assume the liability for any damage, injury, or fatality that occurs while guiding the vehicle. We request an amendment to page 3, line 21 to read, ". . . driver. **The guide shall be liable for any damages, injuries, and/or fatalities that occur while guiding the vehicle. Any mechanism permitting . . .**"

Thank you.