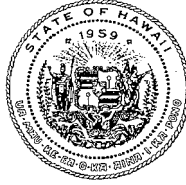


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DEPARTMENT OF TRANSPORTATION
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HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

February 9, 2006

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION
COMMITTEE ON INTERGOVERNMENTAL AFFAIRS
COMMITTEE ON HEALTH

BILL NUMBER: SENATE BILL NO. 2583
TITLE: RELATING TO HIGHWAY HAZARD EVALUATION DATA
DESCRIPTION: PROHIBITS DISCOVERY OF SAFETY HAZARD ANALYSIS. CLARIFIES THAT THE MOTOR VEHICLE ACCIDENT REPORTS COMPLETED BY THE POLICE OF THE VARIOUS COUNTIES IS INCLUDED IN THE PROHIBITION AGAINST DISCOVERY. PERMITS THE RELEASE OF SOURCE DATA.

DEPARTMENT'S POSITION: We support this bill.

COMMENTS: The Department of Transportation supports this bill as it will enhance highway safety and provide conformity to federal laws.

This bill mirrors the provisions of Title 23, United States Code, Section 409. This federal statute was enacted by Congress to improve highway safety by encouraging states to uninhibitedly use safety data for safety purposes, without fear that such data will be used against them in court cases. This federal statute was validated by the U.S. Supreme Court in *Pierce County v. Guillen*, Docket 01-1229. This proposed bill will bring Hawaii into conformity with the U.S. Supreme Court decision and provisions of the federal statute.

However, the DOT is concerned by the conflicting provisions of the proposed bill. Subsection (c)(2) appears to contradict the intent of this bill to protect discovery and admission of evaluation analysis. Names and addresses, date and time, and diagram of the accident are all major components of

highway evaluation and allowing their discovery would circumvent the intent of this bill. We recommend deleting subsection (c)(2) of this bill.