



## TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-THIRD LEGISLATURE, 2006

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2583, RELATING TO HIGHWAY HAZARD EVALUATION DATA.

**BEFORE THE:**

SENATE COMMITTEE ON INTERGOVERNMENTAL AFFAIRS

**DATE:** Thursday, February 9, 2006 **TIME:** 2:45 PM

**LOCATION:** State Capitol, Room 225

*Deliver to: State Capitol, Room 215, 35 copies*

**TESTIFIER(S):** Written Testimony Only

(For Further Information, Contact Cindy S. Inouye, Deputy Attorney General At 586-1300.)

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Chair Ige and Members of the Committee:

We recommend that if the Committee approves this bill it delete subsection (c)(2).

This bill is an amended version of S.B. No. 689. The basic purpose of S.B. No. 689 was to ensure that the protections afforded to the State that limit the disclosure of highway safety information when cases are in litigation be respected by the local courts. The scope of these protections is set forth in the federal statute known as 23 U.S.C. section 409.

S.B. No. 2583, is problematic because of subsection (c)(2), which undermines the intent and effect of section 409 by providing that the "source data" collected for purposes of highway safety analyses is not protected from disclosure. As currently worded, therefore, S.B. No. 2583 actually provides the State with less protection than federal law, as set forth in 23 U.S.C. section 409.

Should the Committee choose to go forward with this bill, therefore, we strongly urge that subsection (c)(2) be deleted.