

JAN 22 2008

A BILL FOR AN ACT

RELATING TO SUSTAINABLE TRANSPORTATION PLANNING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that:

2 (1) The governor, in conjunction with the Hawaii Harbor
3 Users Group and with the support of leadership of the
4 legislature, recently announced a harbor improvements
5 initiative over the next six years costing
6 \$842,000,000, to be financed by state funds and bonds.
7 The initiative involves modification and expansion to
8 facilitate twenty-five or more years of growth,
9 consumer demand, and changes in user needs;

10 (2) The state harbors improvements initiative creates
11 significant opportunities for achieving a more
12 efficient and higher-capacity statewide system of
13 inter-island transportation but also creates
14 significant environmental, cultural, social, and
15 economic impacts that the State needs to assess,
16 address, mitigate, or avoid through a systematic
17 environmental review with measures identified to best



1 address, mitigate, or avoid impacts and to enforce a
2 statewide sustainability permitting scheme;

3 (3) A strong consensus emerged from the testimony of many
4 members of the legislature, inter-island
5 transportation stakeholders, and the public during the
6 2007 special session on the large capacity
7 inter-island ferry issue that much greater attention
8 must be paid to early assessment and mitigation of the
9 adverse environmental, cultural, economic, and social
10 impacts of our State's changing and growing inter-
11 island transportation systems, as well as to achieving
12 higher and equitable standards in operating conditions
13 among various inter-island transportation modes;

14 (4) The Polynesian people arrived to the Hawaiian islands
15 more than two thousand years ago by canoe, with
16 sophisticated navigation techniques, and developed a
17 sustainable life both on and among the islands,
18 offering a cultural history that provides guidance to
19 modern residents of Hawaii on how to achieve a
20 sustainable inter-island transportation system;

21 (5) The State is unique among the United States as the
22 only all-island state, completely surrounded by the



1 Pacific Ocean, necessitating inter-island
2 transportation by air or water, and is more than two
3 thousand five hundred miles from the United States
4 mainland and Asia, creating critical issues of
5 dependence on air and water transportation systems;

6 (6) The State needs a robust, environmentally sustainable,
7 efficient, diverse, secure, and affordable system of
8 inter-island transportation to meet both public and
9 private needs of its businesses, residents, and
10 visitors;

11 (7) The proposed state harbors improvements initiative,
12 the large capacity inter-island ferry controversy,
13 concerns about cruise ship pollution, volatility in
14 inter-island airline services, and increasing
15 attention to carbon emission and impacts of
16 transportation systems on global warming demonstrate
17 the need for a comprehensive review and integrated
18 regulation of all methods, existing and proposed, of
19 inter-island transportation to ensure fair but
20 coordinated regulation of the various modes and
21 operators so that short-term, long-term, cumulative,
22 and secondary impacts are considered prior to



1 commitments to major expansion or modifications of
2 such systems;

3 (8) The proposed state harbors improvements initiative
4 should undergo a programmatic environmental review
5 prior to preferred alternatives for site-specific
6 projects being selected;

7 (9) In the transportation context, the scope of the
8 current environmental review process should be
9 broadened to include sustainability - the so-called
10 "triple bottom line" of environment, economy, and
11 social needs;

12 (10) A current weakness in the environmental review process
13 under chapter 343, Hawaii Revised Statutes, is that it
14 does not ensure that appropriate mitigation measures
15 to reduce adverse impacts are incorporated into
16 enforceable operating or pollution control permits,
17 nor has it consistently been applied by state agencies
18 who are considering projects such as harbor
19 improvements that will facilitate major inter-island
20 transportation projects;

21 (11) The work and report of the twenty-five member Hawaii
22 2050 Task Force (Act 8, Special Session Laws of Hawaii



1 2005) provided valuable expertise and stakeholder
2 input on the importance of achieving a more
3 sustainable future for our State, which must now be
4 implemented and put into action to make a meaningful
5 difference for future generations who inherit the
6 impact of the decisions that we make today for these
7 islands; and

8 (12) Given all of these considerations, the State must
9 seize this unique opportunity to focus public
10 attention and expertise on planning for and achieving
11 a sustainable state inter-island transportation
12 system.

13 The purpose of this Act is to convene a Hawaii sustainable
14 inter-island transportation task force.

15 SECTION 2. (a) There is created a temporary five-year
16 Hawaii sustainable inter-island transportation task force, to be
17 under the office of planning for administrative purposes.

18 (b) The Hawaii sustainable inter-island transportation
19 task force shall:

20 (1) Study the environmental, economic, and social impacts
21 of existing state inter-island transportation systems;



- 1 (2) Assess proposed changes to the State's inter-island
2 transportation systems for the next twenty-five years;
- 3 (3) Recommend specific, consistent, effective, and
4 equitable mitigation measures to ensure optimum
5 sustainable operations and minimum adverse impacts;
- 6 (4) Recommend legislative measures, if any, to establish a
7 new regulatory state permit system to ensure
8 equitable, enforceable, and adaptable state oversight
9 over the environmental, cultural, social, and economic
10 impact of these transportation systems, consistent
11 with federal laws affecting such systems; and
- 12 (5) Identify the most appropriate existing or new entity
13 to administer the new permit system, including but not
14 limited to, consideration of the public utilities
15 commission as the appropriate regulatory entity.
- 16 (c) The scope of work for the Hawaii sustainable
17 inter-island transportation task force shall include:
- 18 (1) Ensuring the sustainability and protection of the
19 State's indigenous marine resources (for example,
20 whales, turtles, dolphins, and coral reefs) and
21 indigenous terrestrial resources (for example, native



- 1 plants, insects, birds, and mammals) from the adverse
2 impacts of inter-island transportation;
- 3 (2) Protecting local diversified agriculture, native
4 ecosystems, and public health from the adverse effects
5 of invasive and alien species that can be introduced,
6 spread, and facilitated by inter-island
7 transportation;
- 8 (3) Mitigating and minimizing the traffic and pedestrian
9 impacts on all islands from the off-loading and
10 on-loading of vehicles and cargo, including visitors
11 using rental cars, from inter-island transportation;
- 12 (4) Protecting the following, which depend on healthy
13 local natural ecosystems, the protection of public
14 natural resources and protected areas, sensible limits
15 on access, and effective law enforcement:
- 16 (A) Traditional and customary rights of native
17 Hawaiians;
- 18 (B) Sustainable local subsistence, recreational
19 fishing, hunting, and harvesting practices; and
- 20 (C) Wilderness recreation opportunities of island
21 residents;



1 (5) Minimizing the contributions of the State's
2 inter-island transportation systems to climate change
3 and promoting the State's energy independency by
4 reducing fossil fuel consumption and emissions of
5 greenhouse gases, including carbon dioxide, from
6 various inter-island transportation operations; and

7 (6) Conducting an integrated, strategic, and comprehensive
8 assessment of the issues delineated by this Act to
9 ensure maximum positive benefit and to minimize the
10 adverse effects of transportation systems on
11 environmental, cultural, social, and economic values
12 statewide.

13 (d) The Hawaii sustainable inter-island transportation
14 task force shall cease to exist on October 1, 2012.

15 SECTION 3. Appointment of members to the Hawaii
16 sustainable inter-island transportation task force shall be
17 exempt from section 26-34, Hawaii Revised Statutes. The Hawaii
18 sustainable inter-island transportation task force shall be
19 composed of twenty members, as follows:

20 (1) One member of the senate, to be selected by the
21 president of the senate;



- 1 (2) One member of the house of representatives, to be
2 selected by the speaker of the house of
3 representatives;
- 4 (3) The director of the office of planning or the
5 director's designee;
- 6 (4) The chairperson of the board of land and natural
7 resources or the chairperson's designee;
- 8 (5) The chairperson of the board of agriculture or the
9 chairperson's designee;
- 10 (6) The director transportation or the director's
11 designee;
- 12 (7) A representative of the office of Hawaiian affairs, to
13 be designated by the office of Hawaiian affairs;
- 14 (8) Three representatives of the Hawaii Harbor Users
15 Group, to be designated by the Hawaii Harbor Users
16 Group, including one representative each from the
17 cruise line, ferry, and cargo industries; provided
18 that the representative of the Hawaii Harbor Users
19 group shall not participate in the task force for the
20 air transportation report;
- 21 (9) Three air transportation representatives from the
22 three largest inter-island carriers, with one



1 representative to be selected by the president of the
2 senate, one representative to be selected by the
3 speaker of the house of representatives, and one
4 representative to be selected by the governor;
5 provided that the air transportation representatives
6 shall not participate in the task force for the water
7 transportation report;

8 (10) Three representatives of the environmental community
9 that represent major environmental organizations, with
10 one representative to be selected by the president of
11 the senate, one representative to be selected by the
12 speaker of the house of representatives, and one
13 representative to be selected by the governor; and

14 (11) Four representatives of the Hawaii 2050 task force,
15 with expertise and interest in sustainable planning,
16 to be designated by the chairperson of the Hawaii 2050
17 task force.

18 Each of the foregoing entities shall submit the name of
19 their designated representative and an alternate to the office
20 of planning no later than August 15, 2008.

21 SECTION 4. The office of planning shall convene the first
22 meeting of the Hawaii sustainable inter-island transportation



1 task force no later than September 15, 2008, and thereafter no
2 less than once every two months.

3 SECTION 5. The Hawaii sustainable inter-island
4 transportation task force may utilize the resources of an expert
5 facilitator for its meetings and for preparing the report, as
6 well as the resources of the office of planning designated under
7 this Act.

8 SECTION 6. (a) The office of planning shall prepare a
9 draft report of findings, recommendations, and proposed
10 legislation of the Hawaii sustainable inter-island
11 transportation task force:

12 (1) On water transportation no later than September 31,
13 2010; and

14 (2) On air transportation no later than September 31,
15 2012;

16 The office of planning shall conduct information briefings on
17 each of the neighbor island as well as Oahu on each draft
18 report. Comments from the public and the briefings shall be
19 actively solicited, fully recorded, and incorporated into the
20 each final report. The office of planning shall maintain
21 publicly accessible records of the task force meetings and
22 public briefings, and shall submit a final report of findings,



1 recommendations, and proposed legislation to the legislature and
2 governor no later than twenty days before the convening of the
3 regular session of 2010.

4 (b) The office of planning may contract with private or
5 public entities to conduct the necessary facilitation, studies,
6 and analyses for purposes of preparing the report under this
7 Act. Such contracts shall be exempt from chapter 103D, Hawaii
8 Revised Statutes.

9 SECTION 7. As used in this Act:

10 "Inter-island transportation" means any means of public or
11 private transportation of people, cargo, plants, or animals,
12 among or between the Hawaiian islands, including commercial
13 cargo operations, small- and high-capacity ferry vessel
14 operations, cruise ships, and inter-island airline services, but
15 does not include wholly private recreational air or watercraft.

16 "Sustainable" means transportation that protects the
17 environment, public health, welfare, and local economy and meets
18 mobility needs consistent with the use of renewable resources at
19 or below their rate of regeneration, and the use of
20 non-renewable resources at or below rates of development of
21 renewable substitutes.



1 SECTION 8. There is appropriated out of the harbor special
 2 fund the sum of \$ or so much thereof as may be
 3 necessary for fiscal year 2008-2009 for the expenses of the
 4 office of planning pursuant to this Act.

5 The sum appropriated shall be expended by the department of
 6 transportation to defray the expenses of the office of planning
 7 for the purposes of this Act.

8 SECTION 9. There is appropriated out of the airport
 9 revenue fund the sum of \$ or so much thereof as may be
 10 necessary for fiscal year 2008-2009 for the expenses of the
 11 office of planning pursuant to this Act.

12 The sum appropriated shall be expended by the department of
 13 transportation to defray the expenses of the office of planning
 14 for the purposes of this Act.

15 SECTION 10. This Act shall take effect upon its approval;
 16 provided that sections 8 and 9 shall take effect on July 1,
 17 2008.

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J. Paul Gil
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INTRODUCED BY:

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Report Title:

Transportation; Sustainability; Inter-Island Transportation;
Appropriation

Description:

Convenes a temporary Hawaii sustainable inter-island transportation task force to study environmental impacts of air and sea inter-island transportation modalities and make regulatory recommendations; makes appropriation.

