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IN REPLY REFER TO:

February 20, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2428

COMMITTEE ON WATER, LAND, OCEAN RESOURCES & HAWAIIAN AFFAIRS

We support this bill.

The Department of Transportation (DOT) supports the proposal to exempt state highway projects that involve acquisitions from county subdivision approvals. This exemption would help expedite project delivery.

The current county approval process duplicates many of the practices already required in long range planning, environmental studies, the public involvement process and the legislative approval of each project. The county process requires an application for each subdivision taking, an application fee, tax clearances, a response to numerous reviewing agencies and requires the owners to sign off on subdivision applications before negotiations are completed. The bill would eliminate this lengthy and unnecessary review process and help reduce the risk of lapsing state and federal funds.

DEPARTMENT OF PLANNING AND PERMITTING
CITY AND COUNTY OF HONOLULU

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February 20, 2008

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land,
Ocean Resources and Hawaiian Affairs
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Ito:

**Subject: HOUSE BILL NO. 2428
Relating to Highways**

The Department of Planning and Permitting respectfully reaffirms its opposition to House Bill 2428, which exempts acquisition of lands for highway projects by the state department of transportation from the requirements of the county subdivision regulations.

Our opposition is based on several reasons. First, the purpose of the county subdivision regulations is to ensure that any lots that are subdivided will conform to an orderly development plan and be provided with adequate access, and the necessary water and sewer hookups for the intended use or development. Without county review for compliance with these subdivision requirements, lands may be subdivided by the department of transportation that may become a potential issue not only to the state, but to the county which must continue to regulate development on the remaining subdivided lands. Once subdivided without county approval, leftover lands from the state acquisition that remain in private ownership may end up being substandard in dimensions or land area, or being in lack of the adequate access and facilities necessary to support future development, in which case the county may recommend such remnant lots to be consolidated with adjacent properties rather than left as stand-alone lots.

Second, lots that are subdivided and recorded without county approval will lack an official record with the county. The absence of records with the county may hinder the issuance of future building or other development permits on the remainder lots. This would certainly create a significant problem and be detrimental for the private landowners who would have no official county record for the lots leftover from the state acquisition, but who must still come to the county for all their development permits on lots that would not exist in county records.

The Honorable Ken Ito, Chair
and Members of the Committee on Water, Land,
Ocean Resources and Hawaiian Affairs
Re: House Bill 2428
February 20, 2008
Page 2

Third, the proposed bill gives the state department of transportation the authority to subdivide lands for acquisition for highway projects. This infringement on county zoning powers is unnecessary and unjustified. No state highway project that we are aware of has been significantly delayed by the processing of a subdivision application with the county. In any case, the department of transportation already appears to have all the authority needed to plan, design and construct a highway project, and the processing of the subdivision with the county seems more of a record keeping matter rather than a permit necessary to implement the highway project. If the filing of a subdivision application with the county does not hinder the highway project, why is there a need to exempt the agency from county subdivision requirements?

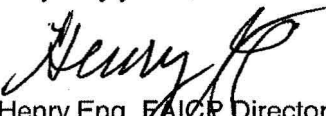
Contrary to what is stated on House Community Report No. 39-08, landowners do not have to sign-off on subdivision applications prior to completion of negotiations. Subdivisions for highway purposes have been accepted for processing by the county on the basis of the state's power of eminent domain to acquire lands for public purposes, and as such are processed with waivers from many subdivision requirements, including the payment of filing fees and tax clearances. Additionally, no special or separate subdivision map for each owner needs to be submitted as part of the subdivision application. The county has accepted the use of the state department of transportation's own highway parcel maps for application purposes.

Lastly, the county subdivision process is not duplicative. It would be duplicative to allow the state department of transportation to have the subdivision authority currently reserved for the counties. With a state agency approving subdivisions that completely bypass the county, the results may not be in the best interest of the private landowners, and the real estate and insurance industries, as there would be a higher possibility of subdivision actions not being acknowledged or recognized by all players, and thereby complicating future real estate transactions. Would the department of transportation inform other agencies of their subdivisions and would their subdivision records be available for public use? Who would reconcile any discrepancies in subdivision records found at the department of transportation and the counties?

Accordingly, we respectfully request that House Bill 2428 be filed.

Thank you for this opportunity to comment.

Very truly yours,



Henry Eng, FAICP Director
Department of Planning and Permitting

HE:
hb2428a-mh.doc



**The Chamber of
Commerce of Hawaii**

Since 1850

TESTIMONY TO THE HOUSE COMMITTEE ON WATER, LAND, OCEAN RESOURCES &
HAWAIIAN AFFAIRS
WEDNESDAY, FEBRUARY 20, 2008, AT 10:00 A.M.
ROOM 312, STATE CAPITOL

RE: H.B. 2428 HD1 Relating to Highways

Chair Ito, Vice Chair Karamatsu, and Members of the Committee:

My name is Christine H. Camp, Chair of The Chamber of Commerce of Hawaii, Land Use and Transportation Committee. The Chamber of Commerce of Hawaii strongly supports HB 2428 HD1.

The Chamber is the largest business organization in Hawaii, representing 1100 businesses. Approximately 80% of our members are small businesses with less than 20 employees. The organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

H.B. No. 2428 HD1 purposes to speed up project delivery and save time and money on state highway projects by exempting the acquisition of lands for state highway projects by the Department of Transportation (DOT) from the requirements of county subdivision regulations.

Passage of this bill would provide significant savings in time and project costs for state highway projects. Overtime, we have witnessed the County's "ministerial" approvals gravitate towards become more of a "discretionary" approval. Subdivisions in general should be viewed simply from a public health and safety standpoint. As long as the subdivision falls within the parameters set by the individual county, it should be approved.

The proposed legislation illustrates how the process is becoming more subjective and discretionary even for other government projects, which in theory must meet a similar or higher public health and safety test.

Thank you for this opportunity to express our views.