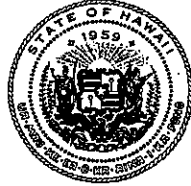


LINDA LINGLE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

BRENNON T. MORIOKA  
INTERIM DIRECTOR

Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI

IN REPLY REFER TO:

February 6, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2441

COMMITTEE ON TRANSPORTATION  
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

We support this bill.

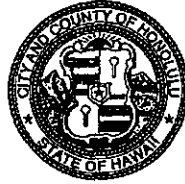
The Department of Transportation (DOT) supports the proposal to exempt state highway projects that involve acquisitions from county subdivision approvals. This exemption would help expedite project delivery.

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**

650 SOUTH KING STREET, 7TH FLOOR • HONOLULU, HAWAII 96813  
TELEPHONE: (808) 768-8000 • FAX: (808) 527-6743  
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MUFI HANNEMANN  
MAYOR



HENRY ENG, FAICP  
DIRECTOR

DAVID K. TANOLIE  
DEPUTY DIRECTOR

February 6, 2008

The Honorable J. Kalani English, Chair  
and Members of the Committee on Transportation  
and International Affairs

The Honorable Lorraine R. Inouye, Chair  
and Members of the Committee on Intergovernmental  
and Military Affairs  
Senate  
State Capitol  
Honolulu, Hawaii 96813

Dear Chairs English, Inouye and Members:

**Subject: SENATE BILL 2441  
Relating to Highways**

The Department of Planning and Permitting respectfully submits the following testimony in **opposition** to Senate Bill 2441, 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 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

The Honorable J. Kalani English, Chair  
and Members of the Committee on Transportation  
and International Affairs

The Honorable Lorraine R. Inouye, Chair  
and Members of the Committee on Intergovernmental  
and Military Affairs

Senate

Re: Senate Bill 2441

February 6, 2006

Page 2

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.

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 delayed by the processing of a subdivision application with the county. All previous subdivisions for highway purposes have been submitted to and processed 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. 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?

Lastly, allowing multiple agencies to have subdivision authority would create a confusing situation that 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 Senate Bill 2441 be filed.

Thank you for this opportunity to comment.

Very truly yours,



Henry Eng, FAICP Director  
Department of Planning and Permitting

**BIA-HAWAII**  
BUILDING INDUSTRY ASSOCIATION

February 6, 2008

The Honorable Senators English and Inouye, Chairs, and Members  
Committee on Transportation and International Affairs  
Committee on Intergovernmental and Military Affairs  
State Senate, Room 224  
Honolulu, Hawaii 96813

Dear Chairs English and Inouye and Members:

**Subject: Senate Bill No's. SB 2441 Relating to Highways and SB 3122  
Relating to the Exemption of State Highway Projects from  
County Subdivision Approval Process**

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

**BIA-Hawaii strongly supports both S.B. No. 2441 and SB 3122.**

S.B. No. 2441 would exempt state highways projects from county subdivision approvals regarding highway projects that involve acquisitions.

S.B. No. 3122 would exempt State Highways from county subdivision approval requirements to expedite highway projects and reduce project costs

Passage of either of these measures would provide significant savings in time and project costs for state highway projects. 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.

*Karen I. Nakamura*

The Honorable Senators English and Inouye, Chairs, and Members  
Committee on Transportation and International Affairs  
Committee on Intergovernmental and Military Affairs  
State Senate, Room 224  
Honolulu, Hawaii 96813

Dear Chairs English and Inouye and Members:

**Subject: Senate Bill No's. SB 2441 Relating to Highways and SB 3122 Relating to the Exemption of State Highway Projects from County Subdivision Approval Process**

I am Fred Moore, President, HSI Mechanical, Inc. and have been in business in Hawai'i since 1979. We employ 63 employees who are mostly members of two local unions - Plumbers & Pipefitters, and the Sheet Metal Workers unions.

**HSI Mechanical, Inc. strongly supports both S.B. No. 2441 and SB 3122.**

S.B. No. 2441 would exempt state highway projects from county subdivision approvals regarding highway projects that involve acquisitions.

S.B. No. 3122 would exempt State Highways from county subdivision approval requirements to expedite highway projects and reduce project costs

Passage of either of these measures would provide significant savings in time and project costs for state highway projects. 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.

Fred Moore  
President / Principal RME  
HSI Mechanical, Inc.  
227 Puuhale Road  
Honolulu, HI 96819  
Cell: 808-478-8482



**The Chamber of  
Commerce of Hawaii**  
Since 1850

**Testimony to the Senate Committees on Transportation and International Affairs and  
Intergovernmental and Military Affairs  
Wednesday, February 6, 2008 at 3:45 p.m.  
Conference Room 224, State Capitol**

**RE: SENATE BILL NO. 2441 RELATING TO HIGHWAYS AND SENATE BILL 3122  
RELATING TO THE EXEMPTION OF STATE HIGHWAY PROJECTS FROM  
THE COUNTY SUBDIVISION APPROVAL PROCESS**

Chairs English and Inouye, Vice Chairs Gabbard and Tsutsui, and Members of the Committees:

The Chamber of Commerce of Hawaii ("The Chamber") strongly supports SB 2441 and 3122.

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.

S.B. No. 2441 would exempt state highways projects from county subdivision approvals regarding highway projects that involve acquisitions.

S.B. No. 3122 would exempt State Highways from county subdivision approval requirements to expedite highway projects and reduce project costs.

Passage of either of these measures 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. We believe 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.

February 6, 2008

The Honorable Senator J. Kalani English, Chair  
Senate Committee on Transportation and International Affairs  
The Honorable Senator Lorraine R. Inouye, Chair  
Senate Committee on Intergovernmental and Military Affairs  
Hawai'i State Capitol  
Honolulu, HI 96813

RE: Testimony opposing of SB 2441 Relating to Highways  
Chair English, Chair Inouye and Members of the Committees:

Thank you for this opportunity to present testimony in opposition to SB 2441 on behalf of Na Leo Pohai, the public policy affiliate of The Outdoor Circle.

We strongly believe that despite the extra costs and effort, it is important to continue to require that state highway projects obtain county subdivision approvals on projects that require acquisitions.

The additional layer of approvals currently required provides an important opportunity for local oversight and public involvement in state highway projects. While exempting state projects from county subdivision approvals might expedite certain projects, we believe it also would increase the risk that the exempted projects run afoul of the counties' rights and obligations to ensure that the projects do not infringe on the legitimate interests of the counties and their residents.

Please vote against SB 2441.

Mahalo

Bob Loy  
Director of Environmental Programs

5/10/08  
LW