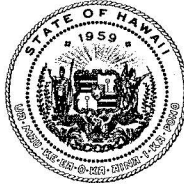


LINDA LINGLE
GOVERNOR



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

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IN REPLY REFER TO:

March 10, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2441

COMMITTEE ON TRANSPORTATION

We support this bill.

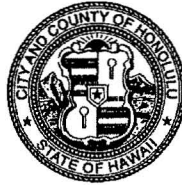
The Department of Transportation (DOT) supports the proposal to exempt state highway projects that involve acquisitions from county subdivision approvals. This exemption would help expedite project delivery.

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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MUFI HANNEMANN
MAYOR



HENRY ENG, FAICP
DIRECTOR

DAVID K. TANOUÉ
DEPUTY DIRECTOR

March 10, 2008

The Honorable Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

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

The Department of Planning and Permitting respectfully resubmits 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 Joseph M. Souki, Chair
and Members of the Committee on Transportation
House of Representatives
Re: Senate Bill 2441
March 10, 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.

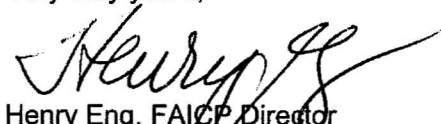
Third, the proposed bill gives the state department of transportation the authority to subdivide lands for acquisition for highway projects. This infringement on county zoning powers is unnecessary and unjustified. No state highway project that we are aware of has been delayed by the processing of a 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

HE:jmf
sb2441a-mh.doc



**The Chamber of
Commerce of Hawaii**

Since 1850

**Testimony to House Committee on Transportation
Hawaii State Capitol
Conference Room 309
415 South Beretania Street
Monday, March 10, 2008 at 10:00 a.m.**

SUBJECT: SENATE BILL 2441 – RELATING TO HIGHWAYS

Chair Souki, Vice Chair Nishimoto and Members of the Committee:

My name is Christine H. H. Camp, Chair of The Chamber of Commerce of Hawaii, Land Use and Transportation Committee. The Chamber strongly supports S.B. No. 2441.

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.

The proposed 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 becoming 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 increasingly 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.



March 8, 2008

Via E-mail

The Honorable Chairperson Joseph M. Souki
and Members of the House Transportation Committee
Hawaii State Capitol
415 S. Beretania Street, Conference Room 309
Honolulu, HI 96813

Re: Testimony in Support of S.B. No. 2441
Relating to Highways
State Highways; County Subdivision Ordinances; Exemption

Dear Chair Souki and Committee Members:

My name is Ted Yamamura, and I am a licensed real estate appraiser within the State of Hawaii. I have had the opportunity to work with the State Highways Division on numerous highway projects throughout the State. Too often, State highway projects are delayed due to conflicts between the counties and the State over County ordinances that are intended for private developers, but applied to the State as well.

This Bill serves to expedite State Highway projects and eliminate the duplication of efforts between counties and the State. Passage of this Bill will enable highway projects to be completed more expeditiously, reduce manpower and project costs, and avoid lapses in Federal highway funding.

The Bill does not intend to usurp the zoning powers of the counties nor infringe on County jurisdiction. Instead, this Bill is intended to provide the impetus for more close working relationships between the State and Counties, avoid duplication of efforts, encourage cooperation, and to mitigate problematic areas.

Thank you for this opportunity to submit my testimony in support of SB 2441.

Respectfully submitted,

Ted Yamamura
Executive Vice President