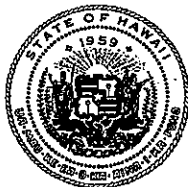


LINDA LINGLE  
GOVERNOR



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IN REPLY REFER TO:

February 6, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 3122

COMMITTEE ON TRANSPORTATION  
COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

We support this administration bill.

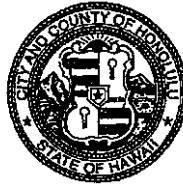
The Department of Transportation (DOT) supports the proposal to exempt state highway projects that involve acquisitions from county subdivision approvals. This exemption would help expedite project delivery.

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. TANOUE  
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 3122  
Relating to the Exemption of  
State Highway Projects from the  
County Subdivision Approval Process**

The Department of Planning and Permitting respectfully submits the following testimony in **opposition** to Senate Bill 3122, which exempts state highway projects from the requirements of the county subdivision regulations.

Our opposition is based on several reasons. First, the bill does not provide any justification or reason for the exemption. It does not explain what the bill intends to achieve. 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 for highway projects without the county's knowledge and input, and as such 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 highway project 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 similar previous cases, the county has recommended such remnant lots to be consolidated with adjacent properties rather than left as stand-alone lots, but if the county is bypassed, both the county and the state will be stuck with such problem remnant lots.

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 3122

February 6, 2008

Page 2

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.

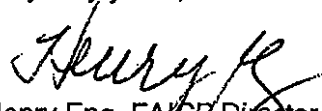
Third, the proposed bill's infringement on county zoning powers is unnecessary and unjustified. No state highway project that we are aware of has been delayed by the processing of a subdivision application with the county. All previous subdivisions for highway purposes have been submitted to and processed 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, including the payment of filing fees. 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 project from county subdivision requirements?

Lastly, allowing subdivisions to happen outside the county jurisdiction 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. Who would keep records of subdivisions for highway projects and which agencies would be kept apprised of these subdivisions? Would subdivision records of highway projects be available for public use? Who would reconcile any discrepancies in subdivision records with the counties?

Accordingly, we respectfully request that Senate Bill 3122 be filed.

Thank you for this opportunity to comment.

Very truly yours,



Henry Eng, FAICP Director  
Department of Planning and Permitting

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  
State Capitol  
Honolulu, HI 96813

RE: Testimony opposing of SB 3122 Relating to Highways

Chair English, Chair Inouye and Members of the Committee:

Thank you for this opportunity to present testimony supporting SB 3122 on behalf of Na Leo Pohai, the public policy affiliate of The Outdoor Circle.

We strongly believe that it is important to continue to require that state highway projects obtain county subdivision approvals on projects.

The additional layer of approvals currently required provides an important opportunity for local oversight and 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 do not take away the counties' role in protecting the environmental and other resources of their communities by voting against SB 3122.

Mahalo

Bob Loy  
Director of Environmental Programs