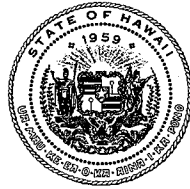


**HB2428**

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:

March 17, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2428

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

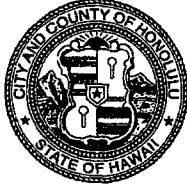
We support this bill.

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 redundant review process.

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  
INTERNET: [www.honolulu.gov](http://www.honolulu.gov) • DEPT. WEB SITE: [www.honolulu.dpp.org](http://www.honolulu.dpp.org)



MUFI HANNEMANN  
MAYOR

HENRY ENG, FAICP  
DIRECTOR

DAVID K. TANOUE  
DEPUTY DIRECTOR

March 14, 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: HOUSE BILL NO. 2428  
Relating to Highways**

The Department of Planning and Permitting (DPP) **reiterates its opposition to House Bill 2428 in its present form**, which exempts acquisition of lands for highway projects by the state department of transportation from the requirements of the county subdivision regulations, is unnecessary for subdivisions processed in the City and County of Honolulu, and would potentially be harmful to private landowners.

In recent discussions with staff at the State Department of Transportation (SDOT), they have expressed the desire to maintain the existing working relationship with the City and County of Honolulu, recognizing that it enables their subdivisions to be processed with minimal or no delays. Unlike some of the neighbor island counties, the subdivision process in Honolulu is purely ministerial and administered entirely by the DPP. In addition, SDOT has also recognized the advantage of going through our subdivision review process to minimize the risk that their agency will be stuck with land that cannot be developed and which they cannot dispose of in the future.

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: House Bill 2428

March 14, 2008

Page 2

In this regard, we suggest that the bill be amended to state that it shall **not** apply to counties with a population of more than 500,000.

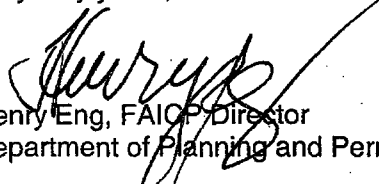
As explained in our previous testimonies, if the bill remains in its present form allowing the state department of transportation to subdivide private lots without county review, it may result in remnant lots that are substandard in dimensions or land area, or being in lack of the adequate access and facilities necessary to support future development. The department of transportation does not have staff that is knowledgeable in the county zoning regulations and building permitting process that regulates private development, and understandably, will not be aware of how their subdivisions may impact the ability to develop those remainder lots in the future.

We have also pointed out that the county will have no records of the department of transportation's subdivisions and that such absence of records may be detrimental to private landowners and a hindrance to the issuance of future building or other development permits on the remainder lots.

Accordingly, we respectfully request that House Bill 2428 be amended as suggested herewith or filed if it remains in its current form.

Thank you for this opportunity to comment.

Very truly yours,

  
Henry Eng, FAICP Director  
Department of Planning and Permitting

HE: jmf  
hb2428b-mh.doc



***The Chamber of  
Commerce of Hawaii***

*Since 1850*

**Testimony to the Committees on Transportation and International Affairs and  
Intergovernmental and Military Affairs  
Monday, March 17, 2008 at 1:30 p.m.  
Room 224, State Capitol**

RE: H.B. 2428 Relating to Highways

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

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

The Chamber is the largest business organization in Hawaii, representing over 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.

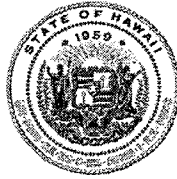
H.B. No. 2428 purposes to speed up project delivery and save time and money on state highway projects by exempting the acquisition of lands for state highway projects by the Department of Transportation (DOT) from the requirements of county subdivision regulations.

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.

**HB509, HD2**



LINDA LINGLE  
GOVERNOR

JAMES R. AIONA, JR.  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
HONOLULU, HAWAII 96809  
Phone Number: (808) 586-2850  
Fax Number: (808) 586-2856  
[www.hawaii.gov/dcca](http://www.hawaii.gov/dcca)

LAWRENCE M. REIFURTH  
DIRECTOR

RONALD BOYER  
DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
OFFICE OF CONSUMER PROTECTION

TO THE SENATE COMMITTEES ON  
TRANSPORTATION AND INTERNATIONAL AFFAIRS  
AND  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

TWENTY-FOURTH STATE LEGISLATURE  
REGULAR SESSION OF 2008

Monday, March 17, 2008  
1:30 p.m.

**TESTIMONY ON HOUSE BILL NO. 509, HD2 – RELATING TO TRANSPORTATION.**

TO THE HONORABLE J. KALANI ENGLISH AND LORRAINE R. INOUE, CHAIRS,  
AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify in support of House Bill No. 509, HD2, Relating to Transportation. My name is Stephen Levins, and I am the Executive Director of the Department's Office of Consumer Protection.

House Bill No. 509, HD2 seeks to clarify the provision of the towing law relating to unhooking fees. Currently, such fees are prohibited only if the owner of a vehicle

Testimony on House Bill No. 509, HD2  
March 17, 2008  
Page 2 of 2

targeted for towing appears on the scene before the vehicle has been moved. Although the law was just amended last year, further clarification may be necessary since the Office of Consumer Protection has recently learned of at least one instance in which a tow company apparently charged a consumer a fee merely because the "towed vehicle" was moved a few feet before the owner arrived on the scene and interacted with the tow truck driver. To rectify this situation, House Bill No. 509, HD2 makes it clear that as long as the vehicle's owner arrives on the scene before the vehicle is towed away; no unhooking fee should be charged.

Thank you for this opportunity to testify on House Bill No. 509, HD2. I will be happy to answer any questions that the members of the Committees may have.



In the matter of HB 509 HD2 and SB 2954, D & H Towing, along with other tow companies and related businesses from the Big Island, we come forth in support. Maintaining these fees is important in many levels of what us as Tow Companies, property owners, and communities are trying to accomplish.

In our business the American tow driver is very under-respected. There is always an article, or a news story that challenges the honesty and integrity of our industry. In fact, it is almost always one-sided, as we do not go out looking randomly for vehicles. No one really takes into account the laws, or violations that caused the tow-aways. But we are most certainly left to deal with the "consequence" of our jobs. We are NOT a dishonest industry. We provide and invaluable service.

Tow operations have considerable obligations to be able to function efficiently. In order for us to do our contracted tow aways , we must have adequate insurance coverages, storage facilities, and training. All of which incur great costs. And of course , not let us not forget are largest expense-fuel, in which costs have been constantly rising.

WE support request for reinstatement of unhooking fees and over time pay. Denying this request will only leave the public the ability to violate rules and laws regulated by the State / and or County. It is allowing vehicles to illegally park, but not get caught. Where we live in Kona, the shortage of police officers have left the property owners to turn to the tow company first, as tow aways can be pushed aside for more important matters (that requires the law's attention.)

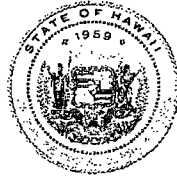
I SUPPORT HB 509HD2 and SB 2954

Name/Title

Business

*Helen Telling / Owner*  
*D & H TOWING*

**HB2954**



LINDA LINGLE  
GOVERNOR  
JAMES R. AIONA, JR.  
LT. GOVERNOR

STATE OF HAWAII  
OFFICE OF THE DIRECTOR  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
335 MERCHANT STREET, ROOM 310  
P.O. Box 541  
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[www.hawaii.gov/dcca](http://www.hawaii.gov/dcca)

LAWRENCE M. REIFURTH  
DIRECTOR  
RONALD BOYER  
DEPUTY DIRECTOR

PRESENTATION OF  
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS  
OFFICE OF CONSUMER PROTECTION

TO THE SENATE COMMITTEES ON  
TRANSPORTATION AND INTERNATIONAL AFFAIRS  
AND  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

TWENTY-FOURTH STATE LEGISLATURE  
REGULAR SESSION OF 2008

Monday, March 17, 2008  
1:30 p.m.

**TESTIMONY ON HOUSE BILL NO. 2954 – RELATING TO TOWING.**

TO THE HONORABLE J. KALANI ENGLISH AND LORRAINE R. INOUE, CHAIRS,  
AND MEMBERS OF THE COMMITTEES:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify in opposition to House Bill No. 2954, Relating to Towing. My name is Stephen Levins, and I am the Executive Director of the Department's Office of Consumer Protection.

House Bill No. 2954 seeks to reinstate towing charges that were just prohibited by this Legislature a mere seven months ago. At that time, the towing law, section 290-

Testimony on House Bill No. 2954  
March 17, 2008  
Page 2 of 2

11 of the Hawaii Revised Statutes, was amended to allow towing companies to increase their fees considerably. Pursuant to Act 269, towing fees increased from \$55 to \$65, dolly towing fees from \$65 to \$75, daily storage fees from \$20 to \$25, and mileage fees from \$6.50 per mile to \$7.50 per mile. In recognition of these significant monetary increases that would be absorbed by Hawaii consumers, the Legislature prohibited overtime charges and unhooking fees. Since nothing has really changed in the past seven months to allow for their reassessment, the Department does not believe that the towing law needs to be changed once again.

Thank you for this opportunity to testify on House Bill No. 2954. I will be happy to answer any questions that the members of the Committees may have.

Hawaii State Towing Association  
1040 Makepono Street  
Honolulu, HI 96819  
Phone: (808) 847-7811  
Fax: (808) 842-7605

March 14, 2008

Senator J. Kalani English, Chair  
Senator Mike Gabbard, Vice Chair  
Committee on Transportation and International Affairs

Senator Lorraine Inouye, Chair  
Senator Shan S. Tsutsui, Vice Chair  
Committee on Intergovernmental and Military Affairs

**RE: HB2954, Related to Towing**

Dear Chair English, Vice Chair Gabbard, Chair Inouye, Vice Chair Tsutsui and  
Committee Members:

HB2954, Related to Towing proposes to reinstate a provision in the HRS that was mistakenly omitted in the redraft of this section last session. The fee for overtime charges has been \$15.00 for years and is not being changed nor is the times that it is applicable, (6:00 p.m. through 6:00 am, Monday through Thursday and Friday 6:00 p.m. through 6:00 a.m. on Monday). By the time we caught the error it was too late to amend the bill as this fee was neither in dispute nor being changed.

A new section is being added on page 6(f), which requires the towing company to be open 24 hours a day, 7 days a week if they tow and store a car on their premises.

It appears that some consumers have complained that when they arrived in rural areas to pick up their automobile the business was not open. This leads to more costs to the consumer, as the daily storage charge is not waived. Perhaps a penalty for not being available to the consumer should be as you have in HRS 290-11 (b)(2)(c) page 4, line 1, "the owner may recover the owners car from the towing company without paying tow or storage fees."

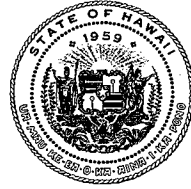
We assume verification can be made to the police department by filing a complaint.

Mahalo for your consideration of these comments.

Sincerely,  
Jan Wakayama  
President

**SCR 108**

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:

March 17, 2008

**TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION**

**SENATE CONCURRENT RESOLUTION NO. 108**

**COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS**

**COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS**

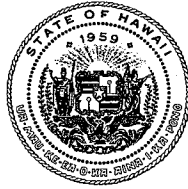
We support the intent of this bill to improve traffic safety and operations, but have concerns. Roundabouts should be evaluated for intersections that have existing traffic concerns and other new locations that would be appropriate through sound engineering judgment.

The primary purpose of roundabouts is to address intersection problems where the mainline and side street traffic volumes are heavy enough to cause difficulty in accessing the mainline and turning traffic. We support the installation of roundabouts when done under correct roadway, traffic, and site conditions.

**SR 60**



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:

March 17, 2008

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE RESOLUTION NO. 60

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

COMMITTEE ON INTERGOVERNMENTAL AND MILITARY AFFAIRS

We support the intent of this bill to improve traffic safety and operations, but have concerns. Roundabouts should be evaluated for intersections that have existing traffic concerns and other new locations that would be appropriate through sound engineering judgment.

The primary purpose of roundabouts is to address intersection problems where the mainline and side street traffic volumes are heavy enough to cause difficulty in accessing the mainline and turning traffic. We support the installation of roundabouts when done under correct roadway, traffic, and site conditions.

**HB 2467, HD2**

**CHARMAINE TAVARES  
MAYOR**



**NEAL A. BAL  
Interim Chief**

**COUNTY OF MAUI  
DEPARTMENT OF FIRE AND PUBLIC SAFETY**

200 DAIRY ROAD  
KAHULUI, MAUI, HAWAII 96732  
(808) 270-7561  
FAX (808) 270-7919

March 13, 2008

The Honorable J. Kalani English, Chair  
Committee on Transportation and International Affairs  
The State Senate  
State Capitol, Room 205  
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair  
Committee on Intergovernmental and Military Affairs  
The State Senate  
State Capitol, Room 201  
Honolulu, Hawaii 96813

Dear Chairs English and Inouye:

Subject: H.B. 2467, H.D. 2 Relating to Fire Protection

I am Neal A. Bal, Fire Chief of the County of Maui, Department of Fire and Public Safety. Our Department requests for your support of H.B. 2467, H.D. 2, which seeks to clarify section 132-3, Adoption of the state fire code Hawaii Revised Statutes (HRS) and section 261-4, Airports, general HRS.

Our Department supports the measure, which will bring the state fire code in alignment with the state building code, pursuant to section 107-25 HRS. The measure will also codify the responsibility of the State for fire and safety inspections at all state-owned airport facilities in section 261-4, as provided in section 132-6(b).

Our Department recommends your committee's support on the passage of H.B. 2367, H.D. 2.

Should you have any questions, please call our State Fire Council Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

A handwritten signature in black ink that reads "Neal A. Bal".

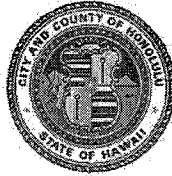
NEAL A. BAL  
Fire Chief

NAB:rgkm

HONOLULU FIRE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

636 South Street  
Honolulu, Hawaii 96813-5007  
Phone: 808-723-7139 Fax: 808-723-7111 Internet: www.honolulu.gov/hfd

MUFI HANNEMANN  
MAYOR



KENNETH G. SILVA  
FIRE CHIEF

ALVIN K. TOMITA  
DEPUTY FIRE CHIEF

March 14, 2008

The Honorable J. Kalani English, Chair  
Committee on Transportation and  
International Affairs  
The State Senate  
State Capitol, Room 205  
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair  
Committee on Intergovernmental and  
Military Affairs  
The State Senate  
State Capitol, Room 201  
Honolulu, Hawaii 96813

Dear Chairs English and Inouye:

Subject: H.B. 2467, H.D. 2 Relating to Fire Protection

I am Kenneth G. Silva, Fire Chief of the Honolulu Fire Department (HFD). The HFD supports H.B. 2467, H.D. 2, which seeks to clarify Sections 132-3 and 261-4 of the Hawaii Revised Statutes (HRS).

Section 132-3, as revised, will align the state fire code with the state building code pursuant to Section 107-25, HRS. Section 261-4, as revised, will codify the state's responsibility of fire and safety inspections at state-owned airport facilities, as provided in Section 132-6(b).

The HFD recommends your committees' support on the passage of H.B. 2467, H.D. 2.

Should you have any questions, please call HFD Legislative Liaison Lloyd Rogers at 723-7171.

Sincerely,

A handwritten signature in cursive script that reads "Kenneth G. Silva".

KENNETH G. SILVA  
Fire Chief

KGS/LR:cn

Harry Kim  
Mayor



Darryl J. Oliveira  
Fire Chief

Glen P.I. Honda  
Deputy Fire Chief

**County of Hawai'i**  
**HAWAII FIRE DEPARTMENT**  
25 Aupuni Street • Suite 103 • Hilo, Hawai'i 96720  
(808) 981-8394 • Fax (808) 981-2037

March 14, 2008

The Honorable J. Kalani English, Chair  
Committee on Transportation and International Affairs  
The State Senate  
State Capitol, Room 205  
Honolulu, Hawaii 96813

The Honorable Lorraine R. Inouye, Chair  
Committee on Intergovernmental and Military Affairs  
The State Senate  
State Capitol, Room 201  
Honolulu, Hawaii 96813

Dear Chairs English and Inouye:

SUBJECT: HB 2467, HD 2 RELATING TO FIRE PROTECTION

As the Fire Chief of the Hawaii Fire Department, I am asking for your support of HB 2467, HD 2, which seeks to clarify Section 132-3, Adoption of the state fire code Hawaii Revised Statutes (HRS) and Section 261-4, Airports, general HRS.

We support the measure, which will bring the state fire code in alignment with the state building code, pursuant to Section 107-25 HRS. The measure will also codify the responsibility of the State for fire and safety inspections at all state-owned airport facilities in Section 261-4, as provided in Section 132-6(b).

We respectfully urge your favorable consideration on this matter and thank you for the opportunity to testify on this important issue.

Sincerely,

  
DARRYL OLIVEIRA  
Fire Chief

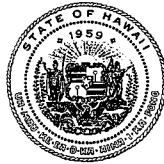
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**SCR 78**

**SR 43**

LINDA LINGLE  
GOVERNOR



DARWIN L. D. CHING  
DIRECTOR

COLLEEN Y. LaCLAIR  
DEPUTY DIRECTOR

SERAFIN P. COLMENARES JR.  
EXECUTIVE DIRECTOR  
OFFICE OF LANGUAGE ACCESS

STATE OF HAWAII  
DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS  
OFFICE OF LANGUAGE ACCESS

830 PUNCHBOWL STREET, ROOM 322  
HONOLULU, HAWAII 96813  
[www.hawaii.gov/labor/ola](http://www.hawaii.gov/labor/ola)  
Phone: (808) 586-8730 / Fax: (808) 586-8733  
Email: [dlir.ola@hawaii.gov](mailto:dlir.ola@hawaii.gov)

TO: Honorable J. Kalani English, Chair  
Honorable Mike Gabbard, Vice Chair  
Members of the Committee on Transportation and International Affairs

Honorable Lorraine R. Inouye, Chair  
Honorable Shan S. Tsutsui, Vice Chair  
Members of the Committee on Intergovernmental and Military Affairs

FROM: Serafin "Jun" Colmenares, Executive Director, Office of Language Access

RE: **Testimony in Support of SR43**  
Hearing: March 17, 2008, 1:30 p.m., Room 224

The Office of Language Access (OLA) supports SR43, which supports federal financial assistance for persons in the United States under the Compacts of Free Association.

There has been a large influx of COFA migrants in Hawai'i. Most of the COFA migrants do not speak English as their primary language. Consequently, they have a significant need for language assistance in meeting their basic needs in education, housing and health. Federal financial assistance would benefit COFA migrants by helping to ensure that those needs are met.

Thank you for this opportunity to testify.