



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

IN REPLY REFER TO:

February 24, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 866, HD1

COMMITTEE ON JUDICIARY

House Bill 866, H.D. 1 allows all motor vehicles, regardless of the number of individuals on board, to use high occupancy vehicle lanes or zipper lanes when one or more lanes of traffic have been shut down by law enforcement or emergency services personnel in the event of an emergency or incident.

The Department of Transportation (DOT) opposes this bill. The DOT prefers the Senate companion bill, Senate Bill 714, which was amended to grant statutory authority to the Director of Transportation to declare emergencies and over-ride HOV occupancy requirements. We recommend that this bill be amended to reflect the language in S.B. 714, SD 1, in order to accomplish the intent of this legislation. We also recommend removing language that only allows emergency use of our HOV lanes within a specified radius of the incident. Our Zipper lane and some HOV lanes only allow exits and turns after long stretches of highway.

The DOT does not support allowing individual motorists to determine if a traffic incident has occurred, which allows violating high occupancy vehicle (HOV) laws. Allowing individual discretions will have the potential for causing confusion or problems for law enforcement to enforce current HOV traffic laws.