

**TESTIMONY OF CARLITO P. CALIBOSO
CHAIRMAN, PUBLIC UTILITIES COMMISSION
DEPARTMENT OF BUDGET AND FINANCE
STATE OF HAWAII
TO THE
HOUSE COMMITTEE ON TRANSPORTATION
FEBRUARY 1, 2010**

MEASURE: H.B. No. 2364
TITLE: Relating to Motor Carriers

Chair Souki and Members of the Committee:

DESCRIPTION:

This bill amends Section 271-5, Hawaii Revised Statutes ("HRS"), to repeal the exemption of persons transporting refuse or garbage from the Motor Carrier law under Chapter 271, HRS. Operators of vehicles transporting refuse or garbage will be required to hold a license issued by the Public Utilities Commission ("Commission") and, therefore, would be regulated by the Commission under Chapter 271, HRS, and all applicable laws and rules and regulations, if this bill is passed.

POSITION:

The Commission questions whether transporters of refuse or garbage should be regulated as motor carriers under Chapter 271, HRS.

COMMENTS:

- This bill does not contain a justification or explanation as to why regulating the operators of vehicles transporting refuse or garbage under Chapter 271, HRS is necessary.
- Under a similar Senate bill (S.B. 2853), it appears that the reasoning behind this bill is to address condominium and single-family residents' complaints about the noise in the early morning from vehicles transporting refuse or garbage. The regulation of the entry into the market and the rates charged by operators of vehicles transporting refuse or garbage under Chapter 271, HRS, would not directly address any noise problem and these types of complaints.

- The general duties and powers of the Commission with respect to the regulation of common carriers by motor vehicle, specifically address the reasonableness of rates, continuous and adequate service, leasing of motor vehicles, a uniform system of accounts, records and reports, and preservation of records, among other matters.
- The Commission submits that Regulation under Chapter 271, HRS, is not the solution to any noise problems from vehicles transporting refuse or garbage.

Thank you for the opportunity to testify.