

HB2371, HD1

LINDA LINGLE
GOVERNOR



BRENNON T. MORIOKA
DIRECTOR

Deputy Directors
MICHAEL D. FORMBY
FRANCIS PAUL KEENO
BRIAN H. SEKIGUCHI
JIRO A. SUMADA

IN REPLY REFER TO:

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

March 8, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2371 HD 1

COMMITTEE ON TRANSPORTATION, INTERNATIONAL AND
INTERGOVERNMENTAL AFFAIRS

The Department of Transportation opposes this bill.

Hawaii has adopted the Federal Regulations in the Hawaii Administrative Rules to legally enforce the Motor Carrier Safety Regulations on the commercial motor carriers to ensure that Hawaii's roads are safe for our residents and visitors. The passing of this measure would put Hawaii in non-compliance with the federal regulations.

Additionally, Hawaii receives approximately \$700,000 annually from the Federal Motor Carrier Safety Administration via the Motor Carrier Safety Assistance Program grant to enforce the federal regulations on commercial motor vehicles and commercial motor carriers. The passing of this bill as proposed would jeopardize this funding.

Finally, the premise in Section 1 is incorrect. The U.S. Department of Transportation (USDOT) does not require intrastate commercial motor carriers to get intrastate USDOT numbers and never in addition to a USDOT interstate number.



March 8, 2010

**TESTIMONY BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION INTERNATIONAL & INTERGOVERNMENTAL AFFAIRS
ON HB 2371 HD1 RELATING TO MOTOR CARRIERS**

Thank you Chair English and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association has concerns about this bill.

First, there is no such thing as an "intrastate U.S. DOT number." In fact, motor carriers in intrastate commerce are not required to obtain a U.S. DOT number, unless they are required to have a Safety Permit under Title 49 Code of Federal Regulations, Part 385, Subpart E (hazardous materials).

Intrastate transportation occurs when the shipper and consignee are located in the same state, and the transportation is executed wholly within that state without traversing other states.

However, if the shipper and/or consignee is outside of the state where the transportation is taking place then it is interstate transportation and a U.S. DOT number is required by the federal motor carrier safety regulations.

Second, no type of motor carrier (i.e. interstate or intrastate) is precluded from entering any commercial harbor, whether or not they possess a U.S. DOT number.

Third, currently intrastate motor carriers are not required to have a U.S. DOT number. However, there will come a day when all intrastate carriers will be required to obtain the U.S. DOT number, either by federal amendment or by state adoption of the current rule in 49 CFR, Part 390.19.

Not having uniform regulations subjects the state to loss of funds.

Thank you.