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**COUNTY COUNCIL**  
COUNTY OF MAUI  
200 S. HIGH STREET  
WAILUKU, MAUI, HAWAII 96793  
[www.mauicounty.gov/council](http://www.mauicounty.gov/council)

January 30, 2010

TO: The Honorable Joseph M. Souki, Chair  
House Transportation Committee

FROM: Danny A. Mateo  
Council Chair

A handwritten signature in black ink that reads "Danny A. Mateo".

SUBJECT: **HEARING OF FEBRUARY 1, 2010; TESTIMONY IN OPPOSITION TO HB 2433,  
RELATING TO TRANSPORTATION**

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure is to exempt the State Department of Transportation, highways and airports divisions, from county Special Management Area (SMA) and any county permitting requirements for the development and construction of highways and airports.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. This bill usurps county authority and repudiates home rule principles. Airport and highway-related improvements are likely to have substantial impacts on local economic, social, and environment conditions. Therefore, local government should retain authority on decisions about airport and highway-related improvements to the greatest possible extent
2. This bill violates the spirit, if not the letter, of the Coastal Zone Management Act of 1972 (Title 16, U.S. Code, Sections 1451 et seq.) and the Hawaii Coastal Zone Management Act of 1977 (Chapter 205A, Hawaii Revised Statutes). In enacting these vitally important environmental statutes, the United States Congress and the Hawaii State Legislature, respectively, expressed a strong intent for local authority in coastal land use decisions. That intent is currently reflected in the existing SMA permitting scheme established throughout the State of Hawaii and in the County of Maui.

For the foregoing reasons, I oppose this measure.

DEPARTMENT OF PLANNING AND PERMITTING  
**CITY AND COUNTY OF HONOLULU**

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MUFI HANNEMANN  
MAYOR



DAVID K. TANOUE  
DIRECTOR  
ROBERT M. SUMITOMO  
DEPUTY DIRECTOR

February 1, 2010

The Honorable Representative Joseph M. Souki, Chair  
and Members of the Committee on Transportation  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

**Subject: House Bill No. 2433  
Relating to Transportation**

The Department of Planning and Permitting has the following concerns and comments on this proposed legislation for your consideration:

1. The bill appears unnecessary, since the city has an ongoing Express State Permit ("ESP") process with several state departments, including the state department of transportation. The ESP is a cooperative process intended to accelerate the review and permitting process and to overcome any barriers that might impede the progress of state construction projects. The ESP is meant to provide for the general welfare of the public without abandoning existing laws and regulations. The ESP enables the state to apply for and immediately receive a building permit, provided that the state agrees to self-certify certain aspects of plan review and inspection processes. Along with permits, the ESP provides a checklist of requirements for the closing of building permits and issuance of certificates of occupancy.
2. Typically, development permits are required to ensure that proposed development complies with applicable codes and engineering standards; e.g., the building or fire code. However, they are also necessary to ensure that infrastructure is adequate and developers obtain proper authorization to connect to or utilize county-owned infrastructure, such as water, sewer, and streets. Although we do not object to the exemption from the PRU permit requirement, we are concerned that this bill will give

the State Department of Transportation unilateral, unlimited powers in developing airports and state-owned roads regardless of their potential impacts on county-owned infrastructure. It seems that the bill will give the state carte-blanche authority to make connections to county-owned water and sewer systems without first obtaining county connection permits. For areas where state-owned roads and city-owned streets intersect or connect, we are concerned that the bill will give the state the right to alter, modify, or reconstruct county-owned streets without any permit or concurrence from the counties.

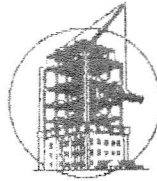
3. Although we do not object to the bill's provision for exemption from county agencies' special management area permitting requirements, the bill should make clear that compliance with the Federally mandated SMA regulations would still be required, and that would be handled and/or processed by a state agency.

Thank you for the opportunity to testify.

Sincerely yours,



*for* David K. Tanoue, Director  
Department of Planning and Permitting



## HAWAII BUILDING AND CONSTRUCTION TRADES COUNCIL, AFL-CIO

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Operating Engineers Local 3

PETER GANABAN

Laboreers' International Union of North  
America Local 308

DOUGLAS FULP

International Association of  
Heat & Frost Insulators  
& Allied Workers Local 132

January 31, 2010

Honorable Representative Joseph M. Souki, Chair  
Honorable Representative Karen Leinani Awana, Vice Chair  
Members of the House Committee on Transportation  
Hawaii State Capital  
415 South Beretania Street  
Honolulu, HI 96813

RE: **IN SUPPORT OF HB 2433**

Relating to Transportation.

Hearing: Monday, February 1, 2010, 9:00 a.m., Room 309

Dear Chair Souki, Vice Chair Awana, and the House Committee on  
Transportation:

For the Record my name is Buzz Hong the Executive Director for  
the Hawaii Building & Construction Trades Council, AFL-CIO. Our  
Council is comprised of 16-construction unions and a membership  
of 26,000 statewide.

The Council **SUPPORTS** the passage of HB 2433 that exempts from  
county approval state department of transportation development  
and construction of highways and airports.

Thank you for the opportunity to submit this testimony in support  
of HB 2433.

Sincerely,

William "Buzz" Hong  
Executive Director

WBH/dg

*Skilled Craftsmanship Makes the Difference.*

**BIA-HAWAII**  
BUILDING INDUSTRY ASSOCIATION

February 1, 2010

The Honorable Joseph Souki, Chair and Members  
Committee on Transportation  
State House of Representatives  
State Capitol, Room 309  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

**Subject: House Bill No. HB 2433 Relating to Transportation**

I am Karen Nakamura, Chief Executive Officer of the Building Industry Association of Hawaii (BIA-Hawaii). Chartered in 1955, the Building Industry Association of Hawaii is a professional trade organization affiliated with the National Association of Home Builders, representing the building industry and its associates. BIA-Hawaii takes a leadership role in unifying and promoting the interests of the industry to enhance the quality of life for the people of Hawaii.

**BIA-HAWAII generally supports H.B. No. 2433 with certain clarifications.**

The bill proposes to amend Chapters 261-4 and 264-7 HRS to exempt all State DOT-Airports and Highways projects from the County's Special Area Management (SMA) permitting requirements. It also exempts any State or County highway project from all county approvals.

Section 1 of the bill states that due to the period of high economic turmoil, procedural changes are necessary to provide the State the ability for quick recovery and successful economic stimulation. The proposed changes would allow the federal economic recovery program to be initiated quickly.

The bill also states the bill would implement one of the recommendations from the Construction Task Force established pursuant to Senate Concurrent Resolution No. 132, S.D. 1 (2009).

While the bill cites that Federal economic recovery program as one of the bases to get State Airport and Highway projects constructed quickly, the proposed amendments are not limited to federal economic recovery program projects. The proposed amendments to the Statutes would result in a "total exemption from county permits" for all future State Airport and Highway projects.

Clarification is needed on whether the bill is needed for only the federal economic recovery program projects or for a categorical exemption from county permits for all

State DOT Projects. If it is the former, then the language in the bill requires clarification to limit the exemption to only those federal economic recovery program projects.

If it is the latter, then perhaps the legislature should extend government permitting/approval exemptions to other projects that could be viewed as an economic recovery program for the State such as exempting the Honolulu High Capacity Transit project from all State and County permits/approvals. This would also be consistent with recommendations from the Construction Task Force.

Thank you for the opportunity to share our views with you.

*Karen I. Nakamura*

Owen Miyamoto  
3209 Paty Drive  
Honolulu, HI 96822-1439

February 1, 2010

Honorable Joseph M. Souki, Chair  
Honorable Karen Leilani Awana, Vice Chair  
Honorable Members of the House Committee on Transportation

**I am testifying in support for House Bill 2433, Relating to Transportation.**

I previously occupied the position of Airports Administrator for the Department of Transportation. I am presently a member of the Commission on Transportation. I do not represent either the Department of Transportation or the position of the Commission on Transportation on HB 2433.

Special Management Areas in each of the counties establish the projects that require permits for development of facilities. These areas are shown on maps at county agencies responsible for designating the SMA. The fact that an airport may have a part of its boundary on the shoreline will subject most of the airport to SMA regulations regardless of the distance from the shoreline of any planned construction. In addition to airport projects, any improvements planned by the tenants of the airport are subject to SMA permit requirements of the county. Permits are required in spite of the fact that the Airports Division for the terminal facilities and properties, which are subsequently leased to an airline or concessionaire, obtained a permit.

The Department of Transportation has attempted without success in the past to include the Airports Division in the exemption from county SMA regulations granted to the Harbors Division since both Divisions plan and develop facilities in practically identical fashion. All projects are subject to extensive authorization, planning, coordination, public hearing and public announcements, which gave public and private agencies and the community several opportunities to express their support or opposition to the program. Judging from the experience with the harbor developments, I believe the airport program will be equally concerned for the issues of shoreline management, which is the basis for the SMA oversight of the counties.

The reef runway at Honolulu International Airport was built before the passage of the Coastal Management Act and was one of the first projects to comply with the National Environmental Protection Act. Substantial planning and mitigation measures were taken to minimize the impact on the shoreline affected by the project. This project has proven to be an outstanding example of the concern for the stewardship the Department of Transportation has for our valuable shoreline resources.

Thank you for the opportunity to testify on this measure. I urge your passage of HB 2433 and would be happy to respond to any questions you may have.