



DOWNTOWN NEIGHBORHOOD BOARD NO. 13

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**Testimony of
Thomas Smyth, Board Member**

**Before the
House Committee on Judiciary
Tuesday February 3, 2009
2:00 pm Room 325**

**On
HB 74 Relating to Disorderly Conduct**

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

The Downtown Neighborhood Board strongly supports HB 74 that adds to the definition of disorderly conduct the actions of people who impede or obstruct bus stop access.

The Downtown and Chinatown areas have many more bus stops than other neighborhoods, many often very crowded day and night. Our neighborhood has many elderly residents and shoppers who came to our area to make traditional purchases. We also see more and more tourists from cruise ships or Waikiki coming to the Aloha Tower Marketplace or Chinatown to enjoy a different visitor experience.

This measure would help solve the present problem of transients who occupy the benches and individual seats at bus stops. They deny the use of seating to others, especially those who may be disabled or elderly who cannot stand for long periods of time waiting for a bus. They also effectively intimidate many merely by their presence with large bundles of personal property, grocery wagons and other paraphernalia. Many do not practice good sanitary habits which can make it very uncomfortable to be forced into their presence.

We recognize that everyone has the right to use public space such as the sidewalks that most of our bus stops are on, but when conduct is detrimental to others that right should be limited. In many mainland cities bus stops are considered private property, often owned or leased by advertising agencies paid by the prominent ads posted on bus stop walls. That, fortunately, is not the case in Hawaii, so we must take more specific action at our publicly owned bus stops, especially in regard to those who have no intention of boarding a bus.

We urge this committee to pass this bill, taking into consideration the ability of the police to enforce it and the concerns of those who may feel that it is an improper restriction of civil rights. We all must live in harmony and acts of some that affect others must be viewed in light of the common good.

Thank you for the opportunity to provide this testimony.

