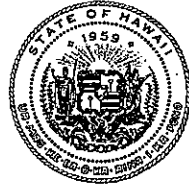


NEIL ABERCROMBIE
GOVERNOR



LATE

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IN REPLY REFER TO:

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HONOLULU, HAWAII 96813-5097

APRIL 1, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 1342, HD1, SDD1

COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

We support the intent of this bill but with concerns.

This bill proposes to exempt the installation, improvement, construction, or development of infrastructure relating to broadband service or broadband technology, from county and state permitting and approval requirements. The Department of Transportation, Highways Division (DOT), requires permitting and approval for the installation of any infrastructure in its right-of-ways. This process allows DOT to track and coordinate construction in its roadways to ensure that existing infrastructure and future departmental growth are protected from damage or infringement. Additionally, this process ensures that appropriate traffic control plans are in place to protect the public. As such, we ask that the bill be amended to require that any work within the Highways Division right-of-way still requires the entity to obtain the Highway Permit under Section 264-6, HRS.

By bypassing the permitting process, DOT cannot ensure existing infrastructure and the travelling public is protected. As an alternative, therefore, we recommend that the Department of Transportation be immune from any liability for damage or injury resulting from any installation, improvement, or construction activity proceeding under this bill.