

# **SB 606**

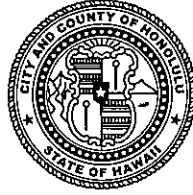
RELATING TO TRANSFER OF STATE HIGHWAYS.

RELATING TO TRANSFER OF STATE HIGHWAYS.

Creates a pilot project to transfer maintenance functions of state highways in the county of \_\_\_\_\_ from the state department of transportation to that county.

OFFICE OF THE MAYOR  
CITY AND COUNTY OF HONOLULU

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PETER B. CARLISLE  
MAYOR

February 1, 2011

The Honorable J. Kalani English, Chair  
Senate Committee on Public Safety, Government Operations  
and Military Affairs  
The Honorable Will Espero, Chair  
Senate Committee on Transportation and International Affairs  
Twenty-Sixth Legislature  
Regular Session of 2011  
State of Hawaii

**RE: Testimony of Mayor Peter Carlisle on S.B. 606, Relating to Transfer of State  
Highways**

Chair English and members of the Senate Committee on Public Safety, Government Operations and Military Affairs, and Chair Espero and members of the Senate Committee on Transportation and International Affairs, Mayor Peter Carlisle submits the following testimony in opposition to Senate Bill 606 if it pertains to the City and County of Honolulu.

The purpose of this bill is to establish a pilot project which transfers all state highway maintenance functions to an unspecified county along with all applicable funding for maintenance of the state highways in that county.

Within the City & County of Honolulu the State DOT has three roadways which are believed to have been constructed as interstate highways (H-1, H-2 and H-3) which may cause a pilot project to be unworkable in transferring state highway maintenance functions to the City & County of Honolulu. In general, speeds on City & County of Honolulu roads are 35 mph or lower and maintenance functions on these roads differ greatly because of the higher speeds involving State's interstate highways, Pali Highway and Likelike Highway and the traffic controls needed in safely maintaining these State roads. Maintenance resources that would need to be transferred from the State to the City would need to include not only the maintenance personnel performing the field maintenance but the personnel involved in testing State Highways materials, design and construction engineers involved in the reconstruction, resurfacing and repair of the roads, bridges and drainage systems and the facilities and equipment that support the maintenance of the highways system including maintenance equipment, office buildings, corporation yards and other facilities. If the City & County of Honolulu is selected and required to maintain the State DOT roadways, the City would need to be provided the resources necessary to maintain these roads

and the unrestricted capability to use these resources as the City determines is needed to address maintenance of all the roads under the City's maintenance jurisdiction.

For these reasons, I am opposed to the passage of S.B. 606 if the pilot project involves the City and County of Honolulu.

Thank you for this opportunity to testify.



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

February 1, 2011

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 606

COMMITTEE ON PUBLIC SAFETY, GOVERNMENT OPERATIONS, AND MILITARY  
AFFAIRS AND

COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

The Department of Transportation (DOT) supports the concept of a carefully planned experiment with county maintenance of State highways. Regardless of the arrangements made to provide for the maintenance of state roadways, the DOT is still responsible to meet and ensure that federal regulations and requirements are met in accordance with the receipt of federal funds. To this extent, we do have concerns about some of the broadly written language in this Bill that could be construed as overriding any county-state agreement.

- Section 1 states that the DOT and the counties have duplicative, overlapping responsibilities for highway maintenance. In reality, there is no duplication or overlap. DOT does not maintain county highways and the counties do not maintain State highways. Moreover, because State highways require a higher level of maintenance than county facilities and because counties are not familiar with State facilities, procedures and requirements, mandating that any county must maintain all State highways in that county to State standards will more than likely increase the initial cost of State highway maintenance.
- Sections 3 and 4 appropriately require a county-state highway maintenance agreement to resolve county responsibilities and liability for State highway maintenance. However, Sections 5, 7 and 8 of the bill broadly transfer DOT jurisdiction, responsibility and liability in a manner which could be construed to override any county-state agreement. The language regarding the county-state agreement should be strengthened to make it clear that the county-state agreement is the guiding document that outlines and defines the terms and conditions of the pilot program.
- Sections 5 and 8 do not satisfactorily resolve hiring, firing, promotions, transfers, disciplinary actions, grievances, furloughs, compensation, etc. for positions that are temporarily transferred to county control. We believe a better approach is to retain State positions as State positions during the pilot program, without change in rights and responsibilities, but authorize temporary county supervision of specific State personnel

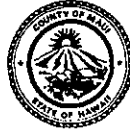
under county-state highway maintenance agreements. The details of such a transfer would be outlined in the county-state agreement.

- If a county takes responsibility for routine maintenance of State highways, DOT employees in that county will still need to monitor whether county maintenance meets State standards, determine if reconstruction is more appropriate than routine maintenance, contract for special maintenance projects, contract for CIP, regulate highway access, and regulate work within the highway right-of-way. Sections 3 and 4 appropriately require a county-state highway maintenance agreement to resolve which State employees are transferred to county supervision. However, the broad wording of Section 8 could be construed to override the provisions of a county-state highway maintenance agreement concerning transfer of State employees and as such the language regarding the county-state agreement should be strengthened to make it clear that the county-state agreement is the guiding document that outlines and defines the terms and conditions of the pilot program.
- Section 9 transfers unspecified funds for county expenditure. Section 13 also authorizes counties to request additional funds without consulting DOT. DOT's position is that we have statewide responsibilities and should only be obligated to transfer the funds, personnel, and resources detailed in the county-state highway maintenance agreement.

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January 31, 2011

TO: The Honorable Will Espero, Chair  
Senate Committee on Public Safety, Government Operations, and Military Affairs

The Honorable J. Kalani English, Chair  
Senate Committee on Transportation and International Affairs

FROM: Danny A. Mateo  
Council Chair

A handwritten signature in black ink, appearing to read "DM", written over the name "Danny A. Mateo".

SUBJECT: **HEARING OF FEBRUARY 1, 2011; TESTIMONY ON SB 606, RELATING TO  
TRANSFER OF STATE HIGHWAYS**

Thank you for the opportunity to provide comments on this important measure. The purpose of this measure is to create a pilot project to transfer all State highway maintenance functions from the State department of transportation to an as yet unnamed county, and to transfer applicable funding for maintenance of those State highways from the State to the appropriate county.

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 offer the following comments:

1. Addressing duplicative State and county functions seems a reasonable approach, particularly during our current fiscal crisis. However, a jurisdictional transfer of this complexity requires a level of foresight not readily revealed by the current wording of this bill. Similar measures have been introduced in the past, and there is no indication that this proposal has been discussed with any county department that would bear the brunt of the shifted responsibility.
2. I urge the Committee to maintain a prudent respect for the multiple issues being impacted by a jurisdictional transfer of this scope, including the effect on union contracts, sources of revenue, liability, Federal grants, required personnel, equipment purchases, and repair and maintenance. The current bill addresses these concerns broadly, without the specificity needed to implement such a change. I am particularly concerned about the potential liability shifted to the county from the State during the term of this pilot project.
3. I am also concerned about the lack of clarity for the funding mechanisms that will be available to the county, on a long term basis, to allow the county to properly maintain the minimum standard of efficiency and management. While a formula is to be devised by the State, there is no mechanism for county input regarding this formula, nor is there an assurance that adequate funding will continue throughout the duration of the pilot project until 2017.

Thank you for the opportunity to provide testimony on this measure.