

Honolulu, Hawaii

March 14, 2012

RE: S.B. No. 2873
S.D. 1
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2873, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ENVIRONMENTAL IMPACT STATEMENTS,"

begs leave to report as follows:

The purpose of this measure is to clarify and make permanent current exemptions from Hawaii's environmental impact statement law for secondary actions that occur within the highway or public right-of-way. Specifically, this measure:

- (1) Authorizes agencies to exempt certain secondary actions from the environmental impact statements law;
- (2) Requires applicants proposing certain actions identified in the environmental impact statements law to prepare environmental assessments; and
- (3) Requires the Office of Environmental Quality Control to determine whether preparation of an environmental assessment by an applicant is required in cases where it is uncertain which agency has the responsibility of determining whether an environmental assessment is required.



The Department of Transportation, NAIOP Commercial Real Estate Development Association Hawaii Chapter, Hawaiian Electric Company, Inc., Hawaii Electric Light Company, Inc., Maui Electric Company, Ltd., and a concerned individual testified in support of this measure. The Office of Environmental Quality Control testified in support of the intent of this measure. The Outdoor Circle and Land Use Research Foundation of Hawaii testified in opposition to this measure. The Environmental Center of the University of Hawaii provided comments.

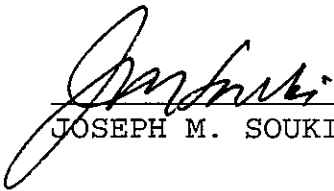
According to the Department of Transportation, it has been inundated with a large number of requests for minor work project reviews that increases the processing time for applications affecting rights-of-way. The processing of these minor work project reviews costs numerous man hours and causes unnecessary project delays. This measure attempts to address this issue.

Your Committee has amended this measure by:

- (1) Deleting the provision that the Office of Environmental Quality Control determine whether preparation of an environmental assessment by an applicant is required in cases where it is uncertain which agency has the responsibility of determining whether an environmental assessment is required; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2873, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2873, S.D. 1, H.D. 1, and be referred to the Committee on Energy & Environmental Protection.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



State of Hawaii
House of Representatives
The Twenty-sixth Legislature

HSCR 978-12

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 2873, SD1	Committee Referral: TRN, EEP, JUD	Date: 3/12/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. ICHIYAMA, Linda (VC)	/			
3. AQUINO, Henry J.C.	/			
4. CULLEN, Ty	/			
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia	/			
7. OKAMURA, Tom				
8. SAIKI, Scott K.				/
9. TAKUMI, Roy M.	/			
10. YAMASHITA, Kyle T.	/			
11. FONTAINE, George R.	/			
12. JOHANSON, Aaron Ling	/			
TOTAL (12)	10			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature: <u>Linda Ichiyama</u>				
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