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April 1, 2014

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY ON **SB 2726, SD2**
RELATING TO TRANSPORTATION

Room 325
2:00 PM

Aloha Chair Rhoads, Vice Chair Har, and Members of the Committee:

I am Christopher Manfredi, President of the Hawaii Farm Bureau Federation (HFBF). Organized since 1948, the HFBF is comprised of 1,832 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interest of our diverse agricultural community.

Hawaii Farm Bureau STRONGLY SUPPORTS SB 2726, SD2 expanding the use of ATVs and UTVs relating to certain agricultural operations.

The ATV and UTV are important alternative vehicles for farmers and ranchers who must traverse rough terrain. Farms and ranches are often separated by sections of highway. This measure seeks to address this situation while minimizing risk.

Your strong support of this measure is requested to support farmers and ranchers to raise crops to meet Hawaii's goal of increased self sufficiency and sustainability.

PLEASE SUPPORT SB 2726, SD2.

Thank you for the opportunity to comment on this measure.

SB2726

Submitted on: 3/31/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|-------------------------|---------------------------|---------------------------|
| Warren Watanabe | Maui County Farm Bureau | Support | No |

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
e-mail: HICattlemens@hawaii.rr.com

TESTOMONY

HOUSE COMMITTEE ON JUDICIARY

Tuesday, April 1, 2014
2:00 p.m. Conference Room 325

SB 2726, SD2 (HSCR1025-14) RELATING TO TRANSPORTATION

Allows all-terrain (ATV) and utility-terrain vehicles (UTV) to be driven on any street as farm equipment under certain conditions. Establishes a penalty for violation. (SD2)

Chair Representative Karl Rhoads, Vice Chair Representative Sharon E. Har, and Members of the Committee:

My name is Alex Franco I'm President of the Hawaii Cattlemen's Council (HCC). HCC is a statewide umbrella organization made up of five county level Cattlemen's Associations that represents 130 members involved in the cattle industry in Hawaii.

The Hawaii Cattlemen's Council **supports** SB 2726 SD2 as it allows farmers and ranchers to utilize ATV's and utility-terrain vehicles to legally travel on the public roads to go from one pasture, field, or TMK to another. Many farms and ranches here in Hawaii are split up by public roads, and by having the ability to utilize what is already an important piece of farm equipment in the field to also travel to other parcels split up by these roads makes it more multipurpose and efficient, helping farmers to keep their cost under control.

Provisions with in the Bill will limit use of ATV's and utility-terrain vehicles to bona fide farmers and ranchers within small Agricultural based communities which they live, work, and are involved in on a daily basis.

Thank you for giving HCC the opportunity us to Testify.

SB2726

Submitted on: 3/31/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| John Brooks | Individual | Support | No |

Comments: This bill will provide our farmers and ranchers with the ability to utilize cost efficient vehicles in positive, safe and legal ways. This is the kind of support that we need to enable our businesses to survive. Please pass this bill and let us get on with our work.

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SB2726

Submitted on: 3/29/2014

Testimony for JUD on Apr 1, 2014 14:00PM in Conference Room 325

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Gregory Friel | Individual | Support | No |

Comments:

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LATE

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

April 1, 2014
2:00 PM
State Capitol, Room 325

**S.B. 2726, S.D. 2
RELATING TO TRANSPORTATION**

House Committee on Judiciary

Testimony of
GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
RANDY GRUNE
AUDREY HIDANO
JADINE URASAKI

IN REPLY REFER TO:

The Department of Transportation **supports** this S.D. 2 version of the bill to allow all terrain vehicles to be operated as farm equipment on streets as defined in 291C-1, Hawaii Revised Statutes (HRS), but recommend that it be further amended.

In subsection (a), paragraph (1) of the bill, it states that all-terrain vehicles will be operated as farm equipment, but they are not included in the definition of farm equipment. It is recommended that they be included in the definition, because the same vehicles can also be used for recreational purposes, such as hunting and fishing. To ensure that the vehicles are used on public roads only in association with farming activity, farmers should be required to declare the specific locations where they will use the vehicles on public roads, obtain a permit for use and be required to carry the permit whenever driving on a public road. It should also be clear that the vehicles are to be used only when driving between personally owned noncontiguous properties zoned for agriculture.

Since these vehicles are manufactured for off-road use only, their use on public roads is a potential hazard for drivers of licensed and insured vehicles. It is suggested that 291-36(d) be reviewed for wording to provide the permit issuing authority as well as other highway users in registered and insured vehicles with indemnity for any injury or property damage resulting from off-road vehicle operation on public roads.

Thank you for the opportunity to present testimony.



POLICE DEPARTMENT

COUNTY OF MAUI



ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

LATE

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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

March 31, 2014

The Honorable Karl Rhoads, Chair
And Members of the Committee on Judiciary
House of Representatives
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 2726, SD2– Relating to Transportation

Dear Chair Rhoads and Members of the Committee:

The Maui Police Department opposes the passing of Senate Bill No. 2726, SD2, which allows all-terrain vehicles (ATV) and utility-terrain vehicles (UTV) to be driven on any street as farm equipment under certain conditions.

The Maui Police Department understands the use of all-terrain and utility-terrain vehicles as a helpful and productive tool for farming and agriculture; however, the risk for injury and the potential safety and traffic concerns should not be overlooked. The ATVs and UTVs have little safety equipment to protect the operator and, due to their small size, may be overlooked by motorists and pedestrians. This bill, as it is currently written, will also make it difficult for officers to enforce and to determine whether or not the ATV or UTV is actually being used as farm equipment.

The Maui Police Department also recognizes the suggestion brought up by the State of Hawaii Department of Transportation, regarding establishment of a permit identifying route, time of travel, and validity period. This will make it easier for officers to enforce and create a clear distinction between vehicles used for farming and those used for other purposes.

The Maui Police Department also agrees with the suggestion by the State Department of Transportation to define ATVs and UTVs to be used specifically for farming as farm equipment and not motor vehicles. Otherwise, ATVs and UTVs would fall into the definition of a motor vehicle under HRS §291C-1, and should be registered, insured, be regularly inspected for safety and possess a license plate like all other motor vehicles operating on a public roadway. Smaller ATVs may conform to the definition of a “moped” under HRS §291C-1, by having a maximum engine displacement of 50 cc’s; however, most UTVs would not, and therefore, would be required to conform to the same requirements as any other motor vehicle being operated on a public roadway.

The Honorable Karl Rhoads, Chair
and Members of the Committee on Judiciary
March 31, 2014
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Another concern would be the issue of liability in the event of an accident while an ATV or UTV is being operated on a street. If an operator, who has access to farm land, gets into an accident while using an ATV or UTV for recreational purposes, it would difficult to prove that the ATV or UTV was being utilized illegally should the operator claim that they were using the vehicle for farm purposes. This would cause liability issues, especially in situations of injury or major property damage.

Due to these concerns the Maui Police Department opposes SB 2726, SD2.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary A. Yabuta', written in a cursive style.

for GARY A. YABUTA
Chief of Police