



ALAN M. ARAKAWA
MAYOR

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POLICE DEPARTMENT

COUNTY OF MAUI

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March 10, 2014



GARY A. YABUTA
CHIEF OF POLICE

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

The Honorable Ryan I. Yamane, Chair
And Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, HI 96813

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

Dear Chair Yamane and Members of the Committee:

The Maui Police Department opposes the passing of SB 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 ATV and UTV have little safety equipment to protect its operators and, due to their small size, may be overlooked by motorists and pedestrians. The Maui Police Department believes that the passage of this bill will lead to an increase in accidents and injuries resulting from the use of ATV on public roadways.

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

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA
Chief of Police



Hawaii Cattlemen's Council, Inc.

P O Box 437199 Kamuela HI 96743
Phone (808) 885-5599 • Fax (808) 887-1607
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TESTOMONY

HOUSE COMMITTEE ON TRANSPORTATION

Wednesday, March 12, 2014
10:30 a.m. Conference Room 309

SB 2726, SD2 (SSCR2579) 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 Ryan Yamane, Vice Chair Representative Gregg Takayama, 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.

We have asked for certain conditions to be included in this Bill that restricts the use of ATV's and UTV's on public Roads to areas surrounded by agricultural zoned properties which has bona fide farmers and ranchers engaged in ongoing agricultural activities on a daily basis.

Thank you for giving HCC the opportunity us to Testify.



Hawaii Cattlemen's Council, Inc.

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HOUSE COMMITTEE ON TRANSPORTATION

Wednesday, March 12, 2014

10:30 a.m. Conference Room 309

SB 2726, SD2 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 Yamane, Vice Chair Takayama, and Members of the Committee:

My name is Alan Gottlieb, and I am a rancher and the Government Affairs Chairperson of the Hawaii Cattlemen's Council. The Hawaii Cattlemen's Council, Inc. (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our 130+ member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of approximately 25% of the State's total land mass.

The Hawaii Cattlemen's Council **Strongly supports** SB 2726 SD2.

ATV's and UTV's are an important part of modern ranching and many ranchers use them to do the majority of their ranch work. However, currently, if a rancher needs to cross a public road to get from one pasture to another, or travel down a public road to get to another one of their non-contiguous pastures, they are breaking the law.

This bill would allow bona-fide ranchers and farmers the ability to use and cross public roads, with certain constraints added to SD 1 and SD2 suggested in prior testimony based on concerns by the police departments and others.

Thank you for giving us the opportunity us to testify on this important measure.



LATE

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

March 12, 2014
10:30 a.m.
State Capitol, Room 309

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

House Committee on Transportation

The Department of Transportation **supports** the concept of this 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 amended.

In subsection (a), paragraph (1) of the bill, it states that all-terrain vehicles (ATVs) will be operated as farm equipment, but then they are defined as motor vehicles. If these vehicles are going to be used as farm equipment, they should be defined as farm equipment, and the drivers should be required to carry a permit while operating on the public roads. The permit should state the route of travel and time of travel as well as the validity period of the permit. Without a measure of control, there is a possibility of ATVs being used on public roads for other than farm purposes.

The bill is not clear whether a continuous permit or permit for each trip and payment of a fee will be required as provided in section 291-36, HRS. Exemptions for farm equipment use on public roads typically are for vehicles that exceed weight or size limitations. Since all-terrain vehicles are smaller than normal vehicles, 291-36 should be amended to address ATVs specifically. In addition, the bill should make it clear as to what is required to obtain a permit to operate an ATV on the public roads.

These vehicles cannot be registered for use on public roads in Hawaii, because they do not have a certification label indicating that they comply with all applicable federal motor vehicle safety standards and a 17-character vehicle identification number on the label as required by federal regulations. Since ATVs lack requirements of motor vehicles, ATVs should not be defined as motor vehicles. The federal motor vehicle safety standards require manufacturers to install safety features that help to protect vehicle occupants from injury in the event of a violent maneuver or crash. Without a certification label affixed by the manufacturer, there is no way to know whether or not any safety equipment installed in the vehicles actually serves the purpose for which it is intended. For example, the utility ATVs apparently have seat belts, but there is no indication that

the vehicles were crash tested to measure not only the effectiveness of the belts but the safety of the vehicle as a whole.

If the intent is to allow ATVs to be driven on public roads without a farm equipment permit, and a specific route and time when they may be used, it will be difficult for police to enforce, because police officers will have no way to determine whether or not the vehicles are being used for farming. Also, if one of these vehicles were to crash into a registered and insured vehicle, the occupants of the ATV could become an unwarranted liability for the owner of the insured vehicle and possibly the State.

Thank you for the opportunity to present testimony.

LATE



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March 12, 2014

HEARING BEFORE THE
COMMITTEE ON TRANSPORTATION

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

Room 309
10:30 AM

Aloha Chair Yamane, Vice Chair Takayama, 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!.

takayama2 -Brandon

LATE

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, March 11, 2014 4:16 PM
To: TRNtestimony
Cc: warrenmcfb@gmail.com
Subject: *Submitted testimony for SB2726 on Mar 12, 2014 10:30AM*

SB2726

Submitted on: 3/11/2014

Testimony for TRN on Mar 12, 2014 10:30AM in Conference Room 309

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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