
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The condition of Hawaii's roadways,
2 particularly those on the island of Oahu, has generated a large
3 number of complaints from Hawaii residents at both the State and
4 county levels. Additionally, claims filed at the State and
5 county levels for damage to motor vehicles due to poor road
6 conditions, such as potholes, are common and appear to be
7 increasing.

8 Both the State and city and county of Honolulu have tried
9 to address the issue of deteriorating roadways in recent years
10 with the initiation of major roadway repaving projects and
11 aggressive repaving schedules. Between 2013 and 2014, the city
12 and county of Honolulu paved over eight hundred lane miles of
13 road on Oahu. In 2015, another three hundred lane miles are
14 expected to be paved by the city and county of Honolulu.
15 However, much more road repair and repaving work remains.

16 Besides the sheer volume of traffic, another factor
17 exacerbating the wear and tear on our public roadways is use of



1 the roadways by large vehicles that transport heavy loads of
2 cargo shipped in to our State. Regulating cargo carrier use of
3 public roadways by implementing weight verification requirements
4 may be a means of extending the life of Hawaii's roadways.

5 The purpose of this Act is to require commercial maritime
6 cargo carrying vehicles to meet weigh in, reporting, and other
7 requirements when transporting heavy loads of cargo on Hawaii's
8 roadways.

9 SECTION 2. Chapter 291C, Hawaii Revised Statutes, is
10 amended by adding a new section to part V to be appropriately
11 designated and to read as follows:

12 "§291C- Maritime cargo carrying vehicles; heavy loads.

13 (a) No commercial maritime cargo carrying vehicle with a load
14 consisting of a gross weight of fifty-five thousand pounds or
15 more shall be driven or moved on any highway without being
16 weighed on a certified scale operated by the department
17 immediately, upon departing from a commercial harbor.

18 (b) Upon certification of the gross weight of the load of
19 the commercial maritime cargo carrying vehicle, the department
20 shall issue a receipt to the operator of the vehicle stipulating
21 the gross weight of the load and that the load was weighed at a



H.B. NO. 1361

1 certified scale operated by the department. The operator of the
2 vehicle shall carry this receipt in the vehicle at all times
3 while transporting the load.

4 (c) Any police officer or law enforcement officer, when
5 stopping a commercial maritime cargo carrying vehicle or
6 inspecting a commercial maritime cargo carrying vehicle for any
7 reason, may require the operator of the vehicle to exhibit the
8 receipt issued under subsection (b).

9 (d) A police or law enforcement officer shall issue a
10 citation to an operator of a commercial maritime cargo carrying
11 vehicle if the operator is found to be operating the vehicle
12 without a receipt issued under subsection (b). The citation
13 shall state the reasons for which the vehicle is being cited and
14 shall require the operator to immediately return to a commercial
15 harbor to be weighed in accordance with subsection (a).

16 (e) Each maritime cargo carrier shall submit to the
17 department a detailed list, obtained from the shipping manifest,
18 of every shipping container or load that:

19 (1) Has arrived in a commercial harbor of the State;

20 (2) Has a gross weight of fifty-five thousand pounds or
21 more; and



1 (3) Is to be transported on any highway in the State.

2 (f) For the purposes of this section:

3 "Commercial maritime cargo carrying vehicle" means any
4 commercial vehicle, used on a highway, that is designated or
5 used primarily to carry commercial cargo transported via a
6 maritime vessel into the State or between islands of the State.

7 "Gross weight" means the total weight of a shipping
8 container and the cargo contained within the shipping container.

9 (g) Any violation of this section shall be subject to a
10 fine of not less than \$5 nor more than \$1,000; provided that a
11 citation issued in accordance with subsection (d) shall be
12 considered a traffic infraction."

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15

INTRODUCED BY: 

JAN 29 2015



H.B. NO. 1361

Report Title:

Maritime Cargo; Commercial Vehicle; Highways

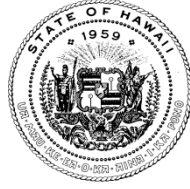
Description:

Requires commercial vehicles carrying cargo weighing 55,000 pounds or more from Hawaii's commercial harbors to be weighed prior to leaving the harbor. Requires water carriers to provide the Department of Transportation with a list of shipping containers or loads weighing 55,000 pounds or more to be transported on a highway. Provides a penalty.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



DAVID Y IGE
GOVERNOR



FORD FUCHIGAMI
DIRECTOR

Deputy Directors
JADE BUTAY
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARREL T. YOUNG

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

IN REPLY REFER TO:

February 18, 2015
10:05 a.m.
State Capitol, Room 309

H.B. 1361
RELATING TO TRANSPORTATION

House Committee on Transportation

The Hawaii Department of Transportation **supports the intent** of this bill with comments that requires: (1) commercial vehicles carrying cargo weighing 55,000 pounds or more from Hawaii's commercial harbors to be weighed prior to leaving the harbor; (2) water carriers to provide the Department of Transportation with a list of shipping containers or loads weighing 55,000 pounds or more to be transported on a highway; and (3) provides a penalty.

Presently, the Motor Carrier Safety Officer (MCSO) Staff lacks the personnel to adequately monitor all cargo carrying vehicles exiting the harbor.

- The MCSOs have other duties besides weight enforcement.
- The MCSOs are assigned to State weight enforcement activities anywhere from 40% to 50% of their time and their remaining time is dedicated to State safety programs and the Federal Motor Carrier Safety Assistance Program.
- The MCSO section would require additional funding for additional personnel that would handle the dedicated weight enforcement duties to enforce this measure if passed to curb the running of overweight vehicles out of the harbor.
- The additional personnel would be needed to handle the weight enforcement activities to cover the days and times that the harbors are open in Honolulu and Kalaeloa; if Kalaeloa is a harbor intended to be included in this measure.

However, Kalaeloa Harbor presently does not have a weigh station. Because of this fact, it would be extremely difficult to set up any type of weight enforcement operation at the Kalaeloa harbor.

Thank you for the opportunity to present testimony.



February 18, 2015

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON HB 1361 RELATING TO TRANSPORTATION**

Thank you Chair Aquino and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

We oppose this bill.

First, the primary culprit of road damage is water. During heavy storms is when you see potholes occur quickly and numerously. Roads are built to standards that support heavy commercial vehicles.

If heavy vehicles were the only factor, Sand Island Access Road should be torn up, but is not though it sees the vast majority of heavy shipments. The right turn movement from Sand Island Road onto Auiki Street heading Diamond Head should also show heavy tracking, but does not.

The Department of Transportation does not have an unlimited budget to staff and equip all commercial harbors with scale operations during all operating hours, and we cannot afford to limit our operations according to those factors.

Attached are examples of operating hours for some of the major maritime operators. This does not include other barge operations nor PASHA's roll on / roll off operation.

Shipping cannot be re-directed to harbors where scales are available, nor can shipping be limited by hours the DOT is able to staff the scales.

Today, the best scale facility we have is on Sand Island Access Road, but it is not manned during all hours the harbors operate. Even during operation the DOT utilizes a weigh in motion (WIM) scale system to search for possible overweight situations without stopping all vehicles.

When a suspected overweight vehicle is detected, the system directs that vehicle into the scale station for a thorough check. This expedites commercial shipping, and is the best alternative. Otherwise truck traffic will be backed into the terminals slowing throughput immensely.

This measure should not be contemplated until the department can equip all commercial harbors with WIMs supported by a certified scale and operate all hours,.

Mahalo.