



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

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Governor

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Chairperson

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STATEMENT OF
AEDWARD LOS BANOS, INTERIM EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE
HOUSE COMMITTEE ON JUDICIARY

ON

Friday, February 26, 2016

2:00 P.M.

State Capitol, Conference Room 325

in consideration of

H.B. 2092, H.D. 1– RELATING TO PUBLIC SAFETY.

Purpose: Requires the Hawaii Community Development Authority (HCDA) to prohibit or restrict the stopping, standing or parking of vehicles on sidewalks on private streets in the Kakaako Community Development District.

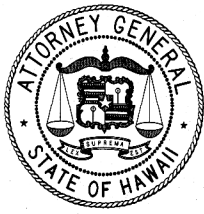
Position: This testimony reflects my view as the Interim Executive Director only, as the Authority has not had an opportunity to review and act on this measure. The term "impliedly dedicated" is not defined and may be open to interpretation. We defer to our deputy attorney general on how this loose phrasing may cause legal concerns.

From an organizational standpoint, as primarily a planning, permitting, and re-development agency, current rules relative to enforcement and fine structures are limited to these aspects. Operationally, the HCDA also lacks the necessary staffing and resources to enforce such rules in the Kakaako Community Development District. Without additional resources, enforcement would be a challenge. The State and Municipal traffic codes are otherwise generally enforced by local law enforcement such as the Police or Sheriffs.

Testimony reflects the view and position of the Executive Director and not that of the Authority.

While the HCDA agrees on the importance of the complete streets principle, prohibiting parking in the unimproved sidewalks in Central Kakaako would have a major impact on area businesses. Currently, nearly all businesses utilize the unimproved shoulder or row for parking. This bill would prohibit that and may yield unintended consequences.

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



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2016**

ON THE FOLLOWING MEASURE:

H.B. NO. 2092, H.D. 1, RELATING TO PUBLIC SAFETY.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

LATE

DATE: Friday, February 26, 2016

TIME: 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lori K. K. Sunakoda, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General offers comments on this bill. We note that the underlying intent of this bill is to ensure the safety, health, and welfare of the general public (including specifically, pedestrians, residents, and drivers), by prohibiting the stopping, standing, or parking of vehicles on public sidewalks.

As highlighted below, the wording in the proposed new section 206E-____(a), on page 2, lines 19 - 21, and page 3, lines 1 - 2, is contradictory and undefined:

§206E- Parking on sidewalks. (a) The authority shall, with respect to private streets in the Kakaako community development district that are expressly or impliedly dedicated to the public, prohibit or restrict the stopping, standing, or parking of vehicles on sidewalks. [Emphases added.]

The words “private streets . . . that are expressly . . . dedicated to the public” are contradictory because, if there is an express dedication of a street for public use, the street would not be a “private” street. Further, the term “impliedly dedicated” is undefined and may be subject to differing interpretations as to what is intended by that term.

Our department is available to assist with any amendments to the bill that this Committee may require.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

KIRK CALDWELL
MAYOR



MICHAEL D. FORMBY
DIRECTOR

MARK N. GARRITY, AICP
DEPUTY DIRECTOR

February 25, 2016

The Honorable Karl Rhoads, Chair
and Members of the House Committee on Judiciary
House of Representatives
State Capitol, Room 302
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Representative Rhoads and Members of the Committee:

SUBJECT: Testimony on House Bill No. 2092 Relating to Public Safety

The Department of Transportation Services (DTS) strongly supports House Bill No. 2092.

Complete streets principles emphasize the safe and full use of streets by pedestrians, bicyclists, transit riders and motorists. To that end, privately owned streets dedicated to the public should provide a safe path for pedestrians.

House Bill No. 2092 prohibits or restricts the stopping, standing, or parking of vehicles on sidewalks, including unimproved sidewalks, in the Kakaako community development district, thereby promoting complete streets and providing a safe place for pedestrians to walk.

Consistent with City law, DTS suggests the House Committee on Judiciary consider adding language authorizing enforcement without the posting of signs. See Revised Ordinances of Honolulu, Section 15-14.1(a)(1). This language would allow the state to enforce its law even though the owner of the private roadway dedicated to the public refuses to post No Parking signs.

I thank you for the opportunity to submit this written testimony.

Very truly yours,

A handwritten signature in black ink, appearing to read "Michael D. Formby".

Michael D. Formby
Director



**Testimony to the House Committee on Judiciary
Friday, February 26, 2016 at 2:00 P.M.
Conference Room 325, State Capitol**

RE: HOUSE BILL 2092 HD 1 RELATING TO PUBLIC SAFETY

Chair Rhoads, Vice Chair San Buenaventura, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **provides comments on** HB 2092 HD 1, which proposes to amend Chapter 206 E, Hawaii Revised Statutes by adding a new section to Part II to be appropriately designated and to read as follows:

"§206E-Parking on sidewalks. (a) The authority shall, with respect to private streets in the Kakaako community development district that are expressly or impliedly dedicated to the public, prohibit or restrict the stopping, standing, or parking of vehicles on sidewalks.

(b) For purposes of this section, "sidewalks" and "streets" shall have the same meaning as in section 291C-1."

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 1,000 businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

It appears that HB 2092 HD 1 attempts to address a situation in Kakaako where there may be private ownership of public roads. With respect to the ownership of public roads, it is our understanding that Hawaii, unlike any other State in the U.S., was originally a sovereign nation – a kingdom. There were certain preexisting laws that were passed on and incorporated into what became laws of the U.S. Territory, and then ultimately, of the State.

The Highways Act of 1892:

In October of 1892, Queen Liliuokalani approved a law that determined that the ownership of all public highways and the land, real estate and property of the same, shall be in the Hawaiian Government in fee simple. The definition of public highway includes all existing roads and trails at the time "or hereafter opened, laid out or built by the Government, or by private parties, and dedicated or abandoned to the public as a highway, are hereby declared to be public highways." Furthermore, "All public highways once established shall continue until abandoned by due process of law".



Chamber of Commerce HAWAII

The Voice of Business

We understand that Chapter 264 HRS provides a definition of State and County highways, roads, etc., which include situations where ownership is acquired by the State or County through dedication or surrender.

Not knowing the exact circumstances of the situation in Kakaako, it would appear that if the road ownership issue falls outside of what is provided in the existing laws, perhaps rather than amending Chapter 206E HRS, the government entity responsible for oversight of the public roads in this area should acquire the public roads by purchase or eminent domain.

The proposed amendment to the Statute seems to add more confusion to a complicated situation. We appreciate the opportunity to provide our comments on the matter.

Thank you for the opportunity to testify.

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Joy A. San Buenaventura, Vice Chair

Rep. Della Au Belatti

Rep. Dee Morikawa

Rep. Tom Brower

Rep. Mark M. Nakashima

Rep. Richard P. Creagan

Rep. Gregg Takayama

Rep. Mark J. Hashem

Rep. Justin H. Woodson

Rep. Derek S.K. Kawakami

Rep. Bob McDermott

Rep. Chris Lee

Rep. Cynthia Thielen

DATE: Friday, February 26, 2016

TIME: 2:00 p.m.

PLACE: Conference Room 325

HB 2092 HD1 - RELATING TO PUBLIC SAFETY.

Authorizes the authority to prohibit or restrict the stopping, standing, or parking of vehicles on sidewalks on private streets in the Kakaako community development district.

I would like to express my support for HB 2092 HD1 in that it will enhance the ongoing development in Kakaako and better ensure that it successfully achieves its goal of being a safe and “walkable” community.

Presently, the majority of Waimanu Street has no sidewalks. “Maverick” parking stalls, hastily painted without care for the public, forces pedestrians into the street. These pedestrians include all walks of life including individuals, parents with strollers and the elderly or using four-wheeled scooters. Alarming, many of these maverick parking stalls are placed directly in front of fire standpipes, which are essentially fire hydrants. Furthermore, vehicles with no license plates are regularly parked along the street as are vehicles, which to any layman is only of value for spare parts, certainly not street legal and invite vandalism and general neglect of their immediate vicinity.

These practices fly in the face of any law-abiding private or corporate citizen and should be prohibited. To this end, I humbly urge the commission to move HB 2092 HD1 forward.

Lawrence F. Newman
1009 Kapiolani Blvd.
Unit 2402
Honolulu, HI 96814

From: mailinglist@capitol.hawaii.gov
Sent: Wednesday, February 24, 2016 9:41 PM
To: JUDtestimony
Cc: lynnehi@aol.com
Subject: Submitted testimony for HB2092 on Feb 26, 2016 14:00PM

HB2092

Submitted on: 2/24/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
lynne matusow	Individual	Support	No

Comments: I support this bill. Parking should never be allowed on public sidewalks. It is a hazard for pedestrians, disabled, wheelchairs, adults with young children, etc. Please vote yes. Lynne Matusow

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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From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:51 PM
To: JUDtestimony
Cc: jjog4life@gmail.com
Subject: Submitted testimony for HB2092 on Feb 26, 2016 14:00PM

LATE

HB2092

Submitted on: 2/25/2016

Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Jean Ishikawa	Individual	Support	No

Comments: There must be thorough studies before affecting roads re cycle lanes!!!

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LATE

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 25, 2016 9:21 PM
To: JUDtestimony
Cc: dylanarm@hawaii.edu
Subject: *Submitted testimony for HB2092 on Feb 26, 2016 14:00PM*

HB2092

Submitted on: 2/25/2016
Testimony for JUD on Feb 26, 2016 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan Armstrong	Individual	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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: House Judiciary Committee

ite: February 25, 2016

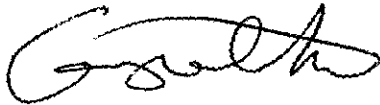
wanted to support the House bill HB 2092 and HB 2604

I work and drive in the Kakaako area and roads are dangerous and unsafe. The long existing potholes are causing drivers to swerve and drive into oncoming traffic, causing traffic jams and endangering the pedestrians that work, live and walk in the area.

It is time for the responsible officers and committee members to take responsibility to properly take action and look after the safety of the citizens in the area.

thank you in advance.

Regards

A handwritten signature in black ink, appearing to read 'SooHwan N. Kim', written in a cursive style.

SooHwan N. Kim

Business and Residence Of Kakaako Community

LATE TESTIMONY

Friday, February 25,2016

To the House Judiciary Committee

We are writing to you as a community of residents and business Owners who are residing and operating in the kakaako area. We encourage and support the two Bills HB 2092 and HB 2604.

The condition of private roadways in Kakaako are disastrous due to the lack of maintenance and restrictions caused by Kakaako Land Company's personal enrichment.

We think that this legislation will help bring these roadways back under public control and allow for proper maintenance and up keep by State and City and County.



Bob Emami