

HB 2221, HD1

RE: RELATING TO PARKING

TESTIMONY



**DEPARTMENT OF BUSINESS,  
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE  
GOVERNOR

LUIS P. SALAVERIA  
DIRECTOR

MARY ALICE EVANS  
DEPUTY DIRECTOR

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Statement of  
**LUIS P. SALAVERIA**  
Director

Department of Business, Economic Development, and Tourism  
before the

**SENTATE COMMITTEE ON JUDICIARY AND LABOR  
AND  
SENATE COMMITTEE ON TRANSPORTATION AND ENERGY**

Tuesday, March 22, 2016  
9:30 a.m.

State Capitol, Conference Room 016  
in consideration of  
**HB 2221, HD1**

**RELATING TO PARKING.**

Chairs Keith-Agaran and Inouye, Vice Chairs Shimabukuro and Gabbard, and Members of the Committees.

The Department of Business, Economic Development, and Tourism (DBEDT) respectfully offers comments on HB 2221, HD1, which adds an enforcement mechanism to Hawaii's requirement to provide at least one parking space equipped with an electric vehicle (EV) charging system for the exclusive use of EVs.

DBEDT has concerns that HB 2221, HD1 may not accurately identify the appropriate enforcement agency responsible for issuing citations to the owner of a parking facility. DBEDT also has concerns that one hundred and twenty days may be an insufficient timeframe for some property owners to correct a violation or that there may be special circumstances warranting an exemption, especially since the severity of the proposed potential penalties are significant.

Thank you for the opportunity to provide comments regarding HB 2221, HD1.



## DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814  
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

March 22, 2016

### TESTIMONY TO THE SENATE COMMITTEES ON TRANSPORTATION AND ENERGY AND JUDICIARY AND LABOR

#### House Bill 2221, HD1 - Relating to Parking

The Disability and Communication Access Board (DCAB) takes no position and provides only comments on House Bill 2221, HD1 - Relating to Parking. The purpose of the bill is to establish fines beginning January 1, 2017, for owners of parking facilities with at least one hundred parking spaces that do not provide at least one parking space equipped with a charging system exclusively for electric vehicles, and allows for a warning prior to being fined for a first violation.

A question that arose in the House Committee on Judiciary hearing prompted us to provide comments related on establishing parking spaces exclusively for use by electric vehicles. There was confusion as to whether or not a space could be used as both an electric vehicle parking space and an accessible stall. Page 1, lines 10–14 clearly states that parking spaces for electric vehicles are separate from spaces designated for accessible parking for people with disabilities under the Americans with Disabilities Act (ADA). Electric vehicle spaces equipped with an electric vehicle charging station shall not displace or reduce the number of accessible parking stalls under the ADA.

DCAB's role is to ensure ADA compliance to state and county facilities and programs under Title II. Since this bill relates to electric vehicle parking spaces at private businesses that are covered under ADA Title III, we refer you to [http://energy.hawaii.gov/wp-content/uploads/2011/09/updated-EV-Guidebook\\_FINAL\\_Sep-25\\_2012.pdf](http://energy.hawaii.gov/wp-content/uploads/2011/09/updated-EV-Guidebook_FINAL_Sep-25_2012.pdf) a publication produced by the Department of Business, Economic Development, and Tourism about setting up an electric vehicle parking space for private businesses. The stall needs to include accessibility requirements related to the space size and to the reach range for the charging unit so if a person with a disability has an electric vehicle, he or she is able to use the space.

Thank you for the opportunity to provide comments.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG  
Chairperson  
Legislative Committee

FRANCINE WAI  
Executive Director

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813  
TELEPHONE (808) 529-3111 • INTERNET www.honoluluupd.org



KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

MARIE A. McCAULEY  
CARY OKIMOTO  
DEPUTY CHIEFS

OUR REFERENCE      DI-GR

March 22, 2016

The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Transportation and Energy  
The Honorable Gilbert S. C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
State Senate  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Inouye and Keith-Agaran and Members:

SUBJECT: House Bill No. 2221, H.D. 1, Relating to Parking

I am Darren Izumo, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 2221, H.D. 1, Relating to Parking.

The HPD opposes the requirement to have police officers enforce violations under the proposed legislation. The bill requires that the HPD issue citations that have progressive civil liabilities which officers are not required to do.

The HPD is in no position to have its officers ascertain if a parking facility has "at least one hundred parking spaces available for use by the general public" other than to physically count the parking stalls and to assume that the stalls are for public use and are not considered reserved. Furthermore, the HPD would not be in a position to readily determine who the owner of the parking facility may be regarding the issuing of the citation to the correct person.



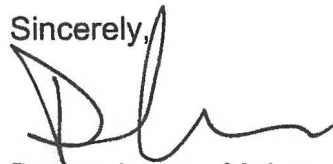
The Honorable Lorraine R. Inouye, Chair  
and Members  
Committee on Transportation and Energy  
The Honorable Gilbert S.C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
March 22, 2016  
Page 2

The bill requires that the HPD personnel become knowledgeable regarding electric vehicle charging systems which includes the Society of Automotive Engineers (SAE) standard SAEJ1771 and Article 625 of the National Electric Code. The HPD is unable at this time to provide training to its officers on electric vehicle charging stations.

The HPD opposes House Bill No. 2221, H.D. 1, Relating to Parking.

Thank you for the opportunity to testify.

Sincerely,



Darren Izumo, Major  
Traffic Division

APPROVED:



Louis M. Kealoha  
Chief of Police

**Bernard P. Carvalho, Jr.**  
Mayor



**George K. Costa**  
Director

**Nadine Nakamura**  
Managing Director

**OFFICE OF ECONOMIC DEVELOPMENT**

**County of Kaua'i, State of Hawai'i**

4444 Rice Street, Suite 200, Lihue, Hawai'i 96766  
TEL (808) 241-4946 FAX (808) 241-6399

**Before the Senate Committee on Judiciary and Labor and  
The Senate Committee on Transportation and Energy  
Tuesday, March 22nd, 2016  
Conference Room 016  
9:30 a.m.**

**IN SUPPORT OF HB 2221 RELATING TO PARKING**

Chairs Agaran and Inouye, Vice Chairs Shimabukuro and Gabbard, and members of the committees

The County of Kauai supports HB 2221 with suggested amendments. HB 2221 amends HRS 291-71 by adding a penalty and enforcement mechanism for non-compliance with EV infrastructure requirements.

Kauai County strongly supports the adoption of electric vehicles and finds that the availability of EV charging infrastructure is a critical component of consumer adoption.

Suggested amendments:

- (1) Number of charging stations/ports:** County of Kauai supports language similar to previous versions of the bill that require one charging port per one hundred spaces by July 1, 2017, and two charging ports per one hundred spaces by July 1, 2022.
- (2) Enforcement:** The current language in this bill proposes enforcement by police officers. The County of Kauai does not support enforcement by police officers and believes that enforcement would more appropriately be handled by County Planning Departments. We support enforcement language as follows:

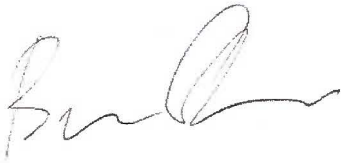
*This subsection shall be enforced by the appropriate county authority having jurisdiction over planning and permitting, as follows:*

- (1) A person or organization may file an open or anonymous complaint with the county authority listing the places of public accommodation that are not in compliance;*
- (2) The county authority shall notify the property owner of noncompliance and allow the owner one-hundred and eighty days to comply with this subsection;*

- (3) After one-hundred and eighty days, the county department shall conduct an inspection. If the owner is not in compliance, the county authority shall issue a warning allowing for an additional one hundred eighty days for compliance;*
- (4) If, after the warning issued under paragraph (3), the owner is still in noncompliance, the county department shall send a formal notice of violation that allows for an additional ninety days for compliance; and*
- (5) If after the additional ninety days allowed under paragraph (4) the owner is still in noncompliance, an administrative fine of \$200 per day shall begin to accrue; provided that if the fine accrues to over \$300,000, a lien shall be placed on the property.*

Thank you for your consideration of this important bill and the proposed amendments described above.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Sullivan", written in a cursive style.

Ben Sullivan  
Energy and Sustainability Coordinator  
Office of Economic Development  
County of Kauai





Email: [communications@ulupono.com](mailto:communications@ulupono.com)

SENATE COMMITTEES ON JUDICIARY & LABOR AND TRANSPORTATION & ENERGY  
Tuesday, March 22, 2016 — 9:30 a.m. — Room 16

**Ulupono Initiative Supports HB 2221 HD 1 with an Amendment, Relating to Parking**

Dear Chair Keith-Agaran, Vice Chair Shimabukuro, Chair Inouye, Vice Chair Gabbard, and Members of the Committees:

My name is Murray Clay and I am Managing Partner of the Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and reduce waste. We believe that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

**Ulupono supports HB 2221 HD 1**, which establishes fines for parking facility owners that do not provide at least one electrical vehicle charging station for lots with at least 100 parking stalls.

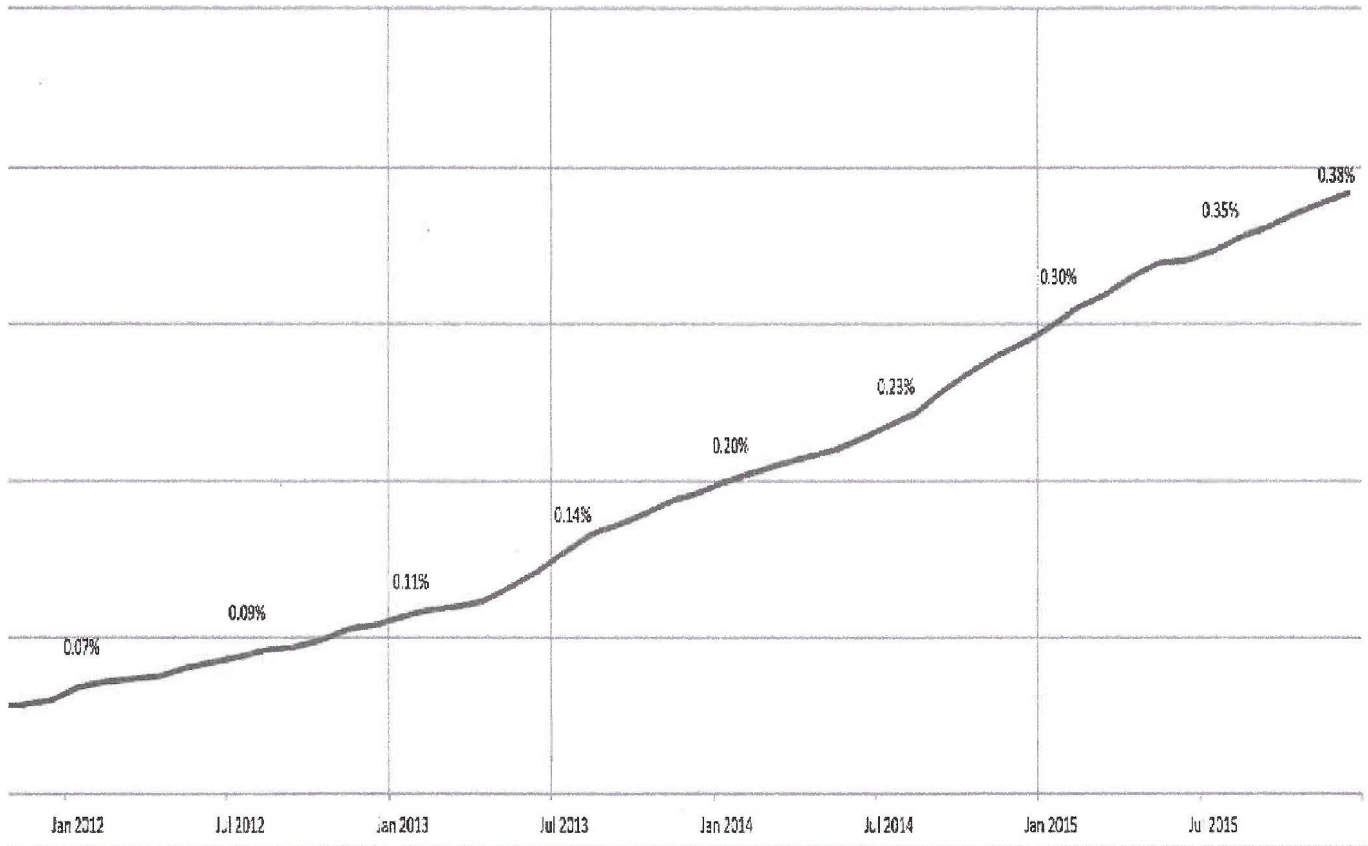
In Hawai'i, the transportation sector requires more energy than the electricity sector. Furthermore, about 20% of the state's primary energy usage is due to ground transportation, such as cars and trucks, which rely almost exclusively on imported fossil fuels for its energy. This bill would create greater demand for electric vehicle charging infrastructure, which makes electric vehicle ownership more appealing by reducing range anxiety as well as having the potential to add battery storage capacity and/or demand response capacity to the electric grid.

Hawai'i ranks second in the nation behind California in the number of electric vehicles registered as a % of vehicles. As of December 2015, electric vehicles represented ~0.4% of all registered vehicles. Electric vehicle registrations went up 26% in 2015, even amongst falling gas prices, while gasoline vehicle registration dropped ~6%. Electric vehicles are only going to grow in market share of vehicles and therefore this bill takes a reasonable proactive approach to support new technology.

*Investing in a Sustainable Hawai'i*

999 Bishop Street, Suite 1202 | Honolulu, Hawai'i 96813 ☎ 808.544.8960 📠 808.432.9695 | [www.ulupono.com](http://www.ulupono.com)

Electric Vehicles as a Percentage of Total Vehicles Statewide



Based upon our research, Ulupono feels the appropriate county authority is the best entity to enforce compliance. Therefore, we suggest on page 2, line 3, instead of “police officers” that “the appropriate county authority” be substituted.

As Hawai'i's energy and transportation issues become more complex and challenging, we appreciate this committee's efforts to look at policies that better prepare Hawai'i for the future.

Thank you for this opportunity to testify.

Respectfully,

Murray Clay  
Managing Partner

*Hawai'i Green Growth is a public-private partnership that coordinates across government, non-governmental and cultural organizations, business, academia and philanthropy to achieve Hawai'i's Aloha+ Challenge 2030 sustainability goals.*

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## Steering Committee

Deanna Spooner  
June Matsumoto  
Matt Lynch  
Mark Fox  
Mike Hamnett  
Piia Aarma  
Pono Shim  
Scott Enright  
Scott Seu  
Ulalia Woodside  
William J. Aila Jr.

## Testimony of Hawai'i Green Growth In Support of HB2221 HD1 Relating to Parking Senate Committees Transportation and Energy & Judiciary and Labor

22 March 2016, 9:30am, Room 016

Aloha Chairs Inouye & Keith-Agaran, Vice Chairs Gabbard & Shimabukuro, and Members of the Committees

**Hawai'i Green Growth (HGG) supports the intent of HB2221 HD1** to establish fines beginning January 1, 2017 for owners of parking facilities with at least one hundred parking spaces that do not provide at least one parking space equipped with a charging system exclusively for electric vehicles. Hawai'i Green Growth strongly supports legislation to increase electric vehicle charging stations, and defers to implementation comments on this bill by the state and counties.

Hawai'i's commitment to 100 percent renewable electricity and clean energy by 2045 has received international attention, and stakeholders across the state agree transportation is a critical gap. Transportation accounts for more than 60 percent of the energy consumed in Hawai'i, and while air transportation uses the largest portion — nearly 40 percent — ground transportation such as trucks, buses, and cars consume roughly 20 percent of the state's energy. The widespread deployment of electric vehicles in Hawai'i is a key approach toward the reduction of fossil fuel dependency. Already, a growing number of Hawai'i's drivers have adopted electric vehicles as their mode of transportation. This bill will increase the state's electric vehicle infrastructure and accessibility for both current and prospective owners, and create potential to expand the market for electric vehicles throughout Hawai'i.

HGG public-private partners identified transportation policy, specifically on electric vehicles, as a shared 2016 legislative priority to advance the *Aloha+ Challenge* clean energy goal. The *Aloha+ Challenge* is a statewide commitment by the State Legislature (SCR 69), Governor, Mayors and Office of Hawaiian Affairs to achieve six sustainability goals for 2030 in the areas of clean energy, local food, natural resources, solid waste reduction, smart growth and climate resilience, and green jobs and education. Statewide HGG public-private partners are identifying shared measures to track progress and provide accountability with the online *Aloha+ Challenge* Dashboard, while developing an annual policy and action agenda to advance Hawai'i's shared 2030 sustainability goals.

The *Aloha+ Challenge* has been recognized nationally and internationally by the US State Department and Global Island Partnership as a model for locally appropriate implementation of UN Sustainable Development Goals. With the upcoming IUCN World Conservation Congress hosted by Hawai'i in September 2016, this legislative session is an important opportunity for Hawai'i to showcase leadership on sustainable development, clean energy and resilience.

As a public-private partnership, Hawai'i Green Growth supports the intent of HB2221 HD1 to advance Hawai'i's ambitious clean energy goals.



AQUA-ASTON  
HOSPITALITY

March 18, 2016

Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair

Committee on Transportation and Energy  
Senator Lorraine R. Inouye, Chair

RE: H.B. No. 2221, HD1 Relating to Parking

Dear Senators Keith-Agaran and Inouye:

My name is Liane Kelly. I am the Associate General Counsel for Aqua-Aston Hospitality, LLC, which manages and operates 44 hotels and condominium hotels in the State of Hawaii. I am writing regarding H.B. No. 2221, HD1, which proposes to amend Section 291-71 of the Hawaii Revised Statutes regarding the designation of parking spaces for electric vehicles. As the law currently stands, "places of public accommodation with at least one hundred parking spaces available for use by the general public" are required to have at least one parking space exclusively for electric vehicles and equipped with an electric vehicle charging station.

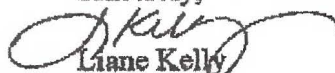
The proposed amendment substitutes the term "Places of public accommodation" with the term "Parking facilities" and then defines "Parking facilities" as a parking lot, parking structure, parking garage or other facility offering parking in connection with, among other things, "an inn, hotel, motel, or other establishment that provides lodging to transient guests." Most, if not all, inns, hotels, motels or condominium hotels (collectively, "hotels") do not have parking spaces available for the general public. The parking spaces are available for the registered guests of the hotel or guests who use the hotel facilities. Thus, the definition contradicts the language of the statute itself which states that it only applies to places of public accommodation with spaces available for use by the general public.

Further, several hotels offer valet parking only. It is unreasonable to expect that a hotel and its valets would assume the responsibility for charging a vehicle while it is parked at the hotel.

Finally, the parking spaces in condominium hotels are either owned by the individual condominium unit owners or the association of apartment owners. Such spaces are intended to be used by the owners of the condominium units and their invited guests, not the general public.

While I support the intent of HB 2221, HD1, I suggest that the language in Paragraph 2 of the definition of "parking facility" be deleted as such parking spaces are typically not available for use by the general public.

Sincerely,



Liane Kelly



**LEGAL DEPARTMENT  
FAX TRANSMITTAL****TO:           Judiciary and Labor Testimony****FAX:           (808) 586-7348****FROM:        Liane Kelly  
               Associate General Counsel****DATE:        March 18, 2016****RE:           HB 2221, HD1 – Tuesday, March 22, 2016 at 9:30 a.m.****Total Number of Pages (including this page):   2****Please call (808) 931-1408 if you do not receive the total number of  
pages noted above and/or have problems with our transmission.****Thank you.**