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**Testimony Opposing HCR 144**  
**URGING THE DEPARTMENT OF TRANSPORTATION TO PLACE BARRIERS ALONG**  
**THE PARKING LOT AT LANIAKEA BEACH AND ENCOURAGE PEDESTRIANS TO**  
**CROSS KAMEHAMEHA HIGHWAY USING THE BRIDGE UNDERPASS**

Submitted to House Committee on Transportation  
11:15 am, March 17, 2017 Hearing in Conference Room 423

Unmanaged public access to unimproved parking areas mauka of the highway have resulted in traffic congestion and safety concerns at Laniakea Beach. Unfortunately, the “solution” proposed by HCR 144 is too simplistic to work. HDOT cannot place jersey barriers in the shoreline setback area or makai of the shoreline without permits. HDOT cannot construct improvements outside the highway right-of-way without authorization from the property owner. Channelizing traffic to drive over pot holes that never get fixed would result in vehicle damage and traffic queuing back onto the highway. Public agency management is required to prevent tour buses, vendors, and squatters from abusing public parking lots. It would be unlawful for HDOT to post signs which direct pedestrians to use a steep unimproved pathway which does not comply with ADA standards. And most pedestrians will ignore signs “encouraging” them to use an indirect pathway instead of walking directly across the highway.

Although existing traffic and safety problems at Laniakea Beach could be totally resolved by moving Kamehameha Highway further mauka, it may take decades before the highway is realigned. To encourage HDOT to immediately pursue a satisfactory solution to existing public problems and needs, I recommend amending HCR 144 to:

- Point out that since August 24, 2015, HDOT has been storing its jersey barriers mauka of Laniakea Beach without applying for or receiving any required permits.
- Point out that Act 122, Session Laws of Hawaii 2014, CIP Item No. 66.01 Capital Project No. SPO701, already provides a substantial non-lapsing appropriation which HDOT can use for design and construction of a channelized highway pullout, parking lot, and pedestrian improvements at Laniakea Beach.
- Request HDOT to develop, manage, and maintain a channelized highway pullout and a public parking lot mauka of the state highway at Laniakea Beach.
- Request the City to execute an Intergovernmental Memorandum of Agreement (MOA) or easement which gives HDOT authority to use an appropriate portion of City property mauka of the state highway to construct, manage and maintain a channelized highway pullout and parking lot.

- Request HDOT to undertake limited highway widening and restriping for a crosswalk which incorporates a pedestrian refuge in the highway median at Laniakea Beach.

## REGULATORY CONSIDERATIONS

The following photograph, which was taken on February 22, 2016, unmistakably shows that at the middle of Laniakea Beach, the entire highway right-of-way is makai of the highest reach of the highest wash of the waves. When waves wash mauka of the vegetation line, the Hawaii Supreme Court has ruled that “... the plain language of HRS § 205A-1 required that the shoreline should be “certified at the highest reach of the highest wash of the waves....”



**LATE LATE**

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IN REPLY REFER TO:

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

March 17, 2017  
11:15 a.m.  
State Capitol, Room 423

**H.C.R. 144**  
**URGING THE DEPARTMENT OF TRANSPORTATION TO PLACE BARRIERS**  
**ALONG THE PARKING LOT AT LANIAKEA BEACH AND ENCOURAGE**  
**PEDESTRIANS TO CROSS KAMEHAMEHA HIGHWAY USING THE BRIDGE**  
**UNDERPASS**

House Committee on Transportation:

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The Department of Transportation (DOT) **supports** the intent for this concurrent resolution.

The resolution proposed requires an Environmental assessment. We are currently performing an Environmental study determining the preferred alternative for the long term relocation of the road. The construction of the road will be subject to availability of funding given current priorities.

The DOT is concurrently in the process of obtaining the appropriate environmental clearances to determine possible and preferred solutions to the issue of congestion relief and pedestrian safety in the interim. Until this process is complete, we cannot predetermine the preferred alternative. The placement of barriers adjacent to Kamehameha Highway may or may not be a viable alternative.

DOT opposes the use of the existing bridge as an underpass for pedestrians as this is not allowable. The bridge was constructed to allow offsite runoff to flow under Kamehameha Highway. The under portion of the bridge is not designated for safe passage of pedestrians.

Thank you for the opportunity to provide testimony.