

DAVID Y. IGE
GOVERNOR



Testimony by:
JADE T. BUTAY
INTERIM DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

IN REPLY REFER TO:

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

February 13, 2018
2:00 p.m.
State Capitol, Room 325

H.B. 2267, H.D. 1
RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

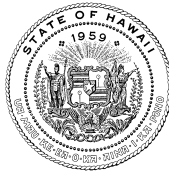
House Committee on Judiciary

The Department of Transportation (DOT) **supports** this bill which adds an illegal parking surcharge into a DOT special fund to enforce illegal parking and establishes the DOT State Highway Enforcement Program.

With this new enforcement program, the DOT can better enforce stopping, standing, or parking of vehicles where the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would interfere unduly with the free movement of traffic.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE
GOVERNOR



LAUREL A. JOHNSTON
ACTING DIRECTOR

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND
MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT (OFAM)

WRITTEN ONLY
TESTIMONY BY LAUREL A. JOHNSTON
ACTING DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY
ON
HOUSE BILL NO. 2267, H.D. 1

February 13, 2018
2:00 p.m.
Room 325

RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

House Bill (H.B.) No. 2267, H.D. 1, establishes the State Highway Enforcement Program (SHEP) which adds an unspecified illegal parking surcharge that will be distributed to the Department of Transportation (DOT) for administrative costs of the program and parking management-related improvements, while the remaining balance shall be distributed to the respective police departments of the county from which the surcharge was collected.

With regards to H.B. No. 2267, H.D. 1, we offer the following comments. This bill establishes a State Highway Enforcement Fund (SHEF) into which shall be deposited the SHEP surcharges; however, it is unclear whether the SHEF is being established as a special fund.

The Department of Budget and Finance, as a matter of general policy, does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work and an explanation why the program cannot be implemented

successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. In regards to H.B. No. 2267, H.D. 1, it is difficult to determine if the proposed (special) fund would be self-sustaining.

Further, this bill does not provide a special fund appropriation to support the program as envisioned in the bill.

Thank you for your consideration of our comments.

Bernard P. Carvalho Jr.
Mayor



Michael A. Dahilig
Director of Planning

Wallace G. Rezentes Jr.
Managing Director

Ka'aina S. Hull
Deputy Director of Planning

PLANNING DEPARTMENT
County of Kaua'i, State of Hawai'i
4444 Rice Street, Suite A-473, Līhu'e, Hawai'i 96766



Testimony before the House Committee on Judiciary
HOUSE BILL 2267 Relating to the State Highways Enforcement Program

February 13, 2018 at 2:00 PM
Conference Room 325

By Michael A. Dahilig
Director of Planning, County of Kaua'i

Chair Nishimoto, Vice Chair San Buenaventura, Honorable Members of the Committee:

The County of Kauai Planning Department supports HB 2267, which establishes a state highway enforcement program fund to be distributed to county police departments for the enforcement of illegal parking along State highways.

County police are responsible for enforcement of illegal parking, yet resources are limited to address this issue. In some areas, such as near Hā'ena State Park on the North Shore of Kaua'i, illegal parking along the historic Kuhio Highway has become so egregious as to cause serious concerns for safety, emergency response, evacuation, and the protection of sensitive environmental and cultural resources.

This bill will provide financial resources to allow the County to enforce illegal parking and to protect the safety of Kaua'i residents and visitors, and to protect sensitive resources that we all value.

The County requests that on line 10, page 6, "shall" be replaced with "may":

"The appropriate police department and county or prosecuting attorney ~~shall~~ may enforce any law or ordinance..."

This recommended change will allow the County's enforcement agencies to enforce within the resources available and based on the safety and emergency priorities at any given time.

Thank you for the opportunity to testify on this matter.

Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
douglasmeller@gmail.com

Testimony Opposing HB 2267, HD 1, Relating to the State Highway Enforcement Program

Submitted to House Committee on Judiciary
2 PM, February 13, 2018 Hearing in Conference Room 325

Thank you for the opportunity to present my concerns. I oppose HB 2267, HD 1. I don't think it should be state policy to harass locals and tourists who want to see Hawaii's scenic amenities and use Hawaii's beaches and trails. I think the Legislature and HDOT should respond to public demand and provide safe parking in appropriate places along state highways. Unfortunately, unlike nearly every other state, it currently is not state policy to provide pullouts and parking along state highways.

I fully understand the need to reasonably regulate public use of state highways. However, incremental proliferation and aggressive enforcement of NIMBY no-parking signs along rural state highways is NOT reasonable or necessary.

I am retired now, but while I worked for HDOT I proposed and drafted bills to protect HDOT and its contractors and agents (e.g. police) from liability when they summarily cleared obstructions from the highway ROW which affected traffic operations or directly compromised public safety. (I still think that would be good idea, but HDOT gave up on the concept after HDOT bills were amended to explicitly make HDOT liable for failing to remove obstructions.) Legislative veterans might also recall that I drafted and personally lobbied for the much-maligned now-repealed session laws to authorize use of cameras and mailed traffic citations to enforce traffic laws on state highways. (In hindsight, I now realize that public safety is better protected by ensuring that some vehicles are not recklessly weaving or moving much faster than others.)

Testimony of Kawika Winter, Ph.D.
Strongly Supporting HB 2267
House Committee on Judiciary



February 1, 2018

Aloha Chair Nishimoto and members of the Committee on Judiciary,

Thank you for the opportunity to submit testimony for HB 2267 relating to the State Highway Enforcement Program. I am the Director of Limahuli Garden and Preserve, a botanical garden and nature preserve in Hā'ena on the island of Kaua'i, but I am writing to you today as a member of the community who is in strong support of this bill.

The picturesque beauty of our area attracts nearly 1 million tourists into our community every year, which results in major impact to our roads. Our quality of life and our local businesses have been negatively impacted by the massive amounts of visitors who crowd our roads with illegally parked cars. We need some relief, and better enforcement such as is proposed in HB 2267 would be a big help.

I have been, and continue to be, a part of several community advisory groups that aim to create multipronged solutions to this complex problem. One of these is a group that was convened by Representative Nakamura to bring key stakeholders to the table—including community leaders, Department of Transportation administrators, as well as representatives from the County of Kaua'i administration and police department. This bill is, at least in part, an outcome of collaborative meetings between community leaders, and State and County officials; and thus represents a well-rounded solution to a long-standing problem.

Passing HB 2267 would be a tremendous step forward towards providing relief to not only our community, but other communities around the State who face similar challenges. I hope that you will support its passage through your committee.

Mahalo,

Kawika Winter, Ph.D.
Hā'ena, Halele'a, Kaua'i

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RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

House Committee on Judiciary

The Department of Transportation (DOT) **supports** this bill which adds an illegal parking surcharge as a penalty that may be imposed on illegal parking which under H.B. 2267, H.D. 1, is applicable to all state highways, and establishes the DOT State Highway Enforcement Program.

With this new enforcement program, the DOT can better enforce stopping, standing, or parking of vehicles where the stopping, standing, or parking is dangerous to those using the highway or where the stopping, standing, or parking of vehicles would interfere unduly with the free movement of traffic.

Thank you for the opportunity to provide testimony.