

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

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

**February 2, 2018**  
**10:30 a.m.**  
**Room 423**

RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

House Bill (H.B.) No. 2267 establishes the State Highway Enforcement Program (SHEP) which authorizes the Director of Transportation to add an illegal parking surcharge that will be distributed to the Department of Transportation 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, 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 what authorizes the illegal parking surcharge and whether the SHEF is being established as a special fund. This bill also indicates that "Moneys in the fund shall be distributed by the director of finance for deposit into special accounts dedicated for the respective police departments of the county from which the state highway enforcement program surcharge was collected . . ."; however, the language appears confusing and does not clearly provide

the authority to distribute the funds to the counties. Additionally, it is unclear what department is administering the proposed 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, 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.

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

February 1, 2018

Aloha Chair Aquino and members of the Committee on Transportation,

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

Douglas Meller  
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Honolulu, Hawaii 96813  
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## **Testimony Opposing HB 2267, Relating to the State Highway Enforcement Program**

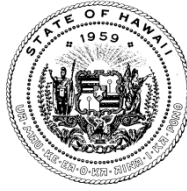
Submitted to House Committee on Transportation  
10:30 AM, February 2, 2018 Hearing in Conference Room 423

Thank you for the opportunity to present my concerns. I oppose HB 2267. 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 shield HDOT from liability when HDOT or its contractors summarily removed obstructions from the highway ROW which affected traffic operations or directly compromised public safety. (That STILL 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 it is a bad idea to rigidly enforce speed limits except where necessary to protect public safety.)

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:

**LATE LATE**

**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
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February 2, 2018  
10:30 a.m.  
State Capitol, Room 225

**H.B. 2267**  
**RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM**

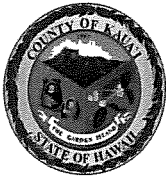
House Committee on Transportation

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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.



# POLICE DEPARTMENT COUNTY OF KAUAI



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**LATE LATE**

February 1, 2018

TO: The Honorable Henry J.C. Aquino, Chair  
House Committee on Transportation

The Honorable Sean Quinlan, Vice Chair  
House Committee on Transportation

Members of the House Committee on Transportation

FROM: Michael M. Contrades, Deputy Chief of Police  
Kaua'i Police Department

SUBJECT: Testimony on HB2267 Relating to the State Highway Enforcement Program

The Kaua'i Police Department is in support of HB2267. The Kaua'i Police Department has historically been tasked with the enforcement of traffic laws, including parking violations, on State highways on the island of Kaua'i due to the limited presence of State law enforcement.

The community on our North Shore has expressed serious concerns about the illegal parking near and around the Hā'ena and Kē'ē beach parks, which at times can hinder emergency response. While our officers have issued numerous parking citations over the years, the problem persists. One officer patrols the area from Ke'e Beach to Princeville, a span of 9.4 miles. Because of the distance, traffic enforcement in the area is sporadic at best, as calls for service are prioritized over parking concerns. The proposed Bill would allow for funding to the County Police departments that could support increased enforcement, and hopefully increase compliance with the law, in areas such as Hā'ena and Kē'ē . Similar parking concerns are present throughout Kaua'i.

Representative Nadine Nakamura has collaborated with County and State officials along with community members from the island of Kaua'i to draft this Bill. She has met with us on numerous occasions in an effort to address the concerns of the community. This Bill is one of the methods identified that could provide needed resources to all City and County Police Departments.

Again, we are in support of House Bill 2267. Thank you for your time and consideration.