

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 8, 2018
9:00 a.m.
State Capitol, Room 225

SB 2953
RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

SENATE COMMITTEE ON TRANSPORTATION AND ENERGY
and
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND
MILITARY AFFAIRS

The Department of Transportation (DOT), **supports** this bill to resolve maintenance issues for privately owned roads in development districts under Chapter 206E, HRS. We would also like to point out for clarification purposes that the DOT does own public State Roads that pass through or are within HCDA development districts such as Ala Moana Boulevard in Kakaako and a few roads in Kalaeloa. All State roads in the area are on a maintenance cycle, and are maintained to State standards.

Thank you for the opportunity to provide testimony.



HAWAII COMMUNITY
DEVELOPMENT AUTHORITY



KAKAOKO
KALAELOA

David Y. Ige
Governor

John Whalen
Chairperson

Garett Kamemoto
Interim Executive Director

STATEMENT OF

GARETT KAMEMOTO, INTERIM EXECUTIVE DIRECTOR
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE
HOUSE COMMITTEE ON TRANSPORTATION AND ENERGY
and
HOUSE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL,
AND MILITARY AFFAIRS

Thursday, February 8, 2018
9:00 a.m.
State Capitol, Conference Room 225

in consideration, of
**SB2953 – RELATING TO HAWAII COMMUNITY DEVELOPMENT
AUTHORITY**

Chairs Inouye and Nishihara, Vice Chairs Espero and Wakai, and members
of the committee.

This testimony reflects my view alone. The Hawaii Community
Development Authority (HCDA) has not acted on this measure.

In my capacity as the HCDA Interim Executive Director, I respectfully
offer comments on SB 2953. This bill requires owners of private streets,
highways, or thoroughfares in an HCDA development district to conform and
maintain private roads to county standards.

We note that there are a number of private land owners in the Kakaako
district and have attached a map of street owners.

Thank you for to opportunity to comment on this bill.

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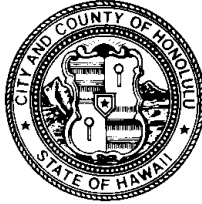
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DEPARTMENT OF FACILITY MAINTENANCE
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER

EDUARDO P. MANGLALLAN
DEPUTY DIRECTOR

IN REPLY REFER TO:
18-028

February 8, 2018

TO: THE LORRAINE R. INOUE, CHAIR
THE HONORABLE WILL ESPERO, VICE CHAIR
AND MEMBERS OF THE COMMITTEE ON TRANSPORTATION AND
ENERGY

THE HONORABLE CLARENCE K. NISHIHARA, CHAIR
THE HONORABLE GLENN WAKAI, VICE CHAIR
AND MEMBERS OF THE COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL, AND MILITARY AFFAIRS

FROM: ROSS S. SASAMURA, P.E.
DIRECTOR AND CHIEF ENGINEER
DEPARTMENT OF FACILITY MAINTENANCE

SUBJECT: OPPOSITION TO SB2953

The City and County of Honolulu (City) strongly opposes SB2953, which requires certain private streets, highways, or thoroughfares in a development district that is under the jurisdiction of the Hawaii Community Development Authority (HCDA) to conform to county standards.

Although the City disputes ownership of certain roads located on the island of Oahu, the City is concerned that this measure requires it to bring all roads under its ownership within HCDA development districts such as Kakaako and Kalaeloa to City standards. The City and its taxpayers will incur hundreds of millions of dollars in costs to comply with this measure.

Additionally, many businesses and residents with properties in these areas and abutting City streets that are unimproved or do not meet present City standards for underground utilities, drainage, and sidewalks with compliant access, will lose present and existing uses of their respective frontage and potentially some portion of their parcel if the existing right-of-way requires widening. The long lasting financial, operational, and functional impacts of this measure are detrimental to the City, property owners, businesses, and residents.

Thank you for your consideration of this testimony in opposition.



**TESTIMONY TO THE COMMITTEES ON TRANSPORTATION AND ENERGY
AND PUBLIC SAFETY, INTERTGOVERNMENTAL, AND MILITARY AFFAIRS**

Thursday, February 8, 2018 9:00 a.m.

State Capitol, Conference Room 225

TO: The Honorable Lorraine R. Inouye, Chair of Transportation and Energy
The Honorable Will Espero, Vice Chair
Committee Members

The Honorable Clarence K. Nishihara, Chair of Public Safety, Intergovernmental,
and Military Affairs

The Honorable Glenn Wakai, Vice Chair
Committee Members

PROVIDING COMMENTS ON SB2953 RELATING TO HCDA

I am Stafford Kiguchi with Bank of Hawaii providing comments on SB2953 relating to the Hawaii Community Development Authority. This bill would require certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Additionally, it would require owners of private streets, highways, or thoroughfares in a development district to be responsible for the costs of conforming and maintaining the private roads to county standards. It authorizes private civil injunctive actions in the circuit courts to enforce compliance.

Bank of Hawaii is on title to a number of roads, although none in Kakaako, which were acquired when it purchased Hawaiian Trust and Bishop Trust companies in the 1980s. Decades ago, when the homes adjacent to these roads were developed and deeded to the homeowners by the trust companies as agent for the developers, these roads, by right, should have been dedicated to the city. However, for unknown reasons, that transfer never occurred and legal title appears to have remained in the trust companies and subsequently with Bank of Hawaii as successor in interest.

Over the decades, the bank has never attempted to exercise any rights of ownership and these roads have remained open to the public with unrestricted access for cars, buses, refuse trucks, and emergency vehicles, etc. We recognize the fact that ongoing maintenance along certain privately owned roads or roads where there is a dispute of ownership is a longstanding issue.

MORE

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Testimony on SB2953 by Bank of Hawaii

We would like to offer two suggestions for consideration to help clarify certain aspects of the bill:

1. If the measure is intended to focus on the Kakaako district, we would like to suggest that this intention be clearly stated since it is possible for HCDA's jurisdiction to extend to other geographic areas beyond Kakaako Community Development District.
2. There are many private roads whereby the owner is passive and where the roads are open for public benefit with no restrictions regarding public use. In these cases, the owner accrues no financial gain or other positive benefit. We would like to suggest that this bill limit its application to those owners of roads who choose to exert their rights of ownership and by doing so benefit financially. Only in those instances would it seem reasonable and fair to expect that the owners share in at least some responsibility for repairs, maintenance and/or upgrades.

Thank you for your consideration of these recommendations and the opportunity to testify.

Stafford Kiguchi
Executive Vice President, Bank of Hawaii
808-694-8580



LAND USE RESEARCH
FOUNDATION OF HAWAII

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February 7, 2018

Senator Lorraine R. Inouye, Chair
Senator Will Espero, Vice Chair
Senate Committee on Transportation and Energy

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Senate Committee on Public Safety,
Intergovernmental, and Military Affairs

Comments, Concerns, and Proposed Amendment to SB 2953, Relating to the Hawaii Community Development Authority (Requires certain private streets, highways, or thoroughfares in a development district of the HCDA to conform to county construction and maintenance standards. Requires owners of private streets, highways, or thoroughfares in a development district to be responsible for the costs of conforming and maintaining the private roads to county standards. Authorizes private civil injunctive actions in the circuit courts to enforce compliance. Repeal on 6/30/2023.)

Thursday, February 8, 2018, 9:00 a.m., in Conference Room 225

The Land Use Research Foundation of Hawaii (LURF) is a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide **comments, concerns and proposed amendments** to this measure.

SB 2953. This bill requires certain private streets, highways, or thoroughfares in a development district of the Hawaii Community Development Authority (HCDA) to conform to county construction and maintenance standards; requires owners of private streets, highways, or thoroughfares in a development district to be responsible for the costs of conforming and maintaining the private roads to county standards; and authorizes private civil injunctive actions in the circuit courts to enforce compliance. The measure also provides for repeal on 6/30/2023.

LURF's Position. LURF members include a number of land owners and homebuilders in the HCDA district which could be affected by this measure.

Within HCDA's Kaka'ako development district there are a number of small roads, lanes and driveways that are either located within a development block under HCDA master plan permits, or between and connect development blocks under HCDA master plan permits. These small roads, lanes and driveways, which are integral parts of existing HCDA master plan permits, do not meet the county's current standards for streets and roads, and may arguably fall under the Bill's current requirements, because the landowners have not historically restricted members of the general public from using these lanes and driveways.

LURF understands that it would be virtually impossible to widen these roads, lanes and driveways to County standards without demolishing portions of existing buildings on neighboring parcels that are leased out to numerous businesses, would interrupt or force the closure of many businesses along and near these small roads, lanes and driveways and force landowners to incur substantial costs, when future redevelopment is planned for these areas under HCDA master plan permits.

Since these small roads, lanes and driveways are located within large development blocks that are slated for redevelopment under HCDA master plans, it seems unfair and wasteful to require a landowner to demolish buildings, displace tenants, and install significant infrastructure in these lanes and driveways just before the development block is redeveloped under the HCDA Master Plan.

Proposed Revision to SB 2953: In light of the above, a prudent solution would be to exempt such areas that are within, or between development blocks under approved HCDA master plan permits, and LURF respectfully proposes the following amendments for the consideration of your Committees:

This section shall not apply to:

- Private streets, highways, or thoroughfares located within a development block under a HCDA master plan permit, and
- Private streets, highways, or thoroughfares located between development blocks under a HCDA master plan permit.

Understanding the importance of these issues, **LURF respectfully requests that SB 2953 be amended as provided above.**

Thank you for the opportunity to provide comments, concerns and amendments relating to this proposed measure.

To: Chairs Lorraine Inouye, Clarence Nishihara and Members, Committees on Transportation & Energy and Public Safety, Intergovernmental and Military Affairs

From: Sharon Moriwaki

Subject: Testimony in strong support of SB 2953, Relating to the Hawaii Community Development District, before the Committees on Transportation & Energy and Public Safety, Intergovernmental and Military Affairs, Thursday February 8, 2018, 9:00 a.m., in Conference Room 225

I am Sharon Moriwaki, Kaka'ako resident and president of Kaka'ako United, a voluntary community group working together to ensure a quality Kaka'ako community from Mauka to Makai.

SB2953, relating to the Hawaii Community Development Authority, adds a new section to Chapter 206E, HRS, to clarify that owners of private streets, highways or thoroughfares within the development district are responsible for meeting the county's construction and maintenance standards.

The Kaka'ako Community Development District has over 20 private streets which have not been maintained. They are in disrepair, with large potholes that make them unsafe to vehicles and pedestrians who continuously use them. These streets are also an eyesore.

SB2953 rightfully places responsibility for these streets on the owners who should pay for properly maintaining and cleaning these unsightly and dangerous streets that have plagued the residents, businesses and users of these roads. And, further, SB2953 provides for a civil action to require owners to maintain their streets.

For the above reasons, we urge your support of SB2953 to help Kaka'ako residents and businesses to improve the quality and safety of our neighborhoods by requiring private street owners to maintain them properly.

Thank you for the opportunity to testify.

Musicians' Association of Hawai'i

LOCAL No. 677, American Federation of Musicians

STEVE PEARSON
President

JAMES F. MOFFITT
Vice President

ROBERT SHINODA
Secretary-Treasurer



THE SENATE
THE TWENTY-NINTH LEGISLATURE
REGULAR SESSION OF 2018

COMMITTEE ON TRANSPORTATION AND ENERGY

Senator Lorraine R. Inouye, Chair
Senator Will Espero, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL
AND MILITARY AFFAIRS

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

RE: SB2953 – RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY

DATE: Thursday, February 8, 2018
TIME: 9:00 AM
PLACE: Conference Room 225
State Capitol
415 South Beretania Street

Aloha Chair Inouye, Chair Nishihara, Vice Chair Espero, Vice Chair Wakai and members of the committees,

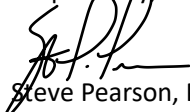
Thank you for the opportunity to testify on SB2953. Our Association **strongly supports** this bill.

Our Association has owned our property located at 949 Kapi'olani Boulevard since 1969. The parallel street behind our building is Waimanu Street, which is a privately-owned street apparently. We were unaware of this status until recently when, after the street was widened for a development project adjacent to our property, several parking stalls were placed appeared in areas previously designated as no-parking areas.

To our knowledge, all past maintenance, including lighting and repaving, on the road had been performed by the City and County. Until HCDA started requiring new projects, such as 909 Kapi'olani and Pacifica (projects also developed along Waimanu Street) to grant easements to allow the thoroughfare to be widened and sidewalks built, there had not been any noticeable activity by entities other than government agencies on Waimanu Street.

One only needs to walk around other contested streets in our neighborhood of Kaka'ako to see that most of these streets are in poor condition. Only streets where private developers were recently required to make improvements by HCDA are passable. If private owners of the streets are able to profit off of improvements made by private landowners in order to be compliant with State regulations, they should be held accountable for the condition of those thoroughfares.

Respectfully,


Steve Pearson, President AFM Local 677

**This curb is still
there today**



**Old property
line on Waimanu
Street.
Previously
parking stalls
for the
Musicians'
Association.**

Taken in 2007 before Waimanu Street was widened.

SB-2953

Submitted on: 2/5/2018 11:39:33 PM

Testimony for TRE on 2/8/2018 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bernard Nunies		Support	No

Comments:

As a 10+ year resident of Kakaako, I support SB2953 that makes it clear that owners of private streets, highways or thoroughfares within the development district are responsible for meeting the county's construction and maintenance standards.