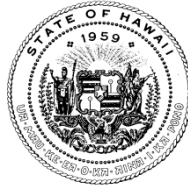


DAVID Y. IGE  
GOVERNOR



**TESTIMONY BY:**

JADE T. BUTAY  
DIRECTOR

Deputy Directors  
LYNN A.S. ARAKI-REGAN  
DEREK J. CHOW  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN

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

March 18, 2019  
1:00 P.M.  
State Capitol, Room 225

**H.B. 333, H.D.1**  
**RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM.**

Senate Committee(s) on Transportation  
& Public Safety, Intergovernmental, and Military Affairs

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The Department of Transportation (DOT) **supports**, H.B. 333, H.D.1.

This bill works to address unsafe and hazardous roadway conditions that are due to illegally parked vehicles blocking lanes of traffic.

DOT believes establishing the State highway enforcement program, collecting a surcharge in addition to the fines and allocating eighty percent of the surcharge collected by the courts to the enforcing counties will ensure that the state and counties will be able to effectively enforce and sustain the parking enforcement program in these problem areas.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
DIRECTOR

ROBERT YU  
DEPUTY 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 RODERICK K. BECKER  
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE  
TO THE SENATE COMMITTEES ON TRANSPORTATION AND PUBLIC SAFETY,  
INTERGOVERNMENTAL, AND MILITARY AFFAIRS  
ON  
HOUSE BILL NO. 333, H.D. 1

**March 18, 2019**  
**1:00 p.m.**  
**Room 225**

RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM

House Bill (H.B.) No. 333, H.D. 1, establishes the State Highway Enforcement Program (SHEP) which adds an illegal parking surcharge of \$150 that will be distributed to the Department of Transportation (DOT) for administrative costs of the program and parking management-related improvements (20%), while the remaining balance shall be distributed to the respective police departments of the county from which the surcharge was collected (80%).

As a matter of general policy, the department 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. 333, H.D. 1, it is difficult to determine whether 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.



DEPARTMENT OF PLANNING  
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KA'ĀINA S. HULL  
DIRECTOR

JODI A. HIGUCHI SAYEGUSA  
DEPUTY DIRECTOR

March 14, 2019

**Testimony before the Committee on Transportation and Committee on Public  
Safety, Intergovernmental, and Military Affairs**

**HB 333 HD1, Relating to the State Highway Enforcement Program**

March 18, 2019 at 1:00 PM

Conference Room 225

By Lee Steinmetz

Transportation Planning Officer, County of Kaua'i

To the Honorable Chair Inouye, Chair Nishihara, Vice Chair Harimoto, Vice Chair Wakai, and Committee members:

The County of Kaua'i **supports** HB 333. With increased tourism, the County has experienced unsafe conditions on State Highways in culturally and environmentally sensitive areas, such as Kūhiō Highway in Hā'ena. This Bill will provide much-needed funding for our Kaua'i Police Department (KPD) to better staff enforcement of no parking in these sensitive areas, thereby improving safety for all roadway users, enhancing emergency response, and protecting sensitive resources.

Your consideration is greatly appreciated.



# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Parking Violation Surcharge

BILL NUMBER: HB 333, HD-1

INTRODUCED BY: House Committee on Transportation

EXECUTIVE SUMMARY: Establishes the State Highway Enforcement Program and related fund within the Department of Transportation. Establishes a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways.

SYNOPSIS: The bill's stated purpose is to establish the state highway enforcement program, which adds an illegal parking surcharge to existing penalties for violations of the statewide traffic code that involve stopping, standing, or parking on state highways. The surcharge shall be deposited into the state highway enforcement program fund. A percentage of the surcharge shall 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 and shall be used to enforce illegal parking laws and ordinances.

Adds two new sections to chapter 291C, HRS, to establish the state highway enforcement program and fund respectively.

Amends section 291C-111, HRS, to charge any violator \$150 in addition to any other penalty that may be imposed. The charge is to be deposited into the highway enforcement program fund.

EFFECTIVE DATE: July 1, 2019.

STAFF COMMENTS: In 2002, the Legislature set requirements for establishing and continuing special and revolving funds. Sections 37-52.3 and 37-52.4, HRS, now state that the criteria used to review special and revolving funds are the extent to which each fund:

- Serves a need, as demonstrated by the purpose of the program to be supported by the fund; the scope of the program, including financial information on fees to be charged, sources of projected revenue, and costs; and an explanation of why the program cannot be implemented successfully under the general fund appropriation process;
- Reflects a clear nexus between the benefits sought and charges made upon the program users or beneficiaries, or a clear link between the program and the sources of revenue—as opposed to serving primarily as a means to provide the program or users with an automatic means of support, removed from the normal budget and appropriation process;
- Provides an appropriate means of financing for the program or activity, that is used only when essential to the successful operation of the program or activity; and
- Demonstrates the capacity to be financially self-sustaining.

We are concerned that a new levy being directed to a new special fund violates the statutory criteria and subverts the appropriation process. The Department of Budget & Finance, in its testimony before House Judiciary, expressed similar concerns.

The bill relies upon earmarking civil fine moneys for its success. As with any earmarking of revenues, the legislature will be preapproving each of the programs fed by the fund into which the monies are diverted, expenses from the funds largely avoid legislative scrutiny, and the effectiveness of the programs funded becomes harder to ascertain. It is also difficult to determine whether the fund (or the departments involved) has too little or too much revenue.

Digested 2/25/2019

**HB-333-HD-1**

Submitted on: 3/14/2019 3:39:20 PM

Testimony for TRS on 3/18/2019 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
santo giorgio	Individual	Support	No

Comments:

To whom it may  
concern:  
14th 2019

March

I humbly but strongly urge you to vote in favor of HB333. I live in Ha'ena for the last 10 years, my wife for over 30 years. The traffic congestion before the flood was starting to cause real stress and I even heard older uncles say stuff like "might be time to start cracking windows". The county or state NEEDS to do something. This bill, if passed will allow for the fines to be high enough to deter illegal parking. As it is now people (mostly visitors) pay a small fine, (if ticketed at all) and that fine is less than what you have to pay for parking in other highly desired areas.

Please help us rectify this situation!

Santo Giorgio 5-7435 kuhio hwy - 808 634-0637

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

## **Testimony Opposing HB 333, HD 1, Relating to the State Highway Enforcement Program**

Submitted to the  
Senate Committee on Transportation  
and the  
Senate Committee on Public Safety, Intergovernmental, and Military Affairs  
2 pm, March 18, 2019 Hearing in Conference Room 225

I oppose HB 333, HD 1. It is ridiculous to authorize larger fines for parking violations than for moving violations. I also 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 our state's 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 HDOT bills to protect HDOT and its contractors and agents (including county police) from liability when they summarily cleared obstructions from the highway right-of-way which affected traffic operations or compromised public safety. Enactment of this kind of legislation would be more reasonable and effective than the concept proposed by HB 333, HD 1.

Thank you for the opportunity to present my concerns.



**HB-333-HD-1**

Submitted on: 3/14/2019 7:43:48 PM

Testimony for TRS on 3/18/2019 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
joel Guy	Individual	Support	No

Comments:

Aloha COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS,

I strongly support HB 333. This is a very important part of our ability to provide a better experience for visitors and residents. The community of Kauai has been working very hard in partnership with HDOT, HDLNR, and the County of Kauai to provide management for the impact vehicles are having on public safety in our communities.

Thank you very much, Joel

**HB-333-HD-1**

Submitted on: 3/14/2019 10:20:08 PM

Testimony for TRS on 3/18/2019 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chipper Wichman	Individual	Support	No

Comments:

Dear Members of the:

COMMITTEE ON TRANSPORTATION, and the COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

I strongly support HB333HD1 as an important new tool to help manage our roads and regain our communities that have been overrun by too many cars parked by visitors coming to enjoy our island. As the number of visitor arrivals increases year on year our parking problems have increased to the point that we now face a major crisis in communities like HÄ• 'ena, Kaua'i. Over the past 2 years I have been part of a working group convened by Rep. Nakamura to address the complex issues related to parking congestion along the last two miles of Kuhio Highway as you approach HÄ• 'ena State Park – the western most end of the highway. In this capacity I am now chairing the Parking Enforcement Subcommittee of the Ad Hoc Working Group and convene weekly calls with our Kaua'i police department, State DOT, DLNR Division of Conservation Resource Enforcement, and the Mayor's office. We are collectively working to enact a new No Parking zone when the road reopens this summer and a consistent issue we are dealing with is the current lack of adequate officers to enforce parking regulations. HB333HD1 would create a new revenue stream that could be shared by the State and Counties and allow them to effectively address this escalating problem – that is an exciting new breakthrough that could make a huge difference over the long term!

Please vote yes on Monday and help become part of the solution to an unintended problem of our booming visitor industry – that is too many cars parking where they do not belong!

Mahalo a nui loa!!!! Chipper Wichman, HÄ• 'ena Resident, Kaua'i island

**HB-333-HD-1**

Submitted on: 3/16/2019 1:30:39 PM

Testimony for TRS on 3/18/2019 1:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
caren diamond	Individual	Support	No

Comments:

Testimony HB 333, HD1

March 18, 2019 at 1:00PM

Conference Room 225

Committee on Transportation and Public Safety, Intergovernmental, and Military Affairs

Honorable Chairs, Vice Chairs and Members of the Committees,

Aloha, as a resident of Haena, I strongly support the measures in HB 333 HD1 which will result in reduced hazards on our narrow roadway. Ke'e beach, Haena State Park and the NaPali trail are important natural resources that have experienced exponential growth over the years. The increased numbers of visitors to the end of the road has resulted in cars parking on the side of the road, often in the road limiting traffic to one lane. This is quite dangerous when it interferes with the ability of fire and emergency rescue personal to get to the end of the road. This measure will give us the tools to improve the safety on our roads on Kauai's north shore. Please vote yes to support this measure.

Mahalo, Caren Diamond