

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 JUDICIARY AND WAYS AND MEANS  
ON  
HOUSE BILL NO. 333, H.D. 1, S.D. 1

**April 3, 2019  
10:00 a.m.  
Room 211**

**RELATING TO THE STATE HIGHWAY ENFORCEMENT PROGRAM**

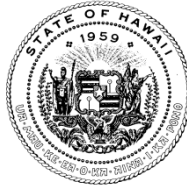
House Bill (H.B.) No. 333, H.D. 1, S.D. 1, establishes the State Highway Enforcement Program (SHEP) which adds an illegal parking surcharge of \$150 that will be distributed to the Department of Transportation (DOT) for administrative costs of the program and parking management-related improvements (20%), 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, S.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.



**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

April 3, 2019  
10:00 A.M.  
State Capitol, Room 211

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

Senate Committee(s) on Judiciary and Ways & Means

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

This bill seeks to reduce the number of unsafe and hazardous roadway conditions that are caused by illegally parked vehicles blocking lanes of traffic.

Establishing the State highway enforcement program, collecting a surcharge in addition to fines and allocating eighty percent of the surcharge collected by the courts to parking enforcement efforts will help the state and counties be better able to enforce parking regulations.

Thank you for the opportunity to provide testimony.



DEPARTMENT OF PLANNING  
THE COUNTY OF KAUA'I

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

KA'ĀINA S. HULL  
DIRECTOR

JODI A. HIGUCHI SAYEGUSA  
DEPUTY DIRECTOR

April 1, 2019

**Testimony before the Joint Committee on Judiciary and  
Committee on Ways and Means  
HB 333 HD1 SD1, Relating to the State Highway Enforcement Program**

April 3, 2019 at 10:00 AM

Conference Room 211

By Lee Steinmetz

Transportation Planning Officer, County of Kaua'i

To the Honorable Chair Rhoads, Chair Dela Cruz, Vice Chair Wakai, Vice Chair Keith-Agaran, 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.





**OFFICE OF THE MAYOR  
THE COUNTY OF KAUA'I**

**DEREK S. K. KAWAKAMI, MAYOR  
MICHAEL A. DAHILIG, MANAGING DIRECTOR**

Testimony of Michael Dahilig  
Managing Director, County of Kaua'i

Before the  
Senate Committee on Judiciary  
And  
Senate Committee on Ways and Means

April 3, 2019; 10:00 am  
Conference Room 211

In consideration of  
**HB 333 HD1 SD1**  
**Relating to the State Highway Enforcement Program**

Honorable Chairs Rhoads and Dela Cruz, Vice Chairs Wakai and Keith-Agaran and Members of the Committees:

The County of Kaua'i supports the intent of HB333 HD1 SD1 which would establish the State Highway Enforcement Program and related fund within the Department of Transportation. Additionally the measure would establish a parking violation surcharge to be imposed by courts in addition to other penalties and fines for parking violations on State highways.

Kaua'i is well known for its beautiful beaches, rugged trails, and rural charm. With an explosion in increased popularity as a destination for honeymooners and families, many of Kaua'i's state highways have been impacted with illegal and haphazard parking by visitors. A fine for parking or otherwise obstructing the state highway with a vehicle, and which part of the fine funds the enforcement efforts of the Kaua'i Police Department in monitoring these areas will improve the use and safety our roads for our residents and visitors.

Thank you for your consideration.



**COUNTY COUNCIL**

Arryl Kaneshiro, Chair  
Ross Kagawa, Vice Chair  
Arthur Brun  
Mason K. Chock  
Felicia Cowden  
Luke A. Evslin  
KipuKai Kualii



**OFFICE OF THE COUNTY CLERK**

Jade K. Fountain-Tanigawa, County Clerk  
Scott K. Sato, Deputy County Clerk

Telephone: (808) 241-4188  
Facsimile: (808) 241-6349  
E-mail: cokcouncil@kauai.gov

**Council Services Division**  
4396 Rice Street, Suite 209  
Lihu'e, Kaua'i, Hawaii 96766

April 1, 2019

TESTIMONY OF LUKE A. EVSLIN  
COUNCILMEMBER, KAUAI COUNTY COUNCIL  
ON  
HB 333, HD1, SD1, RELATING TO  
THE STATE HIGHWAY ENFORCEMENT PROGRAM  
Senate Committee on Ways and Means  
Wednesday, April 3, 2019  
10:00 a.m.  
Conference Room 211

Dear Chair Dela Cruz and Members of the Committee:

Thank you for this opportunity to provide testimony in support of HB 333, HD1, SD1, Relating to the State Highway Enforcement Program. My testimony is submitted in my individual capacity as a Member of the Kaua'i County Council.

Thank you for your consideration of HB 333, HD1, SD1. Here on Kaua'i, we have struggled for years to curb illegal parking near the Hā'ena State Park. Prior to the flood, the highway has been dangerously lined with cars with a constant stream of visitors walking along the roadway to get to Kē'e Beach. Already facing severe staff shortages, the Kaua'i Police Department has to maintain a steady presence at the end of the road just to spend their days ticketing rental cars, which costs the county significant amounts in overtime pay and results in less police presence in other parts of the island. Yet, the \$30 ticket is seen by many to simply be the cost of going to the beach. So we are faced with having to put county resources into parking enforcement at a state park, which actions do not deter illegal parking and takes away from other county services. This problem will only be magnified once the road re-opens in April, because presumably thousands of tourists will be turned away from Hā'ena State Park in search of another place to park so that they can access the beach. Not only does the price of the ticket have to increase, but the counties should be able to share in the revenue generation in order to help fund and enforce increased parking restrictions in the area.

Thank you again for this opportunity to provide testimony in support of HB 333, HD1, SD1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188.

Sincerely,

LUKE A. EVSLIN  
Councilmember, Kaua'i County Council

AMK:mn

# TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Parking Violation Surcharge

BILL NUMBER: HB 333, SD-1

INTRODUCED BY: Senate Committees on Public Safety, Intergovernmental & Military Affairs, and 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.

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.

Adds two new sections to chapter 291C, HRS, to establish the state highway enforcement program and fund respectively. The \$150 surcharge described above shall be deposited into the state highway enforcement program fund. 20% 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 80% shall be distributed to the counties from which the surcharge was collected and shall be used to enforce illegal parking violations under state law (section 291C-111(c), HRS).

EFFECTIVE DATE: July 1, 2051.

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 3/29/2019



**HB-333-SD-1**

Submitted on: 4/1/2019 5:02:05 PM

Testimony for JDC on 4/3/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Laura Richards	Testifying for Hanalei Colony Resort	Support	No

Comments:

To Whom It May Concern,

I am submitting my support for Bill HB333 regarding increase in Parking Fines on behalf of Hanalei Colony Resort.

As a 35 year resident of the Wainiha/Haena area and the GM for Hanalei Colony for 30 years it is apparant of a need for increased fines to deter residents and guest from Parking in No parking zones. It is apparent that people are willing to easily pay a \$35 fine and park in areas that are unsafe and obstruct. property . This is a fragile infrasturcture that must be protected.

Mahalo, Laura Richards

**HB-333-SD-1**

Submitted on: 3/29/2019 4:06:11 PM

Testimony for JDC on 4/3/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carrice	Individual	Support	No

Comments:

**RE: HB333 HD1 SD1**

Dear Members of the Senate Committee on Judiciary and Senate Committee on Ways and Means,

Thank you for hearing HB333. I strongly support this measure as a tool which will help to improve the safety of our roads on Kauai's North Shore. In the last 5-10 years, excessive illegal parking along Ha'ena and Ke'e beach parks has encroached on our two-lane highway, making it difficult for vehicles to navigate the road and at times hindered emergency response. This traffic and safety issue has increased significantly over the years due to the increasing popularity of Ha'ena State Park as a major visitor destination, and resulted in visitors parking in areas that they do not belong. The current fines for violations have done nothing or very little to discourage illegal parking.

HB333 would help us to manage the issue of too many cars parked on and along our north shore highway by creating a State Highway Enforcement Program and deter illegal parking by increasing the cost of violations. Over the past year, 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 Ha'ena State Park. Much thought has gone into the development of this bill by Rep. Nakamura and includes feedback from various State, County and community representatives. HB333 would importantly create a new revenue stream that could be shared by the State and Counties and allow them to effectively address this escalating problem. -This could make all the difference in getting much needed enforcement assistance from our County Police Department which has limited staffing resources.

Please support HB333 and help solve Kauai's north shore parking issues. Thank you for your time.

Mahalo and aloha,  
Carrice Gardner



**HB-333-SD-1**

Submitted on: 3/31/2019 10:49:16 PM

Testimony for JDC on 4/3/2019 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Imperato	Individual	Support	No

Comments:

Aloha,

I **strongly support** HB 333 HD1 SD1 and urge you to vote **YES** on the bill.

It is a fact that the current level of penalties is far too low to dissuade the many people who park illegally and dangerously on highways, particularly on the north shore of Kauai.

It is also a fact that the Kauai Police Department does not have the financial or staff resources to give sufficiently and credibly enforce against illegal parking, particularly on highways on the north shore of Kauai.

HB 333 HD1 SD1 is a practical, common sense solution to this problem. The bill would enable the penalty for dangerous illegal parking to be increased to a level that would provide true deterrence to those who currently openly disregard the law. And it would provide a revenue stream to enable a sufficient level of local law enforcement to make that deterrent credible.

It is difficult to see why there should be any opposition to a measure that would simply enable more-effective enforcement of laws that are already on the books.

Please vote **YES** on this measure.

Thank you,

Carl Imperato

P.O. Box 1102

Hanalei HI 96714

**HB-333-SD-1**

Submitted on: 3/31/2019 11:02:45 PM

Testimony for JDC on 4/3/2019 10:00:00 AM

<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 WAYS AND MEANS and the COMMITTEE ON JUDICIARY:

I strongly support HB 333, HD1, SD1 and hope you will empower our State and Counties with 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. I challenge each of you to take the time to understand the issues that small rural communities like Haena, Kauai face due to the onslaught of more and more visitors each year. We are now facing a crisis situation that has rendered our road unsafe and at times unusable. A primary driver of this problem is the low cost of a parking citation – which at \$35 is of no consequence to the visitors who view this as the cost of a day at the beach or on the NÄ• pali coast. We need a new tool in our tool box and HB 333, HD1, SD1 will give us that new “tool”.

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 have collectively worked to create a new No Parking along Kuhio Highway but when the road reopens this summer we are facing the fact that this new No Parking area will be ineffective because the fines are so low and there is a 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 HB 333, HD1, SD1 and 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

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

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

Submitted to the  
Senate Committee on Judiciary  
and the  
Senate Committee on Ways and Means  
10 am, April 3, 2019 Hearing in Conference Room 211

I oppose HB 333, HD 1, SD 1. It is ridiculous to:

- authorize larger fines for parking violations than for moving violations on state highways.
- require much larger fines for parking violations on parts of literally dozens of urban streets which are under DOT jurisdiction than on other parts of the same urban streets which are under county jurisdiction. (By way of illustration, what is the rationale for imposing much larger fines for parking violations on the part of Liliha Street under DOT jurisdiction than on any other part of Liliha Street?)
- require much larger fines for parking violations on rural state highways than on highly congested urban streets.

Moreover, it should NOT be state policy to routinely 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, SD 1.

Thank you for the opportunity to present my concerns.

**HB-333-SD-1**

Submitted on: 4/1/2019 3:00:07 PM

Testimony for JDC on 4/3/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joseph Kuharic	Individual	Support	No

Comments:

Member of the House Finance Committee,

I am writing to voice my support of HB333. Parking and congestion of visitor vehicles has been an ongoing and escalating problem in our community in Haena and Wainiha for years. The road reopening will likely only further impact our residents and our fragile aina.

Please vote "YES" on HB 333.

Mahalo,

Joseph Kuharic