

# OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHILIG, MANAGING DIRECTOR

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## Testimony of Michael A. Dahilig Managing Director, County of Kauai

Before the  
**House Committee on Judiciary & Hawaiian Affairs**  
February 10, 2021; 2:00 p.m.  
Conference Room 325

In consideration of  
**House Bill 601 HD1**  
**Relating to the Traffic Code**

Honorable Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee:

The County of Kaua'i **strongly supports** HB 601 HD1 which amends the statewide traffic code to allow for the chairperson of the BLNR and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations.

During non-pandemic times, our state and county parks and beaches are overwhelmed with residents and visitors alike. Often parking restrictions or regulations are not in place or are ignored by people eager to enjoy our great outdoors whether it be our beautiful hiking trails or sandy beaches. With this, cars are often left dangerously parked on our state highways and county roads.

With a shortage in police officers in our Kaua'i Police Department and on police forces across our islands, we are challenged with addressing these parking violations. By adding capacity with designated state, city and county employees' ability to cite cars parked or stopped in violation of state traffic laws, we may tackle and deter these behaviors.

We are grateful for the assistance the Legislature has provided thus far in protecting resource areas that are heavily impacted by tourism, and appreciate this next step in providing the needed tools to adequately manage and protect our sensitive places while addressing community safety.

Thank you for your consideration in passing this measure.

**HB-601-HD-1**

Submitted on: 2/8/2021 3:11:37 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chipper Wichman	National Tropical Botanical Garden	Support	No

Comments:

Dear Rep. Mark M. Nakashima, Chair; Rep. Scot Z. Matayoshi, Vice Chair and members of the Committee on Judiciary & Hawaiian Affairs:

I am STONGLY in support of HB 601(Meter maid Bill) as it will provide new tools to help our community deal with the excessive number of cars whose drivers completely disregard the no parking zones set up to ensure the safety of the public and help manage visitor numbers in our community. I am testifying today as the President of the National Tropical Botanical Garden which operates four botanical gardens in Hawaii including two that are heavily impacted by illegally parked cars. Limahuli Garden and Preserve located on the north shore of Kauai is located immediately adjacent to HÄ• 'ena State Park and has been very involved (as I have been personally) with establishing the No Parking Zones in HÄ• 'ena to help manage the thousands of visitors that overwhelm our community every day.

While our situation maybe a great example, we are not the only community dealing with this. The number of tourists who visit State parks, trails, and scenic areas has increased steadily, resulting in visitors parking illegally on State highways in many remote areas around the State. Unlike the State Airport and Harbor Divisions, the Highway division does not have an enforcement branch. City and County police departments provide needed enforcement in special no stopping, standing, or parking zones along State highways. Due to the shortage of police officers throughout the State, the State and City and Counties would like the flexibility of assigning other state and city and county employees to cite illegally parked cars in designated special no stopping, standing, or parking zones along State Highways. This bill will ultimately improve safety for all highway users and pedestrians and minimize negative impacts of illegally parked cars to surrounding neighborhoods.

I know that DOCARE has some concerns about this bill but I was part of a working group that met for over one year (2018-2019) following the April 2018 flood even on Kauai with both DOCARE and KPD and they supported the idea of judiciously using properly trained citizens (ideally State or County employees) to help enforce parking violations. There are just not enough enforcement officers in KPD or DOCARE to every be able to regularly enforce the illegal parking that continues to occur in our community.

Furthermore, an important lesson we have learned as a nation over the past year is that enforcement officers need to build deeper relationships with the communities that they serve. HB601 will go a long way toward building a deeper trusting relationship with both DOCARE and KPD officers which will benefit both our community and these over taxed agencies.

Mahalo for your support of HB601 it will make a huge difference!!!!

Chipper Wichman, Ph.D., FLS, President  
NATIONAL TROPICAL BOTANICAL GARDEN

The mission of the National Tropical Botanical Garden is to enrich life through discovery, scientific research, conservation, and education by perpetuating the survival of plants, ecosystems, and cultural knowledge of tropical regions.

**HB-601-HD-1**

Submitted on: 2/8/2021 5:16:57 PM

Testimony for JHA on 2/10/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carl Imperato	Individual	Support	No

Comments:

I strongly urge you to support HB 601.

Illegal parking has for a long time created serious congestion and safety problems on Kauai's north shore. The well-known lack of a sufficient number of police officers to enforce parking regulations further encourages drivers to ignore parking regulations, secure in the knowledge that it is very unlikely that they will be cited.

By enabling qualified parties other than police officers to issue citations, HB 601 would help to restore credibility to the state's parking regulations, increase compliance with those regulations, and reduce congestion and increase safety along the affected highways and roads.

It is crystal clear that there is a great need for this long-overdue legislation, that its passage would be in the public interest, and that there can only be benefits (and no harms) if this legislation is passed. Therefore, if there are any logistical matters or implementation that need to be worked out, they can certainly be dealt with after this legislation is approved.

For these reasons, please vote in favor of HB 601.

**HB-601-HD-1**

Submitted on: 2/9/2021 1:20:20 PM

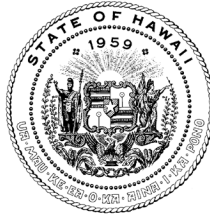
Testimony for JHA on 2/10/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alan Carpenter	DLNR	Comments	No

Comments:

I am available for comments on HB601. Please allow me Zoom access. Thank you!

DAVID Y. IGE  
GOVERNOR OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
JUDICIARY & HAWAIIAN AFFAIRS**

**Wednesday, February 10, 2021  
2:00 PM**

**State Capitol, Via Video Conference, Conference Room 325**

**In consideration of  
HOUSE BILL 601, HOUSE DRAFT 1  
RELATING TO THE TRAFFIC CODE**

House Bill 60, House Draft 1, proposes to amend the statewide traffic code to allow for the Chairperson of Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure.**

The number of visitors who visit State parks, trails, and scenic areas has increased steadily, resulting in visitors parking illegally on State highways in remote areas. This impacts not only those areas, but also adjacent communities, private lands, and road corridors servicing these attractions. Unlike the State Airport and Harbor Divisions of the Department of Transportation, the Highway Division does not have an enforcement branch.

The Department acknowledges the potential benefits of this bill including the improvement of safety for all highway users and pedestrians and the reduction of illegally parked cars to surrounding neighborhoods and off-limits areas. It may also free law enforcement officers to address criminal and resource violations deemed more critical than simple parking infractions.

As requested by the House Committee on Water and Land, the Department has reached out to the County Police Departments to coordinate and learn their positions on this measure. At the current time, the responses from the Maui, Honolulu and Kauai Police Departments are pending. We have been informed the Hawaii Police Department is monitoring this bill and has not determined whether it will take a position at this time.

The Department continues to have concerns pertaining to the appropriateness of the delegating the Board of Land and Natural Resources' police powers to non-law enforcement employees and contract vendors to take enforcement action of parking and traffic violations, both in and outside of DLNR's jurisdiction.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

As the Department has not used the Board's police powers in this manner before, we are concerned of liability and other legal issues which may be involved. We believe the Department is not the appropriate agency to address parking and traffic problems in areas outside of its management and control, such as on State Highways and other public thoroughfares.

Thank you for the opportunity to comment on this measure.



## HAWAII GOVERNMENT EMPLOYEES ASSOCIATION

AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii  
House of Representatives  
Committee on Judiciary & Hawaiian Affairs

Testimony by  
Hawaii Government Employees Association

February 10, 2021

### H.B. 601, H.D. 1 – RELATING TO THE TRAFFIC CODE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes H.B. 601, H.D.1 which amends the statewide traffic code to allow for the chairperson of the Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations. This is not a daily function for positions outside of law enforcement and designating this task to other state or county employees significantly impacts an employee's condition of employment, and the terms must be negotiated and mutually agreed upon. It also raises issues of liability for affected employees and jurisdictions.

Furthermore, contracting out this function which has customarily and historically been performed by civil service employees contradicts Chapter 76 – Civil Service Law. Government employees, specifically law enforcement officers hired through the civil service process, have been trained and possess the skill set to enforce and address violations in accordance with law.

Thank you for the opportunity to testify on H.B. 601, H.D.1.

Respectfully submitted,

Randy Perreira  
Executive Director



**HB-601-HD-1**

Submitted on: 2/9/2021 4:47:37 PM

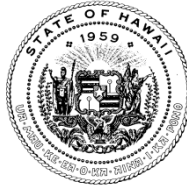
Testimony for JHA on 2/10/2021 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jason Redulla	DLNR	Comments	No

Comments:

I am available for comments on HB601. Please allow me Zoom access. Thank you!

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

February 10, 2021  
2:00 P.M.  
State Capitol, Teleconference

**H.B. 601 H.D. 1**  
**RELATING TO THE TRAFFIC CODE**

House Committee on Judiciary & Hawaiian Affairs

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The Department of Transportation (DOT) **supports** H.B. 601 H.D. 1 which proposes to amend the statewide traffic code to allow for the Chairperson of Board of Land and Natural Resources and County Chiefs of Police to designate state or county employees or contractors to issue citations for traffic violations.

Certain locations on the State Highway system are located in the vicinity of recreation areas which are attractions to residents and visitors alike. Many of these attractions lack adequate facilities to accommodate the often-heavy demand for parking, and as a result, vehicles are often parked along the State highway in locations which result in hazards to pedestrians, cyclists and motorists. In response, DOT has coordinated with local law enforcement in the establishment of No Parking zones to address these hazards. While local law enforcement has played a significant role in supporting the No Parking zones by issuing citations, resources are limited such that regular enforcement of the No Parking zones is not feasible. H.B. 601 H.D. 1 provides an opportunity for additional manpower to issue parking citations in these areas, which will enhance the safety of the State Highways for all users.

Thank you for the opportunity to provide testimony.