

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

HOUSE COMMITTEE ON TRANSPORTATION
Friday, March 19, 2021, 10:30 am, State Capitol Room 423

Testimony in Support of
HCR 125 AND HR 101

SUPPORTING ANY PROJECT, PERMIT, OR APPROVAL THAT IMPROVES PEDESTRIAN AND TRAFFIC SAFETY WHILE RETAINING PUBLIC PARKING AT LANIAKEA BEACH.

Chair Aquino and Committee Members:

I agree with HCR 125 and HR 101. I support any project which will make it safer for the public to park near and/or walk to Laniakea Beach. And I strongly oppose any project which would close all public parking at Laniakea Beach for a multi-year period.

Oahu residents and tourists park on City property mauka of the highway in order to surf, swim, fish, watch turtles, pick limu, picnic, and otherwise enjoy Laniakea Beach. There is no space to safely park makai of the highway. Without public parking, most Oahu residents could never visit Laniakea Beach. That includes me.

Lack of regulation, lack of improvements, and drivers who “rubberneck” to look at the ocean all contribute to highway safety problems and traffic congestion at Laniakea Beach. Either the City or the DOT could regulate vehicular and pedestrian access between the highway and City property. Neither does. No one knows whether September 2020 amendments to City park rules will deter commercial tour companies which prior to the pandemic unloaded thousands of tourists on City property to visit Laniakea Beach. There is no fence, curb, or other barrier on either City property or the highway to limit either vehicular or pedestrian highway access from City property. And there is no turn-lane, marked crosswalk, pedestrian-activated stop light, or pedestrian median refuge in the 2-lane highway.

There have been numerous appropriations which the DOT could have used for safety improvements or highway realignment at Laniakea Beach. However, the DOT has used these appropriations for other purposes. Act 49, Session Laws of Hawaii 2017, SUB201 appropriated \$13 million of general obligation bonds which the City could have used for pedestrian safety improvements at Laniakea Beach. However, the City did not request allotment of funds and the appropriation lapsed.

Improvements to make it safer for the public to park near and/or walk to Laniakea Beach will implement the following statutory Coastal Zone Management (CZM) policies. Unnecessarily closing public parking will conflict with these CZM policies.

§205A-2 Coastal zone management ... policies. ...

§205A-2(c)(1)(B)(iii) Providing and managing adequate public access ... to ... shorelines with recreational value ...

§205A-2(c)(1)(B)(v) Ensuring public recreational uses of ... shoreline lands and waters having recreational value ...

§205A-2(c)(7)(A) Use, implement, and enforce existing law effectively to the maximum extent possible in managing present and future coastal zone development ...

§205A-2(c)(9)(C) Minimize the construction of public ... structures ... at sites having sandy beaches and at sites where ... structures interfere with existing recreational and waterline activities

No one wants another lawsuit. But if an agency project, permit, or approval closes all public parking at Laniakea Beach for an indefinite multi-year period, I think there will be a lawsuit under §205A-6(a), Hawaii Revised Statutes, which alleges agency non-compliance with §205A-4(b) and §205A-5(b), Hawaii Revised Statutes.

§205A-4(b) The ... policies of this chapter ... shall be binding upon actions within the coastal zone management area by all agencies....

§205A-5(b) All agencies shall enforce the ... policies of this chapter....

§205A-6(a) Subject to chapters 661 and 662, any person ... may commence a civil action alleging that any agency ... Is not in compliance with one or more of the ... policies ... provided ... by this chapter....

(c) A court ... shall have jurisdiction to provide any relief as may be appropriate, including a temporary restraining order or preliminary injunction....

Thank you for the opportunity to submit testimony.