

STAND. COM. REP. NO.

2658

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2603  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2022  
State of Hawaii

Sir:

Your Committees on Transportation and Government Operations,  
to which was referred S.B. No. 2603 entitled:

"A BILL FOR AN ACT RELATING TO TELECOMMUNICATIONS  
FACILITIES,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow the Department of Transportation to install and lease or contract to install and lease telecommunication facilities;
- (2) Allow longitudinal access to the right-of-way of a highway for installation, operation, and maintenance of these telecommunication facilities;
- (3) Authorize the Director of Transportation to offer a broadband service provider use of and access to its spare conduits and related telecommunication facilities under special conditions;
- (4) Grant a property owner the right of just compensation from the Department of Transportation or the broadband provider for any decrease in land value from the expanded use of an existing easement to install or operate a telecommunication facility; and



- (5) Establish the smart highway corridor special fund.

Your Committees received comments on this measure from the Department of Transportation, Department of the Attorney General, Department of Budget and Finance, and State Procurement Office.

Your Committees find that it is necessary to have greater flexibility and direction in telecommunication facility and infrastructure installation. Therefore, this measure sets rules for the construction, funding, and management of telecommunication facilities including leasing the areas above or below state highways for construction. This measure also allows other entities to use state telecommunication facilities in exchange for moneys that shall be deposited in the smart highway corridor special fund, which shall help to offset the cost of the original construction, installation, and maintenance of the telecommunication facilities.


Your Committees have amended this measure by:

- (1) Specifying that chapter 206N, Hawaii Revised Statutes, applies to the activities of a provider of telecommunication facilities;
- (2) Clarifying that the Director of Transportation may lease highway rights of way above or below state highways for telecommunication purposes only;
- (3) Inserting an effective date of January 1, 2050, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2603, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2603, S.D. 1, and be referred to your Committee on Ways and Means.



Respectfully submitted on  
behalf of the members of the  
Committees on Transportation  
and Government Operations,



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SHARON MORIWAKI, Chair



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CHRIS LEE, Chair





The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Government Operations**  
**GVO**

Bill / Resolution No.:* <b>SB2603</b>	Committee Referral: <b>TRS / GVO, WAM</b>	Date: <b>02 / 10 / 22</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
MORIWAKI, Sharon Y. (C)	X			
DELA CRUZ, Donovan M. (VC)	X			
CHANG, Stanley	X			
GABBARD, Mike				X
FEVELLA, Kurt		X		
<b>TOTAL</b>	<b>3</b>	<b>1</b>		<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes