



March 24, 2023

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON JUDICIARY
ON SB 1173 SD1 HD1 RELATING TO VEHICLES**

Aloha Chair Tarnas and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 350 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association supports this bill as written.

The House Transportation Committee's amendments addresses the crux of the problem in lines 7-13:

7 when
8 modifications to a vehicle's parts are adjusted to bypass
9 pollution controls, or the vehicle is equipped with "defeat
10 devices", including electronic programmers or tuners to adjust
11 fuel and timing settings while also turning off certain emission
12 controls that are designed to inhibit the release of visible
13 exhaust.

Prior to the amendments our concern was the bill's penalty for the INTENTIONAL release of exhaust emissions. Although commercial vehicles are not equipped with systems to enable the intentional release of exhaust nor the ability to even aim said exhaust at a target, we could not see how enforcement would determine intent.

Commercial vehicles would have been subject to the \$500 fine every time they move from a stopped position. Guarding against the potential impact of such a judgement call offense would insanely increase the cost of delivering EVERYTHING residents and visitors consume.

The HD1 amendment makes clear the situations that create the problem, clearly defines when a violation exists, and removes the uncertainty of a fine, and ensuing price increases to cover the uncertainty..

Thus we support SB1173 SD1 HD1 as written.

Mahalo.



ADDRESS
3442 Waiialae Ave., Suite 1
Honolulu, HI 96816

PHONE
808-735-5756

EMAIL
bicycle@hbl.org

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS
Friday, March 24, 2023 – 2:00PM

Hawai'i Bicycling League Supports SB1173 SD1 HD1, relating to vehicles

Aloha Chair Tarnas, Vice Chair tTakayama, and Committee Members,

My name is Travis Counsell, and I am the Executive Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

Hawai'i Bicycling League supports SB1173 SD1 HD1, which prohibits a person from causing a diesel or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle and establishes a \$500 fine for violators.

While much of the previous testimony has been focused on commercial drivers, the intention of this bill is to prohibit the act of "coal rolling" or where a large privately owned truck has modified their exhaust to discharge a large amount of smoke/soot. The action is often used to harass people walking or biking, as well as people driving a vehicle viewed as more environmentally friendly. I have full faith that commercial drivers are not doing this action and that this bill would not impact their ability to drive or add any cost to their business. HD1 inserts language to exclude certain events and operators from this fine and clarifies the intention is to outlaw intentional acts of "coal rolling", not to fine operators under normal circumstances.

I have personally been passed while riding a bicycle by a large diesel truck who intentionally blew soot/smoke on me as they passed. I could tell this was intention by the fact that their brake lights were illuminated while their engine was revving, to pass in a manner that maximized the impact of this smoke. This is not only dangerous, but also unhealthy for the person experiencing it as well as the environment. This action must be specifically outlawed.

Mahalo for the opportunity to provide testimony. Please support **SB1173 SD2 HD1** and help create safer streets for people who bike and walk.

Ride Aloha,

Travis L. Counsell
Executive Director
Hawai'i Bicycling League

SB-1173-HD-1

Submitted on: 3/23/2023 1:59:36 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Nancy Jones	Hydroponics Alternatives LLC	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Honorable Committee Members:

I present this testimony to SUPPORT of SB1173, SD1, HD1—as amended, but with date changes— which would: 1) prohibit a person from causing a diesel or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle; and 2) establish a \$500 fine for violators.

My husband is both a former long-haul trucker who hauled California produce to Florida and the East Coast AND Florida orange juice to the West Coast 2-3 times per week AND a former certified Cummins engine mechanic, who worked on trucks for almost 50 years of his life. Clearly, proper engine-fuel-injector maintenance on trucks, buses, and other commercial vehicles, can EASILY prevent these emissions from occurring. So, a penalty for NOT maintaining vehicles – private commercial, City and/or State – of \$500 is justifiable for violators. A second offense should result in “red-tagging the vehicle” at the roadside to prevent drivers/companies from getting away from this offense twice. In addition, the company or vehicle-owner should be fined – NOT the driver – as the driver has no control over which vehicle he/she drives. The onus is on the vehicle OWNER to place a safe vehicle on the road. Additionally, any \$500 fine imposed should also be tied to any State licensing renewals.

For all of the above reasons, and in order to improve our air quality, I urge your Committee to please pass SB1173, SD1, HD1 – and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/2024 as ALL of us who use Hawai`i’s federal/state/city roadways share an interest in eliminating these emissions problems as soon as possible.

Mahalo for this opportunity to present this testimony supporting SB1173, SD1, HD1.

Nancy Jones

Hydroponics Alternatives LLC

PO Box 1472, Wai`anae, HI 96792 / Email: nancyhydroalt@gmail.com

SB-1173-HD-1

Submitted on: 3/23/2023 10:56:01 AM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bob Bengtson	Individual	Support	Written Testimony Only

Comments:

I am submitting testimony in support of SB1173 SD1 HD1 which is intended to outlaw and establish a fine for the malicious act of “rolling coal” or where a person intentionally discharges visible soot/smoke on to an individual or motor vehicle. I have personally been subjected to this malicious act several times here on Oahu. The act of rolling coal is harmful to the health of the person walking or biking and is dangerous for all road users and emits unnecessary amounts of exhaust. According to the Sierra Club, a vehicle “rolling coal” can produce 40 to 100 times the emissions of a standard vehicle. I also think that in addition to the fine for the act of rolling coal there should an additional fine if the violator has intentionally modified the emissions system of their vehicle.

SB-1173-HD-1

Submitted on: 3/23/2023 1:03:37 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB1173

SB-1173-HD-1

Submitted on: 3/23/2023 1:05:14 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kanoë Willis	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE SB1173

SB-1173-HD-1

Submitted on: 3/23/2023 1:50:24 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Zeb Jones	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and Honorable Committee Members:

I present this testimony to SUPPORT of SB1173, SD1, HD1—as amended, but with date changes— which would: 1) prohibit a person from causing a diesel or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle; and 2) establish a \$500 fine for violators.

Since 1989, I have witnessed first-hand, the expansion of the Hawai`i highway system between the Leeward Coast and East Honolulu and the countless commercial vehicles flagrantly spewing smoke, soot or other such needless emissions into the air and reducing our Leeward Coast air quality. As mentioned before, I am a former long-haul trucker who hauled California produce to Florida and the East Coast AND Florida orange juice to the West Coast 2-3 times per week to pay for land in Hawai`i to farm and I firmly support this bill. I am ALSO a former certified Cummins engine mechanic and worked on trucks for almost 50 years of my life – I was born in a long-haul truck, too. Proper engine-fuel-injector maintenance on trucks, buses, and other commercial vehicles, can EASILY prevent these emissions from occurring. So, a penalty for NOT maintaining vehicles – private commercial, City and/or State – of \$500 is justifiable for violators. A second offense should result in “red-tagging the vehicle” at the roadside to prevent drivers/companies from getting away from this offense twice. In addition, the company or vehicle-owner should be fined – NOT the driver – as the driver has no control over which vehicle he/she drives. It’s the vehicle’s OWNER'S responsibility to place a safe vehicle on the road. Finally, any \$500 fine imposed should also be tied to any State licensing renewals.

For all of the above reasons, and in order to improve our air quality, I urge your Committee to please pass SB1173, SD1, HD1 – and to please change the effective date to ideally 07/01/2023, BUT not later than 07/01/2024 as ALL of us who use Hawai`i’s federal/state/city roadways share an interest in eliminating these emissions problems as soon as possible.

Mahalo for this opportunity to present this testimony supporting SB1173, SD1, HD1.

Zeb Jones

PO Box 1462/ Wai`anae, HI 96792 / Email: zebbe3442@gmail.com

SB-1173-HD-1

Submitted on: 3/23/2023 2:39:27 PM

Testimony for JHA on 3/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Christopher Tipton	Individual	Support	Written Testimony Only

Comments:

I urge the passage of SB1173. Motor vehicles already produce enough outputs harmful to society - exhaust, noise, and bodily injury - without needing to make more pollution.