



March 1, 2022

**TESTIMONY BEFORE THE JOINT SENATE COMMITTEES ON
COMMERCE & CONSUMER PROTECTION, AND ON JUDICIARY
ON SB 2749 SD1 RELATING TO NOISE**

Aloha Chair Baker, Chair Rhoads, and committee members. I am Gareth Sakakida Managing Director of the Hawaii Transportation Association (HTA) with over 350 members involved with the commercial ground transportation industry.

HTA opposes this bill. The bulk of activity during the early morning hours involves food distribution. This is so product is available when schools, supermarkets, stores, restaurants, etc. open for business.

In the case of schools, cafeteria managers accept deliveries and request them in the dark hours of the morning since they are focused on preparing breakfasts hours before students arrive on campus. Breakfast clean up and lunch preparation locks in their attention throughout the day.

Supermarkets want fresh deliveries before customers arrive in the morning. Many food purveyors also serve as merchandisers who stock the shelves and stage products on the floor. This takes place while the store is still closed because of the volume of activity.

Hotel and restaurant operations demand top quality, fresh produce. Delivery times directly affect the quality and freshness of perishable products, so delivery even the night before is not acceptable. Our clients have their staffs on hand very early in the morning to receive deliveries, QC product, load their refrigerators, and start prepping for food service.

Making deliveries when establishments are open creates a great deal of congestion in the parking lots and within the establishments themselves. It is extremely difficult to maneuver tractor trailers in conflict with customers' vehicles, especially when backing into loading docks. Many establishments stop accepting deliveries before noon. There are not enough trucks or drivers in the state to service those establishments in five hours.

Trucks begin moving out from Campbell through Pearl City from 4:00 a.m. on delivery runs to stay out of the peak morning commuter traffic. If deliveries cannot begin until 7:00 a.m. then you will get to see hundreds of trucks entering the traffic stream from 6:00 a.m.

Congestion, whether on the roads or within parking lots are prime environments for vehicular conflict. Concentrating more delivery vehicles within those environments increases conflicts and the probability of accidents.

Mahalo.



Greg Maples, Chairman – Polynesian Cultural Center **Ryan Tanaka, Incoming Chair**- Giovanni Pastrami

Ave Kwok, Vice Chair- Jade Dynasty **Tambara Garrick, Secretary** – Hawaii Farm Project

Kahili Soon, Treasurer – Hukilau Marketplace **Tom Jones, Past Chair** – Gyotaku

Sheryl Matsuoka, Executive Director **Chivon Garcia**, Executive Assistant **Holly Kessler**, Director of Membership Relations

Date: February 26, 2022

To: Sen. Rosalyn H. Baker, Chair
Sen. Stanley Chang, Vice Chair
Members of Committee on Commerce and Consumer Protection

Sen. Karl Rhoads, Chair
Sen. Jarrett Keohokalole, Vice Chair
Members of Committee on Judiciary

From: Victor Lim, Legislative Lead

Subj: SB 2749, SD1 Relating to Noise

The Hawaii Restaurant Association representing 3,400 restaurants here in Hawaii opposes SB 2749, SD1 that will prohibit commercial vehicles from making pickups from, or deliveries to, business establishments between the hours of 10 pm and 7 am on any given day.

Currently many of our restaurants and many other businesses get their deliveries to replenish their stocks at night because it is the best time. The majority of these big delivery trucks are not on the roads during the morning and afternoon rush hours causing our existing congested roads worse. Here in Honolulu, this bill will increase everyone's travel time because more vehicles are on the roads during our morning and afternoon rush hours. The probability of increasing accidents will also rise as more vehicles (commercial and personal) will be on the roads at the same times. On the commercial side, the extra time needed to do deliveries will also mean additional costs for everyone.

We ask that you hold this bill for all the negative consequences it will cause here. Thank you for this opportunity to testify.





**TESTIMONY OF TINA YAMAKI, PRESIDENT
RETAIL MERCHANTS OF HAWAII
MARCH 1, 2022
Re: SB 2749 SD1 RELATING TO NOISE.**

Good morning, Chairperson Baker and Chairperson Rhoads and members of Senate Committee on Commerce and Consumer Affairs and the Senate Committee on Judiciary. I am Tina Yamaki, President of the Retail Merchants of Hawaii and I appreciate this opportunity to testify.

The Retail Merchants of Hawaii was founded in 1901, RMH is a statewide, not for profit trade organization committed to the growth and development of the retail industry in Hawaii. Our membership includes small mom & pop stores, large box stores, resellers, luxury retail, department stores, shopping malls, local, national, and international retailers, chains, and everyone in between.

We are opposed to SB 2749 SD1 Relating to Noise. This measure prohibits commercial vehicles from making pickups from, or deliveries to, business establishments during certain times of the day and within a certain proximity of single-family residences in the performance of the vehicles' pickup or delivery. Exempts commercial vehicles operating in response to an emergency. Establishes fines. Effective 1/1/2050.

Many town centers / community shopping centers are in and around single-family homes for convenience. Deliveries are often made at night when there is less traffic on the roads and businesses are less full of customers or at closing when the parking lots and street parking are more open and available if there is no loading dock. These include grocery and convenience stores, apparel stores, home improvement, electronic and more. Stores like to receive their products prior to the stores openings to restock their shelves before the customer arrives or when they are running low on products.

By limiting the times trucks are allowed to deliveries, trucking companies will have to choose between turning down work/contracts if they cannot make the delivery window or not be in compliance. We are all too aware that even scheduled deliveries are sometime off schedule – traffic, truck breaks down, taking longer to on or off load goods... **We don't want the truck drivers to rush their deliveries in an effort to avoid a penalty and/or cause an accident.**

We must also consider that some deliveries have inflexible time as certain goods have an expiration date and may need to be delivered within strict timeframes. This includes but is not limited to perishables delivered fresh in the morning for the customer on their way to work like pastries, spam musubi, bentos, and sandwiches.

In addition, deliveries are often not just drop the products and leave. Often the delivery person must wait for someone to verify the delivery order, before they can do an inventory count of what is left, re-stock the shelves, take away expiring products.

Furthermore, like many other industries there are a shortage of workers and that includes truck drivers. The routes that they drive are not just in one community but can be island wide in their deliveries. We also have stores that are open 24 hours for the convenience of customers – many whom work early or late shifts.

We ask that you please hold this measure.

Mahalo again for this opportunity to testify.



Hawaii Foodservice Alliance LLC, 2720 Waiwai Loop, Honolulu, HI 96819
Tel: 808.839.2004 ~ Fax: 808.839.2033 ~ HFA@HFAHawaii.com

February 28, 2022

TO: Committee on Consumer Protection & Judiciary
Chair Baker & Chair Rhoads

FROM: Chad Buck
CEO
Hawaii Foodservice Alliance LLC

RE: **OPPOSITION TO SB 2749 SD1** relating to delivery of food

Aloha,

Hawaii Foodservice Alliance (HFA) is the largest local supplier of perishable foods and logistics to Hawai'i's grocer, retail and club chains. HFA serves all islands and locations daily. **We STRONGLY OPPOSE SB 2749 SD1 related to restriction of food deliveries through the night and early morning hours.**

- **SB 2749 SD1 WILL RAISE THE PRICE OF FOOD ACROSS THE STATE.**
- **SB 2749 SD1 WILL MOVE HUNDREDS OF DELIVERY TRUCKS ON TO STATE HIGHWAYS AND ROAD SYSTEMS DURING RUSH HOUR AND THROUGHOUT THE DAY.**
- **SB 2749 SD1 WILL INCREASE THE NUMBER OF TRUCKS ON ALL ROADWAYS - AS DAY TRUCKS MAKE FEWER STOPS (DUE TO SLOW TRAFFIC) SO MORE TRUCKS WILL BE NEEDED.**

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Chad Buck", is written over a white background.

Chad Buck
Hawaii Foodservice Alliance LLC



**Written Testimony of
David Thorp, American Beverage Association
Before the
COMMITTEE ON COMMERCE AND CONSUMER PROTECTION
COMMITTEE ON JUDICIARY
Opposition of S.B. 2749, SD1: Relating to Noise
March 1, 2022**

Good morning Chair Baker, Vice Chair Chang; Chair Rhoads and Vice Chair Keohokalole and members of the committees. Thank you for the opportunity to comment in opposition of S.B. 2749, SD 1 – relating to noise.

I am David Thorp, Vice President, State Government Affairs West for the American Beverage Association (ABA). The American Beverage Association is the trade association representing the non-alcoholic beverage industry across the country and here in Hawaii.

Beverage industry’s local impact on Hawaii’s economy

The beverage industry is an important part of Hawaii’s economy – and one of the few remaining industries still manufacturing on the Islands. Unlike most consumer products, many of our beverages, aluminum cans and plastic bottles are manufactured and distributed in Hawaii by local workers.

Non-alcoholic beverage companies in Hawaii provide 1,200 good-paying jobs across the state. The industry helps to support thousands more workers in businesses that rely in part on beverage sales for their livelihoods and, such as grocery stores, restaurants and theaters.

The beverage industry and most commercial businesses make deliveries beginning in the early morning hours for many reasons including to help reduce traffic congestion during rush hour; many businesses want deliveries before customers arrive at their stores, and many restaurants demand delivery of perishable products before opening for the day. In addition, most commercial businesses are facing a shortage of truck drivers so limiting the hours available to make deliveries will further exasperate that problem.

Sincerely,

David Thorp

David Thorp
American Beverage Association
Vice President, State Government Affairs West



Testimony of Matson Navigation Company, Inc.
Opposition to SB2749, SD1
Before the Committees on Commerce and Consumer Protection and Judiciary
March 1, 2022

Dear Chair Baker, Chair Rhoads, Vice Chair Chang, Vice Chair Keohokalole, and Members of the Committees,

Matson Navigation Company, Inc. (Matson) respectfully opposes SB2749, SD1, which prohibits any commercial vehicle from making a pickup from or delivery to a business establishment between the hours of 10:00 p.m. and 7:00 a.m. if the vehicle passes within fifty feet of any single-family residence in the performance or delivery to the business establishment.

As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Matson's operations run twenty-four hours a day, seven days a week and our terminal is at full capacity. Prohibiting deliveries to and from business establishments at night would severely impact Matson's ability to out-gate and in-gate cargo on time and would likely lead to delays of goods to Hawaii's shelves as delivery trucks would be restricted to delivering the containers during daytime hours. This measure would also likely adversely impact our ability to sail our vessels on time because delivery trucks would be restricted to returning containers and chassis during daytime hours, which would cause additional shipping delays.

Furthermore, this measure will require truckers to haul containers to make deliveries *only* during the hours when our streets and highways are at their busiest and will cause increased congestion on our roadways.

Finally, we offer two questions of fairness for your Committees to consider:

- (1) Is it fair to prohibit a business currently relying on evening deliveries from accepting its nighttime deliveries if it existed on the property before a residence was built within the 50-foot proposed boundary?
- (2) If the noise pollution can have adverse impacts on the quality of life in communities, why does the measure specifically exclude from noise control measures our residents who are only able to afford to live in multiple-family residences such as apartment buildings?

Thank you for the opportunity to provide testimony.



1050 Bishop St. PMB 235 | Honolulu, HI 96813
P: 808-533-1292 | e: info@hawaiiifood.com

Executive Officers

Charlie Gustafson, Tamura Super Market, *Chair*
Eddie Asato, Pint Size Hawaii, *Vice Chair*
Gary Okimoto, Safeway, *Secretary/Treas.*
Lauren Zirbel, HFIA, *Executive Director*
John Schliff, Rainbow Sales and Marketing, *Advisor*
Stan Brown, Acosta Sales & Marketing, *Advisor*
Paul Kosasa, ABC Stores, *Advisor*
Derek Kurisu, KTA Superstores, *Advisor*
Toby Taniguchi, KTA Superstores, *Advisor*
Joe Carter, Coca-Cola Bottling of Hawaii, *Immediate Past Chair*

TO:
Committee on Commerce and Consumer Protection
Senator Rosalyn H. Baker, Chair
Senator Stanley Chang, Vice Chair

Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice Chair

LATE

FROM: HAWAII FOOD INDUSTRY ASSOCIATION
Lauren Zirbel, Executive Director

DATE: March 1, 2022
TIME: 10am
PLACE: Via Videoconference

RE: SB2749 SD1 Relating to Noise

Position: Oppose

The Hawaii Food Industry Association is comprised of two hundred member companies representing retailers, suppliers, producers, and distributors of food and beverage related products in the State of Hawaii.

HFIA is in opposition to this measure as it would dramatically restrict the movement of goods in our state. Commercial vehicles often perform pickups and deliveries outside of standard business hours for a variety of reasons. These vehicles and the businesses that rely on them run on tight schedules and being held up by rush hour commuter traffic would be bad for business. Forcing commercial vehicles to be part of rush hour traffic would also negatively impact commuters by unnecessarily adding large vehicles to the roads.

Commercial vehicles also run late at night or early in the morning in order to get fresh products to businesses and customers before they open. This measure will make it so our bakeries can't deliver fresh bread early in the morning, our restaurants can't get fresh produce before they open, and prevent everyone from getting their morning news papers. Those are just a few examples of the many ways that this measure would disrupt Hawaii business operations and Hawaii consumers access to things they want and need. For these reasons we ask that this measure be held and we thank you for the opportunity to testify.



Chamber of Commerce HAWAII

The Voice of Business

**Testimony to the House Committee on Commerce and Consumer Protection
Tuesday, March 1, 2022, at 10:00 A.M.
Via Videoconference**

RE: SB 2749 SD1 Relating to Noise

LATE

Chair Baker, Vice Chair Chang, and Members of the Committee:

The Chamber of Commerce Hawaii ("The Chamber") **opposes** SB 2749 SD1, which prohibits commercial vehicles from making pickups from, or deliveries to, business establishments during certain times of the day and within a certain proximity of single-family residences in the performance of the vehicles' pickup or delivery. Exempts commercial vehicles operating in response to an emergency.

The Chamber is Hawaii's leading statewide business advocacy organization, representing about 2,000+ businesses. Approximately 80% of our members are small businesses with less than 20 employees. As the "Voice of Business" in Hawaii, the organization works on behalf of members and the entire business community to improve the state's economic climate and to foster positive action on issues of common concern.

Several our Chamber members schedule deliveries at night to benefit the community as a whole and making it more convenient for members of the community to use roadways. By enacting this legislation, it would increase traffic throughout the state by having large delivery trucks traveling during the peak rush hour times. Also, this could also affect public safety by increasing traffic accidents and with the additional trucks on the road.

From a small-business perspective, the delivery costs will go up significantly if trucks are stuck in traffic and not delivering products at the same speed as they can during the night hours. Hawaii has seen supply chain issues negatively impact the economy the past few years. This bill would only further worsen the supply chain, with small business as well as the consumer suffering.

We ask that you hold this bill due to the traffic, safety, and added cost concerns for both small businesses and customers.

Thank you for the opportunity to testify.