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**Testimony of the Department of Commerce and Consumer Affairs**

**Before the  
Senate Committee on Agriculture and Environment  
and  
Senate Committee on Transportation  
Wednesday, February 10, 2021  
1:00 p.m.  
Via Videoconference**

**On the following measure:  
S.B. 32, RELATING TO INFRASTRUCTURE**

Chairs Gabbard and Lee and Members of the Committees:

My name is Dean Nishina, and I am the Executive Director of the Department of Commerce and Consumer Affairs' (Department) Division of Consumer Advocacy. The Department offers comments on this bill.

The purpose of this bill is to require public water or sewer utilities regulated by the Public Utilities Commission (Commission) to consider the disruption of transportation as a criterion in planning future maintenance.

The Department appreciates the Legislature's recognition of the importance of prioritizing the maintenance of utility infrastructure, and the Department recognizes that such maintenance can cause significant traffic congestion. However, public water and sewer utilities are not the only utilities with underground infrastructure. Installation, maintenance, and retirement of underground infrastructure, whether the utility is regulated by the Commission or is a municipal entity, can affect traffic and

transportation. In the past, certain Commission-regulated electric or telecommunications utilities sought approval for capital improvement projects that would potentially affect traffic. In those applications, the Department examined the utilities' efforts to mitigate traffic disruption and minimize roadwork, including by exploring possible coordination with other utilities that could perform underground infrastructure maintenance at the same time.

Before conducting any roadwork, utilities must make appropriate arrangements with the relevant county and/or state agencies that oversee the affected roads. Thus, the Department respectfully suggests that, rather than limiting the bill to only Commission-regulated water and sewer utilities, the bill should target agencies that have roadwork permit oversight, to improve coordination and minimize disruptions in traffic and transportation.

Thank you for the opportunity to testify on this bill.

TESTIMONY OF  
JAMES P. GRIFFIN, Ph.D.  
CHAIR, PUBLIC UTILITIES COMMISSION  
STATE OF HAWAII

TO THE  
SENATE COMMITTEES ON  
AGRICULTURE AND ENVIRONMENT  
AND  
TRANSPORTATION

February 10, 2021  
1:00 p.m.

Chair Gabbard, Chair Lee, and Members of the Committees:

**MEASURE:** S.B. No. 32

**TITLE:** RELATING TO INFRASTRUCTURE.

**DESCRIPTION:** Requires public water or sewer utilities to consider the disruption to transportation as a criterion in planning future maintenance.

**POSITION:**

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

**COMMENTS:**

The Commission supports this measure’s intent to limit the disruptions to traffic and transportation that arise from planned utility maintenance.

As written, this measure adds a new section to Chapter 269, Hawaii Revised Statutes, and would therefore only apply to public utilities that are regulated by the Commission. The Commission notes that its oversight covers approximately 39 small private water and wastewater utilities; however, the Commission does not have statutory oversight of municipal utilities. With this in mind, the Commission will follow this measure’s policy directive if it is enacted.

Thank you for the opportunity to testify on this measure.

## BOARD OF WATER SUPPLY

CITY AND COUNTY OF HONOLULU  
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February 10, 2021

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Manager and Chief Engineer

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Deputy Manager and Chief Engineer

The Honorable Mike Gabbard, Chair  
and Members  
Committee on Agriculture and Environment  
Hawaii State Capitol  
Honolulu, Hawaii 96813

The Honorable Chris Lee, Chair  
and Members  
Committee on Transportation  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Dear Chair Gabbard, Chair Lee, and Members:

Subject: Senate Bill No. 32, Relating to Infrastructure

The Honolulu Board of Water Supply (BWS) provides comments on Senate Bill 32, requiring public water or sewer utilities to consider the disruption to transportation as a criterion in planning future maintenance.

BWS prioritization criteria for the replacement of pipelines already includes the possibility of disruption of major transportation corridors in the assessment of risk of pipeline failure. Traffic disruption is a criterion in a consequence of pipeline failure in addition to the likelihood of failure based on historical main breaks and pipeline condition assessments.

We appreciate the input of the legislature to identify important evaluation criteria to ensure dependable water service to our customers.

Thank you for your consideration of our testimony on Senate Bill 32.

Very truly yours,

ERNEST Y. W. LAU, P.E.  
Manager and Chief Engineer