

Honolulu, Hawaii

FEB 17 2023

RE: S.B. No. 1535
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committees on Water and Land, Transportation and Culture and the Arts, and Government Operations, to which was referred S.B. No. 1535 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

beg leave to report as follows:

The purpose and intent of this measure is to allow the Director of Transportation to exempt certain ground transportation facility projects from historic preservation review, the environmental impact statement law, and the Hawaii Public Procurement Code under certain conditions.

Your Committees received testimony in support of this measure from the Department of Transportation, Department of Transportation Services of the City and County of Honolulu, Bikeshare Hawaii, Hawai'i Bicycling League, and five individuals. Your Committees received testimony in opposition to this measure from the State Procurement Office, American Council of Engineering Companies of Hawaii, and one individual. Your Committees received comments on this measure from the Department of Land and Natural Resources and Office of Planning and Sustainable Development.

Your Committees find that reports have named Hawaii roads the most dangerous in the nation to pedestrians aged sixty-five and over. In 2022, there were one hundred seventeen traffic-related



fatalities in the State, an increase from the ninety-five traffic-related fatalities that occurred within the State in 2014.

Your Committees further find that it currently takes the State five to seven years to make simple but urgent safety fixes to better protect people. Your Committees believe that the State should enable critical safety projects to be implemented faster, and at lower costs, to help save lives. Therefore, this measure increases traffic safety by allowing the Director of Transportation to exempt certain ground transportation facility projects from historic preservation review, the environmental impact statement law, and the Hawaii Public Procurement Code under certain conditions.

Your Committees have heard the testimony of the Department of Land and Natural Resources, requesting that additional conditions be met before any exemptions from chapter 6E, Hawaii Revised Statutes (HRS), are granted for certain ground transportation facilities projects.

Your Committees have also heard the testimony of the State Procurement Office, objecting to the proposed exemption from section 103D, HRS, for certain ground transportation facilities projects. The State Procurement Office testified that contracts to provide safe roads under this program should remain competitively procured.

Therefore, your Committees have amended this measure by:

- (1) Requiring that exemptions for certain ground transportation facilities projects from chapter 6E, HRS, only apply to projects within a previously disturbed area that does not require any excavation of the known soil disturbance greater than twenty-four inches below grade and that no exemption shall apply in historic districts and areas with a high probability for the presence of archaeological sites or burial sites;
- (2) Eliminating the exemption for certain ground transportation facilities projects from the Hawaii Public Procurement Code;
- (3) Amending section 1 to reflect its amended purpose;



- (4) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (5) 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 Water and Land, Transportation and Culture and the Arts, and Government Operations that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1535, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1535, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on behalf of the members of the Committees on Water and Land, Transportation and Culture and the Arts, and Government Operations,



CHRIS LEE, Chair



LORRAINE R. INOUE, Chair

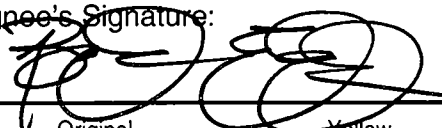


ANGUS L.K. MCKELVEY, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i


Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 1535	WTL/TCA/GVO, WAM	2/14/23		
<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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)		✓		
CHANG, Stanley				✓
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	2	1	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

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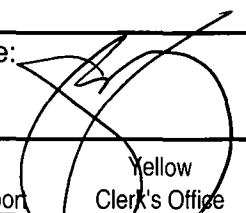
Record of Votes
Committee on Transportation and Culture and the Arts
TCA

Bill / Resolution No.:* SB 1535	Committee Referral: WTL/TCA/GVO, WAM	Date: 2/14/23		
<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
LEE, Chris (C)	✗			
INOUYE, Lorraine R. (VC)	✗			
ELEFANTE, Brandon J.C.		✗		
KEOHOKALOLE, Jarrett				✗
AWA, Brenton			✗	
TOTAL	2	1	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center;"></div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Government Operations
GVO

Bill / Resolution No.:* SB1535	Committee Referral: NTL/TCA/GVO, WAM	Date: 02-11-23 → 2-14-23		
<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
MCKELVEY, Angus L.K. (C)	✓			
GABBARD, Mike (VC)				✓
SAN BUENAVENTURA, Joy A.	✓			
WAKAI, Glenn	✓			
AWA, Brenton			✓	
TOTAL	3	0	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original File with Committee Report Yellow Clerk's Office Pink Drafting Agency Goldenrod Committee File Copy				

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