

Testimony of the Hawaii Harbor Users Group
Opposition to HB158
Before the Committee on Transportation
February 2, 2023

Dear Chair Todd, Vice Chair Kila, and Members of the Committee:

The Hawaii Harbor Users Group (HHUG) is a non-profit maritime transportation industry group comprised of key commercial harbor users statewide. HHUG opposes HB158, which authorizes the Director of Transportation to adopt rules that regulate and limit noise from vessels at harbors, ports, roadsteads, docks, wharves, piers, quays, bulkheads, and landings of the State.

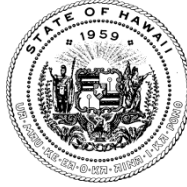
As an island state, Hawaii is very dependent upon our commercial harbors to ensure the continued and unimpeded flow of cargo in and out of our State. It is estimated that over 90 percent Hawaii's imported goods pass through our commercial harbors, including consumer goods, motor vehicles, construction materials, and fuel. Given the critical role of our commercial harbors, it is imperative that the State support dependable and efficient cargo transportation and handling to service our residents and businesses.

Our members are committed to providing a safe environment for both employees and the general public. Vessel noise is subject to federal and international regulations, including Title 33 of the Code of Federal Regulations, U.S. Inland Navigation Rules, and International Regulations for Prevention of Collisions at Sea, 1972. These regulations are very specific. For example, 33 CFR 86(1)(a) sets forth the standards for frequencies and range of audibility for vessel whistles as between 70-700 Hz. 33 CFR 86(1)(c) requires for a vessel of 200 meters in length or more, an audibility range of 2.0 nautical miles and a sound pressure level of at least 143 dB.

Noise from vessels, harbors, ports, docks, wharves, piers, quays, bulkheads, and landings of the state is strictly regulated and essential to ensure the safety of our employees both on the vessels and on land. Requiring the State of Hawaii Department of Transportation to enact different limits of vessel noise can create unsafe working conditions and may conflict with federal and international regulations. Honolulu Harbor has been in active use for over one hundred years and serves as the hub in the hub-and-spoke system that has provided the residents of Hawaii with its goods in a dependable and efficient manner. HHUG members look forward to continuing to provide a safe workplace for our employees and the general public.

Thank you for considering our testimony.

JOSH GREEN, M.D.
GOVERNOR



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO
JAMES KUNANE TOKIOKA

LATE

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

February 2, 2023
10:00 AM
State Capitol, Room 312

H.B. 158
RELATING TO VESSELS

House Committee on Transportation

The Department of Transportation (DOT) **supports the intent** of this measure that authorizes the department to regulate noise that may emanate from vessels in the commercial harbors.

DOT recognizes the legislative findings set forth in the preamble of this bill and the importance of regulating excessive and harmful noise. However, DOT also acknowledges that federal law requires all vessels greater than 12 meters in length to have equipment for sound signals. All vessels must adhere to regulations on maneuvering and warning signals, and some sound signals are required to be heard at a distance of up to two nautical miles (about 2.3 land-measured miles). Should DOT have the authority to regulate noise from vessels, its regulations would be preempted by federal law.

Thank you for the opportunity to provide testimony.