



March 1, 2023

**TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY
ON SB 1173 RELATING TO VEHICLES**

Aloha Chair Rhoads 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 opposes this bill as written.

We cannot imagine a commercial driver INTENTIONALLY discharging soot or smoke upon any person or vehicle. Truck tractor exhaust systems have vertical stacks which are not conducive to "aiming at a target." Although motorcoaches and many single trucks generally exhaust around the rear axles, a driver can hardly see whether anyone is at those axles before proceeding.

Anyone, be it pedestrian or vehicle occupant can claim having soot or smoke discharged at them, but how do you prove the action is intentional?

The Senate Transportation Committee's report states: "Your Committee finds that emissions from motor vehicles are one of the greatest sources of manmade pollution. ***The practice of intentional discharge of diesel exhaust, also known as "rolling coal", occurs when modifications to a vehicle's parts are adjusted to bypass pollution controls. The usage of "defeat devices", including electronic programmers or "tuners" adjust fuel and timing settings while also turning off certain emission controls that are designed to inhibit the release of visible exhaust.***"

This report makes clear the conditions that are the sources of the true problem which would absolve commercial vehicles of the infraction - unless they are so equipped or modified. If these conditions were enumerated in the language of the bill as triggers to a violation, we would not oppose this measure. For example:

"§29I— Intentional release of exhaust emissions;
penalty. (a) No person shall cause a diesel or gas—powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle when **modifications to a vehicle's parts are adjusted to bypass pollution controls, or the vehicle is equipped with "defeat devices", including electronic programmers or "tuners" to adjust fuel and timing settings while also turning off certain emission controls that are designed to inhibit the release of visible exhaust.**"

Advances in emission technology have come a long way with diesel particulate filter systems that capture and burn off soot. However, when pulling, or accelerating with, heavy loads it is still possible to see some smoke even though the particulates are trapped. There have been many advances in emission technology since the mid 2000's, and today the emission advances tout "near zero emissions." Many claim entrapment of particulates up to nearly 100%, but exhaust gases can still be visible, no matter how clean. This exhausting can easily be mistaken for soot or smoke and easily cause a person to perceive a violation.

Mahalo.

SB-1173

Submitted on: 2/24/2023 5:29:25 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

No one should make anyone else sick. Please support this bill. Mahalo.

SB-1173

Submitted on: 2/26/2023 4:13:58 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

By the same token Battery Cars should not Be allowed on the Roads Because they are Deathramental to the Rest of the Public. They Blow up with out Notice. The baterys are not Stable and have bad side effeces. Alle Cars with Batterys should be maked Dangerous!!!!

LATE

SB-1173

Submitted on: 2/28/2023 9:51:38 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

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

Comments:

oppose

LATE

SB-1173

Submitted on: 2/28/2023 9:53:42 PM

Testimony for JDC on 3/1/2023 9:30:00 AM

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

Comments:

oppose