

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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TESTIMONY OF J. ROGER MORTON
DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE SENATE COMMITTEE ON
TRANSPORTATION AND CULTURE AND THE ARTS
Thursday, February 9, 2023, 3:00 PM, Via Videoconference

TO: Senator Chris Lee, Chair, and Members of the Committee on Transportation and Culture and the Arts

RE: TESTIMONY IN SUPPORT OF SENATE BILL 214, RELATING TO PUBLIC TRANSIT, WITH AMENDMENTS

The Department of Transportation Services (DTS) of the City and County of Honolulu (City) strongly supports Senate Bill 214 (SB 214), relating to public transit, and offers some suggested amendments to make it more consistent with existing HRS § 711-1112, *Interference with the Operator of a Public Transit Vehicle*.

HRS § 711-1112 currently establishes the offense of Interference with the **Operator** of a Public Transit Vehicle, which involves conduct that injures or threatens the *operator* of a public transit vehicle. SB 214 would establish a new and distinct offense of Interference with the **Operation** of a Public Transit Vehicle, which is directed at conduct that impairs public transit vehicles or the transit system.

To clarify this distinction, DTS recommends that a new SECTION be added to SB 214 that amends § 711-1112, as follows:

§711-1112 Interference with the operator of a public transit vehicle. (1) A person commits the offense of interference with the operator of a public transit vehicle if the person [interferes with the operation of a public transit vehicle or lessens the ability of the operator to operate the public transit vehicle by]:

- (a) Intentionally, knowingly, or recklessly [causing] causes bodily injury to the operator of the public transit vehicle; or
- (b) [Threatening] Threatens, by word or conduct, to cause bodily injury to the operator of the public transit vehicle with the intent to terrorize, or in reckless disregard of the risk of terrorizing the operator of the public transit vehicle.

Senate Committee on Transportation and Culture and the Arts
Testimony on S.B. No 214, Relating to Public Transit

~~[(2) For the purposes of this section, "public transit vehicle" is a public paratransit vehicle providing service to the disabled, any transit vehicle used for the transportation of passengers in return for legally charged fees or fares, any school bus, or any taxi.]~~

(2) As used in this section, "public transit vehicle" includes:

(a) Any public paratransit vehicle providing service to the disabled;

(b) Any transit vehicle used for the transportation of passengers in return for legally charged fees or fares;

(c) Any transit vehicle owned or operated by a government entity;

(d) Any school bus; and

(e) Any taxi.

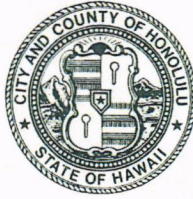
(3) Interference with the operator of a public transit vehicle is a class C felony.

The DTS provides multimodal transit services including fixed route bus service and paratransit service for persons with disabilities who are unable to use fixed route service throughout Oahu, and within the coming year, automated elevated rail service will also be provided. The DTS recognizes the importance of public transportation to the health and well-being of our residents and visitors, and to essential business and activities statewide. We are responsible for providing a safe and reliable transportation system. SB 214 will provide the counties with an important legal remedy to deter and respond to intentional, knowing, and reckless acts that undermine the safety, reliability, and efficiency of public transit. In particular, SB 214 will protect automated and driverless transit system operations that do not have an operator. Such systems are not covered by §711-1112, a gap created by advances in transportation technology.

Thank you for the opportunity to submit this testimony in support.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE PB-MS

February 9, 2023

LATE

The Honorable Chris Lee, Chair
and Members
Committee on Transportation
and Culture and the Arts
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Dear Chair Lee and Members:

SUBJECT: Senate Bill No. 214, Relating to Public Transit

I am Parker Bode, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 214, Relating to Public Transit, but has concerns with the vagueness of its language.

A fundamental duty of the HPD is to safeguard property and to aid in the safe and timely movement of vehicular traffic, which this bill seeks to ensure. However, the terms "breakdown" in Section 1, subsection (a); and "malfunction" in Section 1, subsection (b), are ambiguous and may be difficult to enforce. Consideration should be given to another term like "damage."

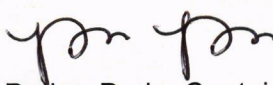
The HPD urges you to support Senate Bill No. 214, Relating to Public Transit, and appreciates the committee's consideration of our concerns. Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Parker Bode, Captain
Criminal Investigation Division