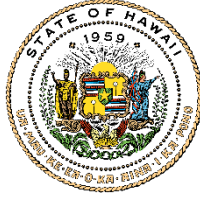


JOSH GREEN, M.D.
GOVERNOR | KE KIA'ĀINA

SYLVIA LUKE
LIEUTENANT GOVERNOR | KA HOPE KIA'ĀINA



STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF LAND AND NATURAL RESOURCES
KA 'OIHANA KUMUWAIWAI 'ĀINA

P.O. BOX 621
HONOLULU, HAWAII 96809

DAWN N.S. CHANG
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
RYAN K.P. KANAKA'OLE
FIRST DEPUTY
DEAN D. UYENO
ACTING DEPUTY DIRECTOR - WATER
AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE
MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES
ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

Testimony of
DAWN N. S. CHANG
Chairperson

Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS

Friday, February 23, 2024
2:00 PM

State Capitol, Conference Room 325 & Videoconference

In consideration of
HOUSE BILL 1856, HOUSE DRAFT 1
RELATING TO TRAFFIC REGULATION

House Bill 1856, HD1, proposes to grant counties enhanced authority to impose restrictions on the manner of use of certain streets, highways, thoroughfares, or roadways. **The Department supports this measure and offers the following comments.**

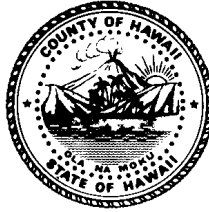
This measure will provide the counties with the ability to restrict access to streets, highways, and thoroughfares in their respective counties when necessary to protect the public from hazardous conditions or potentially impact sensitive natural or cultural resources. The measure provides mechanisms, via the conducting of public hearings, to ensure necessary public input is solicited prior to actions being taken.

For vehicular purposes, the counties should have the flexibility to regulate their own roads, and we appreciate the commitment to consult with the Department and conduct public hearings prior to approval.

We further offer that pedestrian access across such roads should be exempt from this legislation. Pedestrian access is a constitutional right to public lands/waters/resources (as well as to Kuleana parcels) in addition to being a customary and traditional practice. Pedestrian access, such as on any other public lands, is conducted at the user's own risk. If there is some extreme danger, a temporary closure/restriction can be implemented through emergency proclamation, as the law currently allows.

Mahalo for the opportunity to testify on this measure.

HEATHER L. KIMBALL
COUNCIL CHAIR
Council District 1 (North Hilo,
Hāmākua, and portion of Waimea)



Phone: (808) 961-8828
Fax: (808) 961-8912
Email: Heather.Kimball@hawaiicounty.gov

HAWAI‘I COUNTY COUNCIL

25 Aupuni Street, Ste. 1402.
Hilo, Hawai‘i 96720

February 21, 2024

House Committee on Judiciary and Hawaiian Affairs
Honorable Representative David A. Tarnas, Chair
Honorable Representative Gregg Takayama, Vice Chair

RE: **Support of HB 1856**

Dear Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary and Hawaiian Affairs:

As the Chair of the Hawai‘i County Council, I thank you for the opportunity to submit **testimony in SUPPORT of HB 1856**, relating to traffic regulation. This legislation would authorize the counties to adopt ordinances to managed access to certain streets, highways, thoroughfares, or roads in the best manner to protect health and safety, and environmentally and culturally sensitive areas for their unique and specific island communities.

Waipio Vally Road in my district of Hawaii Island was originally a donkey trail. It was developed into a narrow, cliff hugging road by the sugar plantation. When the plantation went under, this sub-standard road was conveyed to the county and is now a public road. Waipio Valley Road is said to be the steepest rural road in the country, with some area of grades approaching 45%, yet before the pandemic the number of vehicles per day using this road topped 500 and the number of pedestrians using the reached as high as 350. Many of these folks were visitors, who had no idea of the road’s dangers, nor did they understand that the bottom of the valley is all private land.

I bring up this specific example to illustrate the desperate need of the counties to be able to develop management plans for access of these types of roadways. In this particular case, the community has been working for decades on a way to manage access. When they saw the success of the Hanea model on Kauai, they were hopeful for a similar program here. After several consultations with our legal advisors, we concluded that we needed the help of the legislature to enable the county to create such a program.

I will say that I think this bill may still need some refinement. This is not an authority that we in the counties plan to use widely, so we are supportive of any amendments that would limit the scope of the authority as the legislature deems necessary to protect the interests of the public.

There may also be the need to define some of the terms included in the current draft of the bill. We are more than willing to work on those amendments with the legislature as well.

I do urge that this committee continue to improve and move HB1856 through the legislative process. I am certain we can come to a final bill that will be amenable to all involved. Thank you for the opportunity to submit this testimony. If you would like to discuss my knowledge of this matter further, please do not hesitate to contact me directly.

Sincerely,

A handwritten signature in cursive script that reads "Heather Kimball".

HEATHER L. KIMBALL

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kuali'i, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihue, Kauai, Hawaii 96766

February 21, 2024

**TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUA'I COUNTY COUNCIL
ON
HB 1856, HD 1, RELATING TO TRAFFIC REGULATION
House Committee on Judiciary & Hawaiian Affairs
Friday, February 23, 2024
2:00 p.m.
Conference Room 325
Via Videoconference**

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT HB 1856, HD 1, Relating to Traffic Regulation. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

I wholeheartedly support the intent of HB 1856, HD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of HB 1856, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:mn

Council Chair
Alice L. Lee

Vice-Chair
Yuki Lei K. Sugimura

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Tom Cook
Gabe Johnson
Tamara Paltin
Keani N.W. Rawlins-Fernandez
Shane M. Sinenci
Nohelani U'u-Hodgins



Director of Council Services
David M. Raatz, Jr., Esq.

Deputy Director of Council Services
Richelle K. Kawasaki, Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

February 22, 2024

TO: The Honorable David A. Tarnas, Chair, and
Members of the House Committee on Judiciary & Hawaiian Affairs

FROM: Alice L. Lee
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 23, 2024; TESTIMONY IN SUPPORT OF HB1856, HD1, RELATING TO TRAFFIC REGULATION**

The Maui County Council **supports** this measure to authorize each county to enact ordinances restricting the use of roadways that are hazardous or may impact sensitive areas.

This measure is in the Hawai'i State Association of Counties' 2024 Legislative Package.

The County Council supports this measure for the following reasons:

1. Empowering counties to regulate or restrict access to hazardous roadways will promote public safety.
2. The counties have the knowledge of local conditions to determine the roadway-safety programs that should be implemented.

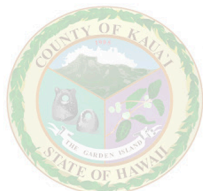
Thank you for your consideration.

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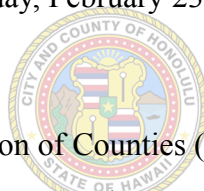
**Testimony of the
Hawai'i State Association of Counties
H.B. No. 1856 H.D. 1**

Relating to Traffic Regulation.

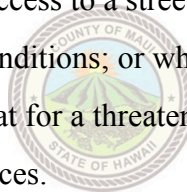


Committee on Judiciary & Hawaiian Affairs

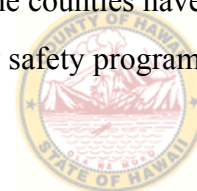
Friday, February 23, 2024, 2 p.m.



The Hawai'i State Association of Counties (HSAC) supports H.B. 1856, H.D.1, which authorizes the counties by ordinance to regulate or restrict access to a street, highway or roadway that is known to be hazardous or hazardous under certain conditions; or which may have a negative impact on a sensitive area such as the critical habitat for a threatened or endangered species or lands containing cultural or archaeological resources.



Although chapter 286 authorizes the governor to determine when it is in the public interest to delegate highway safety programs to the counties, we maintain that the counties have the highway safety and knowledge of local conditions to determine the highway safety programs that should be implemented.



For these reasons, the Hawai'i State Association of Counties strongly supports H.B. 1856, H.D.1, and requests your favorable consideration of this measure.