



TESTIMONY BY:
EDWIN H. SNIFFEN
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STATE OF HAWAI'I | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 1, 2024
9:50 a.m.
State Capitol, Room 211

S.B. 3220, S.D. 1
RELATING TO MOTOR CARRIERS

Senate Committees on Commerce and Consumer Protection and Ways and Means

The Hawaii Department of Transportation (HDOT) **supports the intent of S.B. 3220, S.B. 1**, which transfers the jurisdiction of the Motor Carrier Law from the Public Utilities Commission (PUC) to the Department of Transportation. Makes conforming amendments. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.

The HDOT supports the intent of the bill which seeks to find a solution to an industry issue. Although the HDOT is not taking a position on whether regulation or deregulation is the appropriate path, the HDOT is always happy to consider how we can assist in the situation.

For the HDOT, standing up a tariff arm to regulate the industry would take time and resources. As such, we recommend that function remain with the PUC. However, HDOT could assist on the enforcement side as we have our Motor Carrier Safety Officers in the field. We would ask for a percentage of the fees paid to PUC to offset the cost of increasing personnel and personnel compensation due to the increased duties, and we request that HDOT keep the fines that are collected in enforcement.

Thank you for the opportunity to provide testimony.

TESTIMONY OF
LEODOLOFF R. ASUNCION, JR.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION
and
WAYS AND MEANS

March 1, 2024
9:50 a.m.

Chairs Keohokalole and Dela Cruz, Vice Chairs Fukunaga and Moriwaki, and Members of the Committees:

MEASURE: S.B. No. 3220, SD1

TITLE: RELATING TO MOTOR CARRIERS.

DESCRIPTION: Transfers the jurisdiction of enforcement of the Motor Carrier Law from the Public Utilities Commission to the Department of Transportation. Makes conforming amendments. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation. Takes effect 1/1/2050. (SD1)

POSITION:

The Public Utilities Commission (“Commission”) offers the following comments for consideration.

COMMENTS:

The Commission appreciates the intent of this measure to transfer the authority of enforcement of Chapter 271, Hawaii Revised Statutes (“HRS”), or the Motor Carrier Law, to the Department of Transportation (“DOT”).

Moreover, the Commission appreciates the amendments made by the Senate Committee on Transportation and Culture and the Arts to transfer only the enforcement of the Motor Carrier Law. This is appropriate given that DOT has a much larger number of enforcement officers than the Commission, and, importantly, have a greater presence throughout the State. This will allow for better and more consistent enforcement of motor carriers statewide.

Regarding motor carrier applications, annual financial reporting, and tariff oversight, the Commission already has the systems and process to continue to fulfill its statutory obligation while ensuring that motor carriers adhere to mandatory administrative requirements. Because of the added responsibilities to DOT for enforcement, the Commission is supportive of adding revenue generation for DOT either through retaining funds by issuance of citations and/or a percentage of motor carrier fees collected by the Commission.

The Commission is hopeful that this SD1 will address the Legislature's concerns as well as critical input by advocates and stakeholders who are directly impacted by the Motor Carrier Law.

Thank you for the opportunity to testify on this measure.

SB-3220-SD-1

Submitted on: 2/27/2024 12:35:16 PM

Testimony for CPN on 3/1/2024 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
kelvin kohatsu	Testifying for Hawaii Transportation Association	Support	Written Testimony Only

Comments:

Hawaii Transportation Association supports SB3220, and have high confidence in the State of Hawaii DOT & MVSO, under Director Ed Sniffen's Leadership to enforce transportation rules & regs.

Thank you,

Kelvin Kohatsu - Managing Director Hawaii Transportation Association

SB-3220-SD-1

Submitted on: 2/28/2024 2:20:41 PM

Testimony for CPN on 3/1/2024 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Cassie Moniz	Testifying for Moniz Trucking LLC	Support	Written Testimony Only

Comments:

I support SB3220

SB-3220-SD-1

Submitted on: 2/29/2024 6:54:14 AM

Testimony for CPN on 3/1/2024 9:50:00 AM

Submitted By	Organization	Testifier Position	Testify
Lorina Modelski	Testifying for Pineridge Farms, Inc.	Support	Written Testimony Only

Comments:

Aloha,

I believe the Hawaii DOT will be more capable of enforcing the PUC as it regards transportation companies who are violating tariff rules, etc.

SB-3220-SD-1

Submitted on: 2/29/2024 12:17:20 PM

Testimony for CPN on 3/1/2024 9:50:00 AM



Submitted By	Organization	Testifier Position	Testify
Wendi Vasconcellos	Testifying for Pohaku Equipment Services LLC	Support	Written Testimony Only

Comments:

Aloha Senators,

On behalf of Pohaku Equipment Services LLC, we support SB3220 SD1.

In addition to the current amendments, please consider defining the Financial Report due to the DOT. What will the Financial Report be based on?

- Is this creating another annual report due or the same form currently used for the PUC annual financial report?

-What is the calculation?

-etc.

The bill currently establishes the penalties if not submitted or submitted on time. Therefore the Financial Report should include what the basis is.

This transfer of duties shall not create double taxation or additional fees. The budget relative to the bill's duties shall be transferred as well.

Thank you for your consideration.

Mahalo,

Wendi Vasconcellos/Pohaku Equipment Services LLC