

**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  
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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 Senate Committees on  
WATER AND LAND  
and  
TRANSPORTATION AND CULTURE AND THE ARTS  
and  
GOVERNMENT OPERATIONS**

**Tuesday, February 14, 2023  
3:01 PM  
State Capitol, Conference Room 224 Via Videoconference**

**In consideration of  
SENATE BILL 1534  
RELATING TO TRANSPORTATION**

Senate Bill 1535 proposes to allow the Director of the Department of Transportation (HDOT) to exempt certain ground transportation facility projects from historic preservation review, the environmental impact statement law, and the Hawaii Public Procurement Code under certain conditions to improve pedestrian safety. **The Department of Land and Natural Resources (Department) appreciates the intent of this measure and offers the following comments and proposed amendments.**

The Department's comments are limited to the proposed exemption of certain projects from historic preservation review. The Department recognizes the need for development of projects to improve pedestrian safety. The Department believes that historic preservation review contributes only a very small portion of the 5 to 7 years that the Legislature finds it takes to the HDOT implement and complete such projects. On average, the Department's State Historic Preservation Division (SHPD) review takes less than six months even for large, complex projects. For projects of the scope anticipated in Senate Bill 1535, historic preservation review times are much shorter. Nearly 45% of all SHPD reviews are completed within the 30- or 45-days deadlines set by rule.

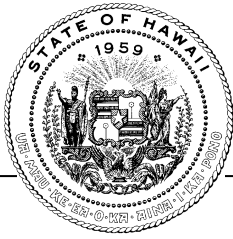
SHPD works with HDOT and the counties to expedite the review of projects the affect health and safety. The Department notes that many transportation projects subject to SHPD review will be in historic town

centers. The Department believes that the design and installation of pedestrian safety measures should avoid or minimize impacts to the historic character of such areas.

While HDOT would not intend to harm historic and cultural resources, its expertise is transportation, and it does not have the expertise in assessing impacts to historic districts that SHPD does. Without historic preservation review, there is a strong possibility that the projects will be designed and implemented with little or no consideration of their impact on historic resources. The Department also believes the SHPD's rules and the federal regulations governing historic preservation review provide mechanisms for expediting these projects while still ensuring that historic properties are considered in project design and implementation.

If the Committees determines that this measure should advance, the Department strongly recommends that the exemption only apply within areas previously disturbed and only to the depth of the known soil disturbance not to exceed twenty-four inches below grade. The Department also recommends that any exemption not apply in historic districts and areas with a high probability for the presence of archaeological sites or burial sites.

Mahalo for the opportunity to provide comments on this measure.



**STATE OF HAWAI'I  
OFFICE OF PLANNING  
& SUSTAINABLE DEVELOPMENT**

**JOSH GREEN, M.D.**  
GOVERNOR

**SCOTT J. GLENN**  
DIRECTOR

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Statement of  
**SCOTT GLENN, Director**

before the  
**SENATE COMMITTEES ON WATER AND LAND, TRANSPORTATION AND  
CULTURE AND THE ARTS, AND GOVERNMENT OPERATIONS**

Tuesday, February 14, 2023, 3:01 PM  
State Capitol, Conference Room 224

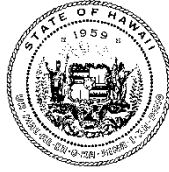
in consideration of  
**SB 1535**  
**RELATING TO TRANSPORTATION.**

Chairs Inouye, Lee, and McKelvey, Vice Chairs Elefante, Inouye, and Gabbard, and Members of the Senate Committees on Water and Land, Transportation and Culture and the Arts, and Government Operations:

The Office of Planning and Sustainable Development (OPSD) offers the following **comments** on SB 1535, which among other things would allow the director of transportation to exempt certain ground transportation facility projects from the environmental impact statement law, Hawaii Revised Statutes (HRS) Chapter 343.

HRS Chapter 343 authorizes agencies to exempt various projects from the requirement to prepare an environmental assessment. In these cases, the rules that administer HRS Chapter 343 require only minor administrative tasks of documenting and reporting such exemptions, so that the public can be aware of them. The activities contemplated in this bill in some situations could qualify for this exemption, in which case this bill would remove this requirement to document and report the fact that the project was exempted.

Thank you for the opportunity to testify on this measure.



**STATE OF HAWAII | KA MOKU'ĀINA O HAWAII'**  
**STATE PROCUREMENT OFFICE**

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Tel: (808) 586-0554  
email: [state\\_procurement\\_office@hawaii.gov](mailto:state_procurement_office@hawaii.gov)  
<http://spo.hawaii.gov>

TESTIMONY  
OF  
BONNIE KAHAKUI, ACTING ADMINISTRATOR  
STATE PROCUREMENT OFFICE

TO THE SENATE COMMITTEES  
ON  
WATER AND LAND,  
TRANSPORTATION AND CULTURE AND THE ARTS,  
AND  
GOVERNMENT OPERATIONS  
FEBRUARY 14, 2023, 3:01 PM

SENATE BILL 1535  
RELATING TO TRANSPORTATION

Chair Inouye, Chair Lee, Chair McKelvey, Vice Chair Elefante, Vice Chair Gabbard, and members of the committees, thank you for the opportunity to submit testimony on Senate Bill 1535. The State Procurement Office (SPO) opposes the 103D exemption language on page 2, SECTION 2, lines 19 – 20.

“.....The director of transportation may exempt any state or county project under a ground transportation facilities plan developed pursuant to section 264-142 from:

(3) Chapter 103D; provided that the contract for the project shall not be in excess of \$100,000;....”

The SPO objects to the procurement exemption and testifies that contracts to provide safe roads for this program should be competitively procured. Projects under \$100,000 are considered small purchase, pursuant to HRS 103D-305. Therefore, the rules are designed to ensure simplicity while still providing as much competition as practicable. Executive branch departments, which include the Department of Transportation, are currently required to following the instruction as displayed in the table below.

Under \$5,000	Adequate and reasonable competition is recommended
\$5,000 to less than \$15,000	Obtain a minimum of three quotes (phone, fax, email)
\$15,000 to less than \$100,000(for goods/services or \$250,000 for construction)	Procurement conducted on an eProcurement System (HlePRO)

Chapter 103D, Hawaii Revised Statutes, Hawaii Public Procurement Code (Code), is the State's single source of public procurement policy to be applied equally and uniformly, while providing fairness, open competition, a level playing field, government disclosure, and transparency in the procurement and contracting process vital to good government.

Public procurement's primary objective is to provide everyone equal opportunity to compete for government contracts, to prevent favoritism, collusion, or fraud in awarding of contracts. To legislate that any one entity should be exempt from compliance with both Chapter 103D and 103F, HRS, conveys a sense of disproportionate equality in the law's application.

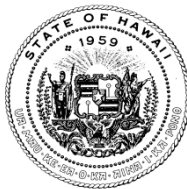
Exemptions to the Code mean that all procurements made with taxpayer monies will not have the same oversight, accountability and transparency requirements mandated by those procurements processes provided in the code. It means that there is no requirement for due diligence, proper planning, or consideration of protections for the state in contract terms and conditions, nor are there any set requirements to conduct cost and price analysis and market research or post-award contract management. As such, Agencies can choose whether to compete any procurement or go directly to one contractor. As a result, leveraging economies of scale and cost savings efficiencies found in the consistent application of the procurement code are lost. It also means Agencies are not required to adhere to the code's procurement integrity laws.

The National Association of State Procurement Officials states that "Businesses suffer when there is inconsistency in procurement laws and regulations. Complex, arcane procurement rules of numerous jurisdictions discourage competition by raising the costs to businesses to understand and comply with these different rules. Higher costs are recovered through the prices offered by a smaller pool of competitors, resulting in unnecessarily inflated costs to state and local governments."

When public bodies are removed from the Hawaii Public Procurement Code, it results in the harm described above. As these entities create their own procurement rules, businesses are forced to track their various practices. Moreover, a public body often can no longer achieve the benefits of aggregation by using another public body's contract because different state laws and regulations may apply to the various public bodies making compliance more difficult.

Each year new procurement laws are applied to state agencies causing state agency contracts to become more complex and costly, while other public bodies, such as agencies with strong legislative influence, are exempted. Relieving some public bodies from some laws by exempting or excluding them from compliance with a common set of legal requirements creates an imbalance wherein the competitive environment becomes different among the various jurisdictions and the entire procurement process becomes less efficient and costlier for the state and vendors.

Thank you.



**TESTIMONY BY:**  
EDWIN H. SNIFFEN  
DIRECTOR  
  
Deputy Directors  
DREANALEE K. KALILI  
TAMMY L. LEE  
ROBIN K. SHISHIDO  
JAMES KUNANE TOKIOKA

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

February 14, 2023  
3:00 P.M.  
State Capitol, Conference Room 224 & Videoconference

**S.B. 1535**  
**RELATING TO TRANSPORTATION**

Senate Committee on Water and Land

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The Department of Transportation (DOT) **supports, with comments**, this bill which allows the Director of Transportation to exempt certain ground transportation facility projects from historic preservation review, the environmental impact statement law, and the Hawaii public procurement code under certain conditions.

The DOT requests that **(3) Chapter 103D; provided that the contract for the project shall not be in excess of \$100,000** be amended to read "Chapter 103D; provided that the professional services contract for the project shall not be in excess of \$250,000 and the construction contract shall not exceed \$5,000,000".

The proposed revisions will allow the DOT to quickly address the needs of the public when infrastructure improvements are necessary to accommodate non-motorized modes of travel.

The increase in the maximum professional services contract amount will provide flexibility in the consultant selection and may provide better options for the proposed infrastructure improvements as well as allowing for support during the bidding process and post design.

The cost for construction will allow for widening of roadways to accommodate bicycle and pedestrian facilities, when necessary, which often includes adjustments to utilities, roadside safety hardware and to private property.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI  
MAYOR



J. ROGER MORTON  
DIRECTOR

JON Y. NOUCHI  
DEPUTY DIRECTOR

TESTIMONY OF J. ROGER MORTON  
DIRECTOR OF TRANSPORTATION SERVICES

BEFORE THE JOINT SENATE COMMITTEES ON  
WATER AND LAND,  
TRANSPORTATION AND CULTURE AND THE ARTS, AND  
GOVERNMENT OPERATIONS  
**Tuesday, February 14, 2023, 3:01 PM, Via Videoconference**

TO: Senators Lorraine R. Inouye, Chris Lee, and Angus L.K. McKelvey, Chairs, and Members of the Joint Committees on Water and Land, Transportation and Culture and the Arts, and Government Operations

RE: TESTIMONY IN SUPPORT OF SENATE BILL 1535, RELATING TO TRANSPORTATION

The Department of Transportation Services (DTS) of the City and County of Honolulu (City) strongly supports Senate Bill 1535 (SB 1535), relating to transportation.

SB 1535 proposes to allow the director of the State Department of Transportation (HDOT) to exempt certain State and City ground transportation facility projects from reviews under the historic preservation, environmental impact statement, and Hawaii public procurement laws, under certain conditions.

The City strongly supports the measure as it will expedite projects that are valued at \$100,000 or less for protective infrastructure and related appurtenances for pedestrians, bicyclists, and people on other mobility devices by adding to any existing hardened travel surface, an area of hardened travel service of not more than twelve feet in width. The measure would support the collaborative undertakings between HDOT and the City in the planning, engineering, and implementation of safety measures to provide safe routes to schools for our keiki and safe neighborhoods for our kupuna. The measure would also help to expedite a 30-mile bicycle route between Nānākuli and Mānoa/Waikīkī that the City is working to develop in partnership with HDOT.

Thank you for the opportunity to submit testimony in support.

**SB-1535**

Submitted on: 2/12/2023 11:44:22 PM

Testimony for WTL on 2/14/2023 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Todd Boulanger	Testifying for Bikeshare Hawaii	Support	In Person

Comments:

Aloha Senate Committee members and public,

Bikeshare Hawaii supports SB1535 to aid our transportation professionals in reversing the tragic trend of a 23% increase in the fatalities of vulnerable roadway users in Hawaii. These are the customers of our county and state transportation facilities, but not served as well as in other communities that have reached zero fatalities (vision zero). This is a big problem BUT it is not irreversible...I have worked in communities with much worse traffic fatality rates (Adu Dhabi) that have with strong leadership have reversed it.

Speaking based on my 20+ years as a public works / transportation planner/ roadway safety auditor: The importance of SB1535 is to add flexibility for constructing quickly spot safety improvements at a cost less than the planning and reporting costs of doing so...even before a shovel is turned. Often these spot improvements can hold up important ADA and pedestrian and bike network connection that are critical in our island's solutions for our climate crisis.

The other thing to remember...is that many urban arterial roadways once had parallel wider sidewalk facilities with trees but were later widened for motor vehicle capacity enhancements but the pedestrian [and bikeway] facilities may have been removed or degraded. It has become perverse that this retrofitting of historic design wrongs - and building environmentally friendly complete street facilities - has become more difficult and often postponed due to increased environmental reporting that new facilities require versus the past road widening. This bill helps to align these two actions in their shared outcome.

Mahalo nui,

-Todd Boulanger, Executive Director





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February 13, 2023

**Senate Committees on Water and Land; Transportation and Culture and the Arts; and Government Operations**

**Hearing Date: Tuesday, February 14, 2023, 3:01 p.m.**

Members of the House Committee on Labor & Government Operations

**Subject: SB 1535, Relating to Transportation; Procurement;  
TESTIMONY IN OPPOSITION**

Dear Honorable Chairs Inouye, Lee, and McKelvey; and Vice Chairs Elefante, Inouye and Gabbard; and Committee Members:

The American Council of Engineering Companies of Hawaii (ACECH) represents more than 70 member firms with over 1,500 employees throughout Hawaii.

ACECH **OPPOSES this bill** as written because it would easily exempt projects from the procurement code, thereby significantly increasing the potential for, and ease with which to engage in, corruption of public employees. Recent news of procurement corruption is a reminder of the need for rigorous procurement procedures.

Corruption is not the only concern and reason that ACECH **OPPOSES this bill**. As engineers we hold paramount the safety, health, and welfare of the public. Designing and improving vehicular and pedestrian transportation systems should only be performed by professionals that are specifically qualified for the services to be rendered, which is exactly what the procurement method described in HRS §103D-304 ensures. Therefore, exempting projects from the procurement code increases the potential for unqualified persons to be entrusted with responsibilities that impact the safety of public transportation.

Respectfully submitted,  
AMERICAN COUNCIL OF ENGINEERING COMPANIES OF HAWAII

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SENATE COMMITTEES ON WATER & LAND, TRANSPORTATION & CULTURE & THE ARTS,  
AND GOVERNMENT OPERATIONS

Tuesday, February 14, 2023 – 3:01pm

### **Hawai'i Bicycling League Supports SB 1535, relating to Transportation**

Aloha Chairs Inouye, Lee, and McKelvey, Vice Chairs Elefante, Inouye, and Gabbard, and members of the Senate Committees on Water & Land, Transportation & Culture & The Arts, and Government Operations.

My name is Travis Counsell, and I am the Executive Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

**Hawai'i Bicycling League strongly supports SB 1535**, which allows the Director of Transportation to exempt certain ground transportation facility projects from historic preservation review, the environmental impact statement law, and the Hawai'i public procurement code under certain circumstances.

HBL views this bill as a positive step towards expediting important safety improvements on our roadways. Too many people are injured or killed due to poor infrastructure design. We often hear that extensive and expensive reviews and analyses prevent improvements from occurring. Removing hurdles that delay or prevent much needed improvements will help to create safer streets for all users.

**HBL does make one suggestion: increase the project cost from \$100,000 to \$500,000 to allow a larger list of important projects to qualify for exemption.**

We strongly urge you to pass this legislation to allow for less hurdles in the creation of safe spaces for vulnerable road users. Mahalo for the opportunity to submit this written testimony.

Ride Aloha,

Travis L. Counsell  
Executive Director  
Hawai'i Bicycling League

**SB-1535**

Submitted on: 2/13/2023 2:50:00 PM

Testimony for WTL on 2/14/2023 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Sandie Wong	Individual	Oppose	Remotely Via Zoom

Comments:

I echo the concerns of the American Council of Engineering Companies - Hawaii.

**SB-1535**

Submitted on: 2/12/2023 1:22:10 PM

Testimony for WTL on 2/14/2023 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Daniel C. Smith	Individual	Support	Written Testimony Only

Comments:

Aloha e Legislators,

This bill makes sense. I remember last year participating in the Honolulu Century Ride and noticing some areas in Waimanalo where the shoulder needed some repair, esp. smoothing the transition to the roadway. Not a major project or expense.

Please pass SB1535.

Mahalo,

Daniel C. (Dan) Smith, Pearl City resident

**SB-1535**

Submitted on: 2/12/2023 5:47:17 PM

Testimony for WTL on 2/14/2023 3:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Chang	Individual	Support	Written Testimony Only

Comments:

Aloha Honorable Senators

Please pass this bill and please increase the funding from \$100,000 to \$500,000

Traffic fatalities [until recently were the leading cause of death for children 18 and under](#) inside and outside of cars, and [in Hawai'i it still is](#). As most commuting is done during rush hour, usually the same times as people take their children to school, providing safe routes to school would help with dealing with daily congestion, along with climate change, make Hawaii healthier, and save families money, especially those with low income. Safety needs to become a greater priority for kupuna and keiki alike.

My sister Emelia Hung, died at age 24 ten years ago trying to cross the street. My grandma Wai Lan Chang a few years before that got hit by a car trying to cross the street and only survived because she landed in cross, though she never walked the same.

Along with my experiences I hold a Master's in Urban and Regional Planning with a focus on transportation statistics, infrastructure, and history. Feel free to ask me anything

Please pass this and bill and increase the funding from \$100,000 to \$500,000

Mahalo nui loa

Anthony Chang

**CJ Johnson**  
chrisluttet@gmail.com

**212/2023**

**Senator Chris Lee and Transportation, Culture and the Arts Committee**

Dear Chair Lee and Committee Members,

I am writing to offer strong support of Senate Bill 1535 (SB1535).

I submit this testimony as a private citizen but I have a long resume as an advocate and organizer for safer, healthier transportation systems. I have led advocacy bike and pedestrian organizations and have served in state and local transportation and health agencies. Currently I am the lead organizer of the Hawaii Safe Routes Coalition. HSRC is an informal group of nonprofit, government, elected, and community representatives who are committed to working towards a Hawaii where all keiki have the infrastructure, confidence, skills and social support to bus, bike, walk or roll to school.

Streamlining the development and construction of supportive infrastructure like protected bike lanes and paths is one of the main “low hanging fruits” that will help accelerate our transition to healthier, safer, more sustainable, and more accessible mobility for all users.

By most measures, including safety, congestion, emissions reduction, maintenance and level of service, the state’s transportation system- like many across the US, is failing to make significant progress and- in many cases- is deteriorating year over year.

There is no viable pathway to solving these connected crises without curbing single occupancy vehicle trips. In Honolulu in particular, over half of single occupancy motor vehicle trips are under three miles in distance<sup>1</sup>. Creating safe, comfortable alternatives<sup>2</sup>, combined with improvements to transit and land use, could contribute to dramatic increases in safety and sustainability, and help the state meet Department of Health chronic disease prevention and health promotion goals<sup>3</sup>.

Thank you for the opportunity to testify on this important measure.

**CJ Johnson**

**Honolulu**

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<sup>1</sup>Honolulu is the top U.S. city where micromobility has the greatest potential to succeed and reduce vehicle trips.

<https://insights.rlist.io/2019/09/inrix-micromobility-rankings-for-us.html>

<sup>2</sup> Pop-Up Lanes Increased Cycling During Pandemic

<https://www.nytimes.com/2021/04/01/climate/bikes-climate-change.html>

<sup>3</sup> Hawaii State Department of Health Physical Activity and Nutrition Plan 2030

[https://hhsp.hawaii.gov/assets/pdf/HHSP\\_PAN\\_Plan\\_WEB.pdf](https://hhsp.hawaii.gov/assets/pdf/HHSP_PAN_Plan_WEB.pdf)

**SB-1535**

Submitted on: 2/13/2023 10:41:10 AM

Testimony for WTL on 2/14/2023 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
John Rogers	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Lee and Vice Chair Inouye,

I wholly support SB1535 which would allow the Director of Transportation to exempt certain ground transportation facility projects from historic preservation review and the EIS law. Coral Sea Road in Kalaeloa is a perfect example of why this legislation is so important. Recently Coral Sea Road was repaved and restriped. This roadway is the only connection to two very popular beach parks and the Coast Guard Air Station. As the Kapolei and Ewa communities have grown this roadway is seeing more and more pedestrian and bicycle traffic. Prior to repaving Coral Sea Road, the Ewa Community asked if the roadway's shoulder could be expanded to provide more space for bicycles and was told it would be impossible because of the added bureaucracy to expand the roadway beyond its original boundaries although there was and is ample room on either side of the roadway for expansion. Fortunately, the new striping narrowed the traffic lanes providing a little extra shoulder but a person riding a bicycle still has to enter the traffic lane in several areas. Please Support SB1535!

Thank you,

John Rogers

Transportation Co-Chair Ewa NB #23

**SB-1535**

Submitted on: 2/13/2023 3:59:09 PM

Testimony for WTL on 2/14/2023 3:01:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Malia k Harunaga	Individual	Support	Written Testimony Only

Comments:

I support this bill! We need safer streets NOW. We cannot risk delaying road improvements, especially ones that impact the safety of vulnerable users. Mahalo!