

DAVID Y. IGE
GOVERNOR OF
HAWAII



SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
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

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

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**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, February 2, 2021
9:00 AM**

State Capitol, Via Video Conference, Conference Room 430

**In consideration of
HOUSE BILL 601
RELATING TO THE TRAFFIC CODE**

House Bill 601 proposes to amend the statewide traffic code to allow for the Chairperson of Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations. **The Department of Land and Natural Resources (Department) acknowledges the intent of this measure and offers the following comments.**

The number of visitors who visit State Parks, trails, and scenic areas has increased steadily, resulting in visitors parking illegally on State highways in remote areas. This impacts not only those areas, but also adjacent communities, private lands, and road corridors servicing these attractions. Unlike the State Airport and Harbor Divisions of the Department of Transportation, the Highway Division does not have an enforcement branch.

The Department's Division of Conservation and Resources Enforcement (DOCARE), along with City and County Police Departments provide needed enforcement in special no stopping, standing, or parking zones along state highways adjacent to our State Park areas such as at Hā'ena and Waimea Canyon State Parks on Kaua'i, and the parks and waysides along the Hāna Highway on Maui.

Due to the shortage of law enforcement officers throughout the State, the State and City and Counties would like the flexibility of assigning other state and city and county employees, as well as contracted parking vendors to cite illegally parked cars in designated special no stopping, standing, or parking zones along State Highways.

This bill proposes to provide the Department with an additional management tool and will ultimately improve safety for all highway users and pedestrians and minimize negative impacts of illegally parked cars to surrounding neighborhoods and off-limits areas. It will also have the ancillary benefit of freeing up law enforcement officers for criminal and resource violations deemed more critical than simple parking infractions.

DOCARE would like to further examine the implications of the bill to their program, as there could be legal and logistical concerns that may have to be worked through as this has statewide implications. These concerns include:

- The issuance of parking and traffic citations by individuals who are not law enforcement officers may require the delegation or commissioning of these individuals with limited police powers. The Department will need to examine the appropriateness of the use of the Board of Land and Natural Resources' police powers as provided for in Section 199-4, Hawaii Revised Statutes. The Department notes this section allows for the Board to appoint individuals as Enforcement Officers with full police powers in the Conservation and Resources Enforcement Program. The Board has not used its authority to commission individuals with police powers for other purposes such as those this bill would provide.

The Department notes the likelihood that the County Police Departments may have similar concerns on the delegation of their statutory police powers as well. There may be other State or County Departments with a more appropriate authority to address traffic and parking violations.

- The Department will need to examine the degree of liability that may be involved with the use of non-law enforcement employees issuing parking and traffic citations. As these employees or vendors may be appointed and commissioned with the Board's police powers, they would be acting under the color of authority as an Agent of the Board and Department.
- As the issuance of traffic and parking citations are law enforcement actions, the employees or contracted vendors will need to be trained and appropriately equipped to detect, identify and issue the appropriate citations. This process may require funding to procure and provide the necessary training and equipment.

Thank you for the opportunity to comment on this measure.

OFFICE OF THE MAYOR

DEREK S.K. KAWAKAMI, MAYOR

MICHAEL A. DAHILIG, MANAGING DIRECTOR

LATE



Testimony of Michael A. Dahilig
Managing Director, County of Kauai

Before the
House Committee on Water & Land
February 2, 2021; 9:00 a.m.
Conference Room 430

In consideration of
House Bill 601
Relating to the Traffic Code

Honorable Chair Tarnas, Vice Chair Branco, and Members of the Committee:

The County of Kauai **strongly supports** HB 601 which amends the statewide traffic code to allow for the chairperson of the BLNR and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations.

During non-pandemic times, our state and county parks and beaches are overwhelmed with residents and visitors alike. Often parking restrictions or regulations are not in place or are ignored by people eager to enjoy our great outdoors whether it be our beautiful hiking trails or sandy beaches. With this, cars are often left dangerously parked on our state highways and county roads.

With a shortage in police officers in our Kauai Police Department and on police forces across our islands, we are challenged with addressing these parking violations. By adding capacity with designated state, city and county employees' ability to cite cars parked or stopped in violation of state traffic laws, we may tackle and deter these behaviors.

We are grateful for the assistance the Legislature has provided thus far in protecting resource areas that are heavily impacted by tourism, and appreciate this next step in providing the needed tools to adequately manage and protect our sensitive places while addressing community safety.

Thank you for your consideration in passing this measure.

LATE

HB-601

Submitted on: 2/1/2021 4:45:48 PM

Testimony for WAL on 2/2/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Begley	Kauai Police Department, Patrol Services Bureau	Support	No

Comments:

Honorable Chair Tarnas, and Members of the Committee,

The Kauai Police Department's Patrol Services Bureau supports this bill for the following reasons;

1. It will increase compliance with the laws that are currently in place.
2. It will improve safety.
3. It will reduce the State's and County's costs associated with enforcing these laws.
4. It will increase State revenue with the fines paid by violators.

Respectfully Submitted,

Mark Begley

LATE

HB-601

Submitted on: 2/1/2021 6:12:58 PM

Testimony for WAL on 2/2/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Chipper Wichman	National Tropical Botanical Garden	Support	No

Comments:

I am STONGLY in support of HB 601(Meter maid Bill) as it will provide new tools to help our community deal with the excessive number of cars whose drivers completely disregard the no parking zones set up to ensure the safety of the public and help manage visitor numbers in our community. I am testifying today as the President of the National Tropical Botanical Garden which operates four botanical gardens in Hawaii including two that are heavily impacted by illegally parked cars. Limahuli Garden and Preserve located on the north shore of Kauai is located immediately adjacent to HÅ•'ena State Park and has been very involved (as I have been personally) with establishing the No Parking Zones in HÅ•'ena to help manage the thousands of visitors that overwhelm our community every day.

While our situation maybe a great example, we are not the only community dealing with this. The number of tourists who visit State parks, trails, and scenic areas has increased steadily, resulting in visitors parking illegally on State highways in many remote areas around the State. Unlike the State Airport and Harbor Divisions, the Highway division does not have an enforcement branch. City and County police departments provide needed enforcement in special no stopping, standing, or parking zones along State highways. Due to the shortage of police officers throughout the State, the State and City and Counties would like the flexibility of assigning other state and city and county employees to cite illegally parked cars in designated special no stopping, standing, or parking zones along State Highways. This bill will ultimately improve safety for all highway users and pedestrians and minimize negative impacts of illegally parked cars to surrounding neighborhoods.

Mahalo for your support of HB 601 it will make a huge difference!!!!

Chipper Wichman, Ph.D., FLS, President
NATIONAL TROPICAL BOTANICAL GARDEN

LATE

HB-601

Submitted on: 2/1/2021 10:08:12 AM

Testimony for WAL on 2/2/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
joel Guy	Individual	Support	No

Comments:

Thank you allowing this important bill to be heard. I strongly support.

Thank you, Joel Guy

LATE

HB-601

Submitted on: 2/1/2021 11:38:45 AM

Testimony for WAL on 2/2/2021 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Carl Imperato	Individual	Support	No

Comments:

I strongly urge you to support HB 601.

Illegal parking has for a long time created serious congestion and safety problems on Kauai's north shore. The well-known lack of a sufficient number of police officers to enforce parking regulations further encourages drivers to ignore parking regulations, secure in the knowledge that it is very unlikely that they will be cited.

By enabling qualified parties other than police officers to issue citations, HB 601 would help to restore credibility to the state's parking regulations, increase compliance with those regulations, and reduce congestion and increase safety along the affected highways and roads.

For these reasons, please vote in favor of HB 601.



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

LATE

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
House of Representatives
Committee on Water & Land

Testimony by
Hawaii Government Employees Association
February 2, 2021

H.B. 601 – RELATING TO THE TRAFFIC CODE

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes H.B. 601 which amends the statewide traffic code to allow for the chairperson of the Board of Land and Natural Resources and county chiefs of police to designate state or county employees or contractors to issue citations for traffic violations. This is not a daily function for positions outside of law enforcement and designating this task to other state or county employees significantly impacts an employee's condition of employment, and the terms must be negotiated and mutually agreed upon. It also raises issues of liability for affected employees and jurisdictions.

Furthermore, contracting out this function which has customarily and historically been performed by civil service employees contradicts Chapter 76 – Civil Service Law. Government employees, specifically law enforcement officers hired through the civil service process, have been trained and possess the skill set to enforce and address violations in accordance with law.

Thank you for the opportunity to testify on H.B. 601.

Respectfully submitted,

Randy Perreira
Executive Director