

LINDA LINGLE
GOVERNOR



STATE OF HAWAII
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IN REPLY REFER TO:

February 8, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

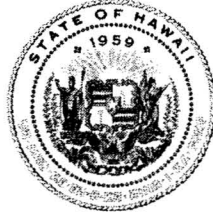
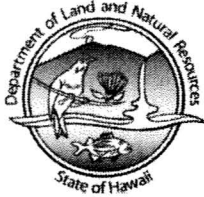
HOUSE BILL NO. 2215

COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this bill.

We believe vending on or along highways creates a hazardous condition for highway users unless specifically allowed by permit.

LINDA LINGLE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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HONOLULU, HAWAII 96809

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL Y. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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

**Department of Land and Natural Resources
Testimony Transmittal Cover Sheet**

Date Submitted: February 4, 2010

Testifier's Name/Title: Dan Quinn, State Parks Division Administrator

Committee Name: HOUSE COMMITTEE ON TRANSPORTATION (TRN)

Day and Date: Monday, February 8, 2010

Time/Location: 9:00 AM, Conference, Room 309

Measure Number: HB 2215 RELATING TO PUBLIC HIGHWAYS

Number of Copies: 5 (including original) to Room 403 in the State Capitol

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LAND
STATE PARKS

**Testimony of
LAURA H. THIELEN
Chairperson**

**Before the House Committee on
TRANSPORTATION**

**Monday, February 8, 2010
9:00 AM
State Capitol, Conference Room 309**

**In consideration of
HOUSE BILL 2215
RELATING TO PUBLIC HIGHWAYS**

House Bill 2215 proposes to prohibit vending on any scenic lookout, pull-off, or turnaround area of a public highway. The Department of Land and Natural Resources has concerns with the bill as currently written but would not be opposed to this bill if a provision is added to allow vending from scenic lookouts with a permit. There are scenic lookouts at state parks, such as Opaekaa Falls on Kauai, where vending concessions are allowed with a permit.



DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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February 4, 2010

HONORABLE JOSEPH M. SOUKI, CHAIR
HONORABLE KAREN LEINANI AWANA, VICE CHAIR
COMMITTEE ON TRANSPORTATION

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2010
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,
IN SUPPORT OF H.B. NO. 2215
RELATING TO PUBLIC HIGHWAYS.

The Honorable Chairpersons and Committee Members:

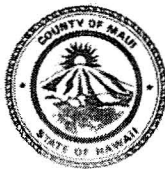
The Department of the Prosecuting Attorney for the County of Maui supports H.B. 2215, Relating to Public Highways.

This bill apparently seeks to correct an oversight in HRS Section 264-101 which prohibits vending from public highways.

In the past, our Department has had several cases involving vending at the scenic lookout on the Honoapiilani Highway. However, despite the scenic lookout being just a few feet from the highway, we have encountered problems with enforcing HRS Section 264-101 as it pertains to scenic lookouts. In its current state, the law appears to be ambiguous as to whether the prohibition against vending extends to the actual scenic lookout. Clearly, the intent of the statute is to prohibit vending from public highways which should also include scenic lookouts.

Accordingly, our Department supports H.B. 2215. Thank you for the opportunity to testify.

(H.B. 2215, Relating to Public Highways)



CHARMAINE TAVARES
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

February 4, 2010

The Honorable Joseph M. Souki, Chair
And Members of the Committee on Transportation
House of Representatives
State Capitol
Honolulu, HI 96813

Re: H.B. No. 2215, Relating to Public Highways

Dear Chair Souki and Members:

The Maui Police Department supports H.B. No. 2215, Relating to Public Highways. This bill would prohibit vending at scenic lookouts. Our officers have reported that vending takes place on almost a daily basis.

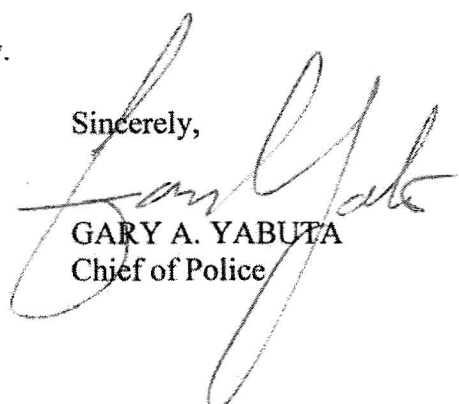
These vendors occupy valuable parking spaces at busy viewing areas and create a hazard by displaying their products on the sidewalks where visitors are trying to enjoy the scenery. Visitors are unable to legally park due to vendors occupying parking stalls for the entire day. State and county law enforcements are unable to enforce rules prohibiting vending because scenic lookouts weren't included in the statute prohibiting vending at these locations.

This bill would keep the parking available for visitors at the scenic lookouts and would reduce hazards by keeping walkways free of merchandise.

The Maui Police Department urges you to support H.B. No. 2215, Relating to Public Highways.

Thank you for the opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police