

# **HB 1010**

## **RELATING TO THE COMMUTER BENEFITS PROGRAM**

Authorizes the counties to adopt an ordinance requiring employers to offer employees specified commuter benefits options. (HB1010 HD1)

PSM/TRA/JDL, WAM

DAVID Y. IGE  
GOVERNOR



JAMES K. NISHIMOTO  
DIRECTOR

RANDY BALDEMOR  
DEPUTY DIRECTOR

STATE OF HAWAII  
DEPARTMENT OF HUMAN RESOURCES DEVELOPMENT  
235 S. BERETANIA STREET  
HONOLULU, HAWAII 96813-2437

March 20, 2015

TESTIMONY TO THE  
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND  
MILITARY AFFAIRS,  
SENATE COMMITTEE ON TRANSPORTATION,  
AND  
SENATE COMMITTEE ON JUDICIARY AND LABOR

For Hearing on Monday, March 23, 2015  
9:30 a.m., Conference Room 016

BY

JAMES K. NISHIMOTO  
DIRECTOR

**House Bill No. 1010 HD1**  
**Relating to the Commuter Benefits Program**

**WRITTEN TESTIMONY ONLY**

TO CHAIRPERSONS WILL ESPERO, CLARENCE NISHIHARA, AND GILBERT KEITH-AGARAN AND MEMBERS OF THE COMMITTEES:

The purpose of H.B. 1010 H.D.1 is to authorize the counties to adopt an ordinance requiring employers to offer employees specified commuter benefits options.

The Department of Human Resources Development (DHRD) **HAS CONCERNS** with the proposed amendments to Chapter 46, HRS.

DHRD appreciates the intent to encourage commuter benefits programs and recognizes the burden transportation costs have on our employees; however, the State is concerned that a possible unintended consequence of the bill may be that the

proposed requirements might be applied to the State. The State does not have funding to support such an initiative.

While, DHRD administers the Pre-Tax Transportation Benefit Pilot Program that has been a great tax savings benefit program by allowing participants to have their designated transportation expenses (e.g. monthly bus pass expenses) deducted from their paychecks on a pre-tax basis, participation in this commuter benefit program is limited to those employees who live and work on Oahu. DHRD is exploring the possibilities of expanding the program to the neighbor islands

Thank you for the opportunity to testify on this measure.

DAVID Y. IGÉ  
GOVERNOR



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

March 23, 2015  
9:30 a.m.  
State Capitol, Room 016

**H.B. 1010, H.D. 1  
RELATING TO THE COMMUTER BENEFITS PROGRAM**

Senate Committee(s) on Public Safety, Intergovernmental & Military Affairs  
and Transportation and Judiciary & Labor

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The Department of Transportation (DOT) **supports** the intent of this bill which authorizes the counties to adopt an ordinance requiring employers to offer employees specified commuter benefits options.

The DOT encourages programs and alternative modes of transportation that meet the goals of the Hawaii Clean Energy Initiative as long as it does not replace or adversely impact priorities indicated in our Executive Budget.

Thank you for the opportunity to provide testimony.

Testimony of  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:



**HAWAII GOVERNMENT EMPLOYEES ASSOCIATION**  
AFSCME Local 152, AFL-CIO

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

The Twenty-Eighth Legislature, State of Hawaii  
The Senate  
Committee on Public Safety, Intergovernmental and Military Affairs  
Committee on Transportation  
Committee on Judiciary and Labor

Testimony by  
Hawaii Government Employees Association  
March 23, 2015

H.B. 1010, H.D. 1 – RELATING TO THE  
COMMUTER BENEFITS PROGRAM

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO supports the purpose and intent of H.B. 1010, H.D. 1, which authorizes the counties to adopt an ordinance requiring employers to establish a commuter benefits program. Commuter benefits provided to employees through their employer allows them to reduce their transportation costs for transit, vanpooling and even biking under the Internal Revenue Code by using pre-tax dollars to pay for their commuting expenses.

Commuter benefits programs can help to reduce traffic congestion and the cost of commuting for employees. Thank you for the opportunity to testify in support of H.B. 1010, H.D. 1.

Respectfully submitted,

Randy Perreira  
Executive Director

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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HONOLULU, HAWAII 96813

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KIRK CALDWELL  
MAYOR



MICHAEL D. FORMBY  
DIRECTOR

MARK N. GARRITY, AICP  
DEPUTY DIRECTOR

March 20, 2015

The Honorable Will Espero, Chair  
and Members of the Committee on  
Public Safety, Intergovernmental and  
Military Affairs

State Senate  
State Capitol, Room 206  
415 South Beretania Street  
Honolulu, Hawaii 96813

The Honorable Clarence K. Nishihara, Chair  
and Members of the Committee on Transportation

State Senate  
State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

The Honorable Gilbert S.C. Keith-Agaran, Chair  
and Members of the Committee on Judiciary  
and Labor

State Senate  
State Capitol, Room 221  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Espero, Chair Nishihara, Chair Keith-Agaran and Members:

**SUBJECT: House Bill No. 1010, HD1 Relating to the Commuter  
Benefits Program**

The Department of Transportation Services supports House Bill No. 1010, HD1, relating to Commuter Benefits. The bill would authorize the Counties to establish commuter benefit programs that would allow employees to take part in a federal tax incentive program to reduce transportation costs via transit, vanpooling, and bicycling.

The Honorable Will Espero, Chair  
The Honorable Clarence K. Nishihara, Chair  
The Honorable Gilbert S.C. Keith-Agaran, Chair  
March 20, 2015  
Page 2

There is no cost to the State or Counties from these programs; employees would have the ability to use pre-tax dollars subject to monthly limits to pay for their commuting expenses. In other states that have adopted these programs, employers have found that commuter benefits are cost-effective and serve as an excellent recruitment and retention tool.

Thank you for the opportunity to testify on House Bill No. 1010, HD1.

Very truly yours,



Michael D. Formby  
Director

**Bernard P. Carvalho, Jr.**  
Mayor



**George K. Costa**  
Director

**Nadine Nakamura**  
Managing Director

**OFFICE OF ECONOMIC DEVELOPMENT**

**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite 200, Lihue, Hawai'i 96766  
TEL (808) 241-4946 FAX (808) 241-6399

**Before the Senate Committees on Public Safety,  
Intergovernmental and Military Affairs; Transportation; and Judiciary & Labor  
Monday, March 23, 2015  
Conference Room 016  
9:30 a.m.**

**IN SUPPORT OF HB 1010, RELATING TO THE COMMUTER BENEFITS PROGRAM**

Chairs Espero, Nishihara, and Keith-Agaran, and Members of the Committees,

Commuter benefits programs have the potential to help increase the use of transit and other modes of travel as an alternative to single occupancy vehicles used by employees in their daily commute to work. HB 1010 provides a valuable tool to the County as we work with our community towards encouraging alternative modes of transportation for our Island.

County of Kauai is committed to working in partnership with the State to achieve the goals of the Hawaii Clean Energy Initiative, and this is a very worthwhile addition to the body of policy measures that can assist us in that end.

The County of Kaua'i supports this bill.

Thank you for the opportunity to provide this testimony.

Sincerely,

Ben Sullivan  
Energy Coordinator  
Office of Economic Development  
County of Kauai



**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY  
AFFAIRS,  
SENATE COMMITTEE ON TRANSPORTATION, AND  
SENTATE COMMITTEE ON JUDICIARY AND LABOR**

March 23, 2015, 9:30 A.M., Room 016  
(Testimony is 1 page long)

**TESTIMONY IN SUPPORT OF HB 1010, HD1**

Aloha Chairs Espero, Nishihara, and Keith-Agaran and members of the Committees:

Blue Planet Foundation supports HB 1010 HD1, which would enable the counties to create policies that enable, encourage or require certain companies to make existing Internal Revenue Service (IRS) commuter benefits tax programs available to their employees.

There are a number commuter benefit programs set up by the IRS which provide tax benefits for employees who use public transit, carpool, vanpool, bicycling and other alternative modes of transportation in their commute, rather than driving single occupant vehicles. However, in order for individuals to take advantage of these benefit programs, their employers must choose to make those benefits available. Making these programs available to their employees usually does not cost companies any money other than the time and effort required to set them up administratively, and very often these programs can actually save companies money by reducing payroll taxes.

A number of the counties, including the City and County of Honolulu, are considering creating such policies to both encourage alternative modes of transportation and to help reduce both payroll and personal income taxes to benefit Hawaii households; however, the counties must receive authorization from the State before they are able to do so.

Giving this authorization to the counties to set up commuter benefits policies will require no State funding and will have no little or no impact on the budgets of the counties.

Thank you for this opportunity to testify.



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY AFFAIRS,  
TRANSPORTATION, AND JUDICIARY & LABOR  
Friday, March 23, 2015 — 9:30 a.m. — Room 016

**Ulupono Initiative Strongly Supports HB 1010 HD 1, Relating to the Commuter Benefits Program**

Dear Chair Espero, Vice Chair Baker, Chair Nishihara, Vice Chair Harimoto, Chair Keith-Agaran, Vice Chair Shimabukuro, and Members of the Committee:

My name is Murray Clay and I am Managing Partner of the Ulupono Initiative, a Hawai'i-based impact investment company that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally grown food, increase clean, renewable energy, and waste reduction.

**Ulupono strongly supports HB 1010 HD 1**, which authorizes the counties to require employers to offer employees pre-tax commuter benefits. Promoting and incentivizing alternative forms of transportation such as transit, vanpooling, and bicycling will help us to reduce our imported fossil fuel usage.

Through the Hawai'i Clean Energy Initiative, the State has made great progress in reducing imported fossil fuel use as the source for Hawai'i's electricity generation. However, the transportation sector uses more energy than the electricity sector in Hawai'i. Ground transportation, such as cars and trucks, relies almost exclusively on imported fossil fuels for its energy.

Therefore, Ulupono is investing in companies that promote alternative forms of transportation. These include WaySine, which provides bus riders with real-time information about their wait time at bus stops, and Bikeshare Hawai'i, which will offer a network of rentable bicycles across Honolulu. This bill will further promote transportation methods that are less reliant on imported fossil fuels.

As Hawai'i's energy issues become more complex and challenging, we appreciate this committee's efforts to look at policies that support renewable energy production.

Thank you for this opportunity to testify.

Respectfully,

*Investing in a Sustainable Hawai'i*

999 Bishop Street, Suite 1202 | Honolulu, Hawai'i 96813 ☎ 808.544.8960 📠 808.432.9695 | [www.ulupono.com](http://www.ulupono.com)



Murray Clay  
Managing Partner



COLLEGE OF SOCIAL SCIENCES  
**HAWAII ENERGY POLICY FORUM**  
UNIVERSITY OF HAWAI'I AT MĀNOA

Testimony of Mitch Ewan

Chair, Transportation Working Group of the Hawaii Energy Policy Forum

Before the

Senate Committees on Public Safety, Intergovernmental and Military Affairs;  
Transportation; and Judiciary & Labor

Monday, March 23, 2015, 9:30 a.m., Conference Room 016

**IN SUPPORT OF HB1010 HD1 - Relating to The Commuter Benefits Program**

Chairs Espero, Nishihara, and Keith-Agaran, and Members of the Committees,

I am Mitch Ewan, Chair of the Transportation Working Group of the Hawaii Energy Policy Forum (Forum). The Forum, created in 2002, is comprised of over 40 representatives from Hawaii's electric utilities, oil and natural gas suppliers, environmental and community groups, renewable energy industry, and federal, state and local government, including representatives from the neighbor islands. Our vision and mission, and comprehensive "10 Point Action Plan" serves as a guide to move Hawaii toward its preferred energy goals and our support for this bill.

HB1010 authorizes the counties to adopt a commuter benefits program to take advantage of federal tax incentives available for energy efficient transportation options such as transit, vanpooling and biking. Section 132(f) of the IRS Code allows employees to use pre-tax dollars, subject to monthly limits, to pay for their commuting expenses. This IRS code has been around since 1992. Offering commuter benefits saves employers money as a result of reducing payroll taxes.

Other jurisdictions throughout the United States have seen tremendous benefits after adopting commuter benefits programs. In San Francisco, from 2012-2013, vehicle miles traveled (VMT) was reduced by approximately 2,900,000 miles per day, reducing annual CO2 emissions by 286,000 metric tons. On average, this saved 123,500 gallons of gas per day (Source: San Francisco Department of Environment, 2014). From 1993 to 2005, Washington State's Commute Trip Reduction (CTR) law has contributed to a 23 percent decrease in employees that drive alone to work, alleviating traffic congestion and reducing commute times (Source: WA Commute Trip Reduction Board, 2011).

The counties currently do not have the authority to carry out a county-wide community benefits program in their jurisdictions. HB1010 HD1 provides this authorization. While the state incurs no cost, as this would be a county program and employees use pre-tax dollars to pay for their commuting expenses, HB 1010 HD1 enables the counties to develop yet another option to reduce our dependence on imported fossil fuel, and will reduce traffic congestion, greenhouse gas emissions, and air pollution. As importantly, it will help achieve Hawaii's clean energy transportation targets and greenhouse gas reduction target established in Act 234(2007).

The Forum therefore respectfully urges passage of the bill. Thank you for the opportunity to testify.

*This testimony reflects the position of the Forum as a whole and not necessarily of the individual Forum members or their companies*

**Hawaii Energy Policy Forum**

Jeanne Schultz Afuvai, HI Inst. for Public Affairs  
Joseph Boivin, Hawai'i Gas  
Warren Bollmeier, HI Renewable Energy Alliance  
Albert Chee, Chevron  
Elizabeth Cole, The Kohala Center  
Leslie Cole-Brooks, HI Solar Energy Assn  
Kyle Datta, Ulupono Initiative  
Mitch Ewan, UH HI Natural Energy Institute  
Jay Fidell, ThinkTech HI, Inc.  
Carl Freedman, Haiku Design & Analysis  
Sen. Mike Gabbard, HI State Senate  
Dan Giovanni, Hawaiian Electric Company  
Mark Glick, State Energy Office, DBEDT  
Justin Gruenstein, City & Co. of Honolulu  
Dale Hahn, Ofc of US Sen Brian Schatz  
Michael Hammett, Research Corp. of the UH  
Randy Iwase, Public Utilities Commission  
Rachel James, Ofc of US Rep. Tulsi Gabbard  
Jim Kelly, Kaula'i Island Utility Cooperative  
Darren Kimura, Energy Industries  
Kelly King, Sustainable Biodiesel Alliance  
Rep Chris Lee, HI House of Representatives  
Gladys Marrone, Building Industry Assn of HI  
Doug McLeod, Maui County  
Stephen Meder, UH Facilities and Planning  
Lauren Montez-Hernandez, Ofc of Sen Mazie Hirono  
Sharon Moriwiki, UH So. Sci. Public Policy Ctr  
Ron Nelson, U.S. Defense Energy Support Center  
Tim O'Connell, U.S. Dept of Agriculture  
Jeffrey Ono, Division of Consumer Advocacy, DCCA  
Darren Pai, Hawaiian Electric Company  
Melissa Pavlicek, Hawaii Public Policy Advocates  
Randy Perreira, HI Government Employees Assn  
Rick Rocheleau, UH HI Natural Energy Institute  
Will Rolston, Hawai'i County  
Riley Saito, SunPower Systems Corp  
Joelle Simonpietri, U.S. Pacific Com. Energy Ofc  
H. Ray Starling, Hawaii Energy  
Ben Sullivan, Kaula'i County  
Lance Tanaka, Hawaii Independent Energy  
Maria Tome, Public Utilities Commission  
Ah Linn Yamane, HI Government Employees Assn

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 20, 2015 12:35 PM  
**To:** PSMTestimony  
**Cc:** bcole47@hawaiiantel.net  
**Subject:** Submitted testimony for HB1010 on Mar 23, 2015 09:30AM

**HB1010**

Submitted on: 3/20/2015

Testimony for PSM/TRA/JDL on Mar 23, 2015 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Betsy Cole	The Kohala Center	Support	No

Comments: HB1010 is necessary because the counties need the authority in order to carry out a program that allows many employees to take advantage of federal tax incentives and receive commuter benefits at no cost to the State. This is a small but important part of the effort to reduce our islands' dependence on imported fossil fuel by encouraging the use of public transportation. The Kohala Center urges passage of this bill.

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March 20, 2015

### Testimony Supporting HB1010 HD1

Aloha Chairs Espero, Nishihara, and Keith-Agaran, and Esteemed Members of Committees on Public Safety, Intergovernmental and Military Affairs; Transportation; and, Judiciary and Labor,

Hawaii Bicycling League **supports HB1010 HD1**. This bill will enable the counties to establish Commuter Benefits programs, including the utilization of a federal tax benefit.

The federal Commuter Benefit program incentivizes bicycling, transit, and vanpool for work commutes through providing a tax benefit to offset commute costs. This bill provides the opportunity for state and county officials to make this federal tax benefit more available to the people of Hawaii, thereby reducing personal transportation costs and encouraging more sustainable transportation choices.

While people choose to bicycle for a wide variety of reasons, the fact that it's an inexpensive way of getting around is a crucial part of the equation for many. Commuter Benefits will make bicycling more economically appealing, thereby encouraging this healthy and environmentally friendly commute choice.

Thank you very much for considering the comments of the Hawaii Bicycling League. If you have any questions or would like to discuss further, please contact Chad Taniguchi (808-735-5756, [chad@hbl.org](mailto:chad@hbl.org)) or Daniel Alexander (808-275-6717, [daniel@hbl.org](mailto:daniel@hbl.org)).

Ride and Drive Aloha,

Chad Taniguchi  
Executive Director  
Hawaii Bicycling League

Daniel Alexander  
Advocacy Director  
Hawaii Bicycling League

March 19, 2015

**IN SUPPORT OF HB1010 HD1 - Relating to Commuter Benefits - Counties**

Dear Chairs Espero, Nishihara, and Keith-Agaran, and Members of the Committees,

I commute to work downtown every day by bike or bus and I am very interested in having more commuter benefit options available – as a way to save money and encourage more transit ridership and bicycling. This seems like very low hanging fruit that does not cost the state any money and is optional for the counties. If a county is interested in creating a commuter benefit program, then they will figure out how to encourage more employers to take advantage of these programs. It seems especially beneficial for employers to take advantage of the federal tax incentive that already exists. If more employers were signed up for this and offered commuter benefit tax incentive options to their employees, then employees would have a chance to save money each month. Actually, from my understanding, both employers and employees would both save money. This seems like a no brainer. Why not encourage everyone to save money, especially when it doesn't cost the state anything? It sounds like creating this type of program may cost the counties a little bit. For example, they may have to assign a part-time person to implement the program and help answer employer and employee questions. This is okay, because HB 1010 only gives the counties the option to create a program, it does not require them to create a commuter benefit program. It is up to each county on how they would like to proceed.

I used to live in the Bay Area and they have commuter benefit programs available. My employer offered me a discounted bus pass each month and I saved hundreds of dollars each year. This may not seem significant, but if each bus commuter in a town saves hundreds of dollars each year, when you add this up it is quite significant. This is a program that saves your constituents money. It also saves employers money because they will not have to pay as much federal tax on the salaries of each employee that opts to take advantage of this program. It's a simple plan to take advantage of available federal funds – easily, without any procurement necessary. Organizations (businesses, government agencies, nonprofits) only have to sign up for the program and they are good to go. If they want to be more pro-active and offer additional commuter benefits, that is also an option, but at the very least they can sign up for the federal tax incentive.

Commuter benefit programs are not just a way to save employers and employees money, they are a way to encourage alternative commute modes. Commuter benefits can encourage more bus ridership, bicycling and van pooling. By promoting these multi-modal options, commuter benefits are encouraging a more sustainable transportation system and, ultimately, helping

Hawaii reduce our dependence on imported fossil fuels, reduce our greenhouse gas emissions, save the environment and create a more sustainable future for our children.

I hope you will pass HB 1010 HD1. This is an essential yet easy way the state can authorize the counties to create commuter benefit programs, help save employers and employees money, and help create a more sustainable transportation future.

Thank you for reading.

Sincerely,

A handwritten signature in cursive script that reads "Asia Yeary".

Asia Yeary

Oahu Resident

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 20, 2015 3:41 PM  
**To:** PSMTestimony  
**Cc:** cpicardo@hawaii.edu  
**Subject:** Submitted testimony for HB1010 on Mar 23, 2015 09:30AM

**HB1010**

Submitted on: 3/20/2015

Testimony for PSM/TRA/JDL on Mar 23, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Caterine Picardo	Individual	Support	No

Comments: Dear Committee, I Caterine Picardo, graduate student at the Urban and Regional Planning Master's program at UH Manoa and resident of Honolulu, support HB1010. HB1010 is necessary because the counties currently do not have the authority to carry out a program which allow many employees to receive commuter benefits that otherwise would not. HB1010 allows employees county-wide to have access to commuter benefits. The State incurs no costs to pay for commuter benefits as employees use pre-tax dollars subject to monthly limits to pay for their commuting expenses. HB 1010 HD1 enables the counties to develop yet another option to help the state and the counties to reduce its dependence on imported fossil fuel, traffic congestion, greenhouse gas emissions, and air pollution. As importantly, such programs provide incentives to achieve the Hawaii clean energy transportation targets and the greenhouse gas reduction target established in Act 234(2007). Thank you for your time, Caterine

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Friday, March 20, 2015 1:35 PM  
**To:** PSMTestimony  
**Cc:** m2john3@gmail.com  
**Subject:** Submitted testimony for HB1010 on Mar 23, 2015 09:30AM

**HB1010**

Submitted on: 3/20/2015

Testimony for PSM/TRA/JDL on Mar 23, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
marsha johnson	Individual	Comments Only	No

Comments: Dear Chairs Espero, Nishihara, Keith-Agaran, and Members of the Committees, I ride the bus daily and am very interested in having more commuter benefit options available, to help people use the public transit. Seems to make sense since traffic congestion is such a huge problem for everyone using the roads here in Hawaii. There is no cost to the state and gives counties the option to take part. Please pass HB 1010 HD1. This is necessary to move forward with encouraging use of public transportation. Thank you, Marsha Johnson

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