

TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

Friday, February 7, 2020
10:00 a.m.
State Capitol, Room 423

H.B. 1973
RELATING TO NON-GENERAL FUNDS

House Committee on Transportation

The Department of Transportation (DOT) **provides comments and clarification** of House Bill (H.B.) 1973 which proposes to take recommendations provided by the Office of the Auditor in Report No. 19-05, dated January 2019, to abolish, repeal, or reclassify certain non-general funds of the DOT. The DOT agrees with certain findings and recommendations of the Auditor's Report to reclassify certain funds to appropriate Trust Accounts and have already complied by establishing these accounts. However, DOT disagrees with certain findings in the report and certain sections of this bill because these programs and funds continue to serve specific public purposes and needs.

1. This bill proposes to repeal Section 206J-17, Hawaii Revised Statutes, which establishes the Aloha Tower Fund. The DOT disagrees with Part 2, Sections 5, 6, 7, and 10 of this bill. The Aloha Tower Fund supports Aloha Tower Development Corporation's (ATDC) mission to better serve the economic, maritime, and recreational needs of the people of Hawaii by developing, redeveloping, or improving the Aloha Tower complex, an area that encompasses Piers 4 to 11 of Honolulu Harbor. According to the Auditor's Report on page 10, the Auditor reconfirms the Aloha Tower Fund meets the criteria of a special fund and continues to serve the purpose for which it was originally created. Revenues are from an annual rent of approximately \$1 million from Hawaii Pacific University's lease of Aloha Tower Marketplace. Expenditures include an annual minimum base payment of \$225,000 to DOT Harbors Division for loss in revenue due to the curtailment of maritime activities.

The proposed repeal of the Aloha Tower Fund will have a detrimental impact on projects currently underway and future projects that are in preliminary discussions that are intended to have significant economic benefit to the area as well as attractions consistent with the original purpose of the Aloha Tower Marketplace.

2. This bill proposes to repeal Section 264-19, Hawaii Revised Statutes, which establishes the Transportation Improvement Special Fund. The DOT agrees with Section 13 on the repeal but strongly disagree with Section 17. The DOT offers following revision to Section 17:

All unencumbered balances remaining in the transportation improvement special fund repealed by this part shall lapse to the credit of the State Highway Fund.

3. This bill proposes to abolish the highway senior debt service reserve account revolving fund which was administratively created in 1994. The DOT disagrees with Part 3, Section 16 of this bill because the highway senior debt service reserve account must not be abolished as it is a requirement under the Highway Revenue Bond Original Certificate. Any amendments to this provision in the Highway Revenue Bond Original Certificate must have Bondholder's Consent, this consent condition has not been satisfied.
4. This bill proposes to repeal Section 291C-4, Hawaii Revised Statutes, which establishes Safe Routes to Schools Program Special Funds. The DOT disagrees with Part 4 of this bill and the Safe Routes to Schools Program Special Funds should not be abolished. The DOT requests Section 20 be amended to read as follows:

SECTION 20. Section 291C-3, Hawaii Revised Statutes, is amended by amending subsection (d) to read as follows:

~~“(d) [The director of transportation, through the safe routes to school program coordinator and in consultation with county safe routes to school program coordinators, shall develop a mechanism to provide funds to county safe routes to school programs from the safe routes to school program special fund established under section 291C-4]~~ *The legislature shall appropriate funds to counties to be used for the implementation of county safe routes to school program projects. Each county shall submit to the legislature an annual report of the status and progress of their county safe routes to school program, including an accounting of all grants provided through the program and a timeline for future grant awards, no later than twenty days prior to the convening of each regular session.*

5. This bill proposes to repeal and amend Section 296-9, Hawaii Revised which establishes the Motorcycle and Motor Scooter Operations Education Fund. The DOT disagrees with Part 5 of this bill because the loss of this fund would make it impossible for DOT to implement the motorcycle safety program for the State, which includes all the operations, materials and personnel to maintain and certify the curricula, the instructors and the locations that conduct such training. Moreover, the DOT would not be able to implement its plan to require basic motorcycle rider training mandatory for everyone in order to obtain motorcycle rider's permit.

Thank you for the opportunity to provide testimony.



DEPARTMENT OF PLANNING
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

KA'ĀINA S. HULL
DIRECTOR

JODI A. HIGUCHI SAYEGUSA
DEPUTY DIRECTOR

Testimony of Lee Steinmetz
Transportation Planning Officer, Planning Department

Before the
House Committee on Transportation
February 7, 2020 at 10:00 AM
Conference Room 423

In consideration of
House Bill 1973
Relating to Non-General Funds

To the Honorable Chair Aquino, Vice Chair Hashimoto, and members of the Committee:

The County of Kaua'i **strongly opposes** HB 1973 in its current form. The County of Kaua'i opposes those portions of HB 1973 that repeal the Safe Routes to School Special Fund. Currently, this special fund, which is funded through a surcharge on traffic violations, is distributed to counties by the Hawai'i Department of Transportation based on an established formula. This funding is critical for Safe Routes to School projects on Kaua'i. For example, these funds have been used as a local match for the Kawaihau elevated boardwalk in Kapa'a, which links our coastal shared use path with three schools. In addition, these funds were used to construct a new shared use path connecting Wilcox Elementary School in Līhu'e.

The County of Kaua'i relies on these regularly-distributed funds to keep its Safe Routes to School infrastructure improvements moving forward. We can anticipate how much funding we will receive each year, and can program the use of these funds for design and construction. Constructing projects with regular funding sources is already challenging. If this Bill were to pass in its current form, appropriations would need to be requested from the Legislature. This causes a much higher level of uncertainty, and would most likely mean these important safety projects around schools would be delayed or cancelled due to the additional steps required.

It should also be noted that the Bill as currently proposed was not the intent of the original Safe Routes to School Special Fund. At that time, the fund was conceived to provide counties with a reliable stream of funds for SRTS projects and programs, with each county determining how to use these funds to best meet its needs. Placing the legislature in the position of approving each specific SRTS expenditure will reduce each county's flexibility and autonomy to make decisions at the local level.

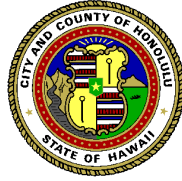
The County of Kaua'i urges you to amend this Bill to keep the Safe Routes to School Special Fund program intact as it currently exists. Until that happens, the County opposes this Bill.



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



WES FRYSZTACKI
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR

COMMENTS TO THE
HOUSE COMMITTEE ON TRANSPORTATION (TRN)

FEBRUARY 7, 2020
10:00 AM

HB 1973 – RELATING TO NON-GENERAL FUNDS

Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

The Department of Transportation Services provides the following comments on this measure, and specifically on Part IV and the provisions therein relating to the Safe Routes to School Program Special Fund.

The effect and impact of Part IV of the bill is unclear. The current law allows for a surcharge assessed to persons who are found to have violated certain speed restrictions set forth in Chapter 291C, Hawaii Revised Statutes, to be deposited into a special fund that is used to support the Safe Routes to School Program. By eliminating the special fund, it is unclear whether or how sums collected from these surcharges will be made available to the Safe Routes to School Program.

With the resources provided through the special fund, the Department of Transportation Services and our dedicated program coordinator have run a robust Safe Routes to School Program for the past five years. The City's Safe Routes to School Program involves direct outreach to schools across Oahu and their communities; the purchase and distribution of safety vests and other items students use on their ways to school; the installation of speed radars, in-road crossing delineators, and Safe Routes to School yard signs; and the design of infrastructure improvements to make walking to school safer for students at Fern Elementary School in Kalihi. This project will go out to bid next month and we expect construction to commence in the summer. While City funds supplement the funds we receive through the Safe Routes to School Program special funds, our program will be severely limited if funding levels are reduced as a result of the elimination of the special fund.

Thank you the opportunity to provide these comments.



February 6, 2020

Testimony in Opposition to HB1973 Relating to Non-General Funds

Aloha Chair Aquino, Vice Chair Hashimoto, and esteemed members of the House Transportation Committee:

The Hawaii Bicycling League opposes the section of HB1973 that would repeal the Safe Routes to School Special Fund.

Safe Routes to School projects make it safer for kids to walk and bicycle to school. In 2012 the legislature created the Safe Routes to School Special Fund to provide a dedicated funding source for these important projects. This fund enables schools, nonprofits, and the counties to work together on local neighborhood solutions. It energizes and involves people. It funds important school-focused projects, like the Fern Elementary School walkways project that will create a safe walking space for hundreds of students.

Please do not repeal this program that is having good results in our grassroots communities.

Ride and Drive Aloha,

Daniel Alexander
Co-Executive Director
Hawaii Bicycling League
808-275-6717, Daniel@hbl.org

Chad Taniguchi
Director Emeritus
Hawaii Bicycling League
808-255-8271, chad@hbl.org



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and Human Resources

Garret Sugai
Kaiser Permanente

Catherine Taschner, JD
McCorriston Miller Mukai
MacKinnon LLP

Date: February 5, 2020

To: Representative Henry Aquino, Chair
Representative Troy Hashimoto, Vice Chair
Members of the Committee on Transportation

Re: Opposition for HB 1973, Relating to Non-General Funds

Hrg: February 7, 2020 at 10:00 AM at Conference Room 423

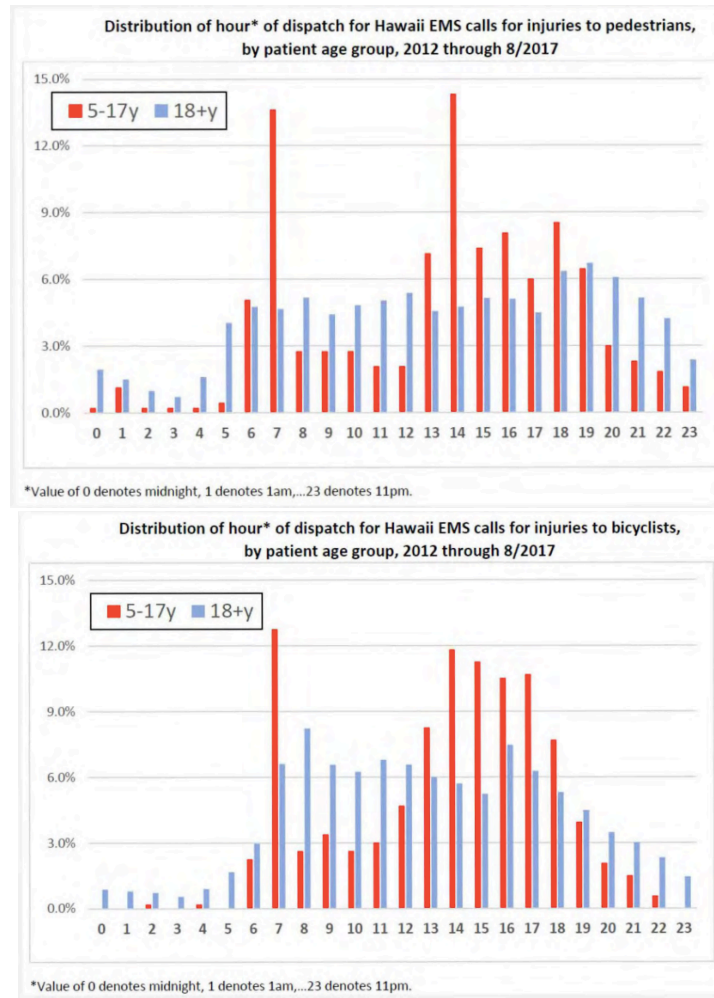
The Obesity Prevention Task Force of the Hawai'i Public Health Instituteⁱ **Opposes HB 1973**, which would repeal several special funds, including the Safe Routes to School (SRTS) Special Fund.

SRTS aligns with the state's commitment to Vision Zero.

Vision Zero is a growing movement in cities across the nation that focuses on improving transportation systems and infrastructure for vehicle traffic as well as for people who walk, ride bicycles, and use other forms of transportation. In 2018, the state legislature made a commitment to this cause when it passed Act 134, which created a Vision Zero task force to adopt a statewide policy. SRTS programs aim to make it safer and more desirable for students to walk and bike to school, thus encouraging a healthy and active lifestyle from an early age. It is critical that these programs have sustainable and reliable funding to advance towards the state's Vision Zero goals.

There is a clear nexus between traffic violations in school zones and SRTS.

The purpose of the additional fee for drivers who commit traffic violations in school zones is to fund SRTS programs, which would in turn make it safer for children to walk and bike to school. This is supported by Hawai'i EMS data that shows that the greatest distribution of emergency calls for children pedestrian and cyclists occur in the morning, when children are on their way to school, and in the after school hours. Repealing the special fund could jeopardize SRTS programs and make environments around schools less safe for our keiki to walk or bike.



Thank you for the opportunity to provide testimony.

Mahalo,

Jessica Yamauchi, MA
Executive Director

ⁱ Created by the legislature in 2012, the Obesity Prevention Task Force is comprised of over 60 statewide organizations, and works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents. The Hawai'i Public Health Institute (HIPHI) convenes the Task Force and supports and promotes policy efforts to create a healthy Hawai'i.

Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.



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a registered 501 (C) 3 non-profit, EIN 27-3343903

February 6, 2020

HOUSE COMMITTEE ON TRANSPORTATION

Rep. Henry J.C. Aquino, Chair, Rep. Troy N. Hashimoto, Vice Chair

Rep. Tom Brower, Rep. Scot Z. Matayoshi, Rep. Ty J.K. Cullen, Rep. Justin H. Woodson,

Rep. Mark J. Hashem, and Rep. Val Okimoto

Subject: Strong Opposition to HB 1973

Aloha House Committee on Transportation Members,

Kauai Path is an educational non-profit advocating for multi-modal transportation improvements on Kauai, in Hawaii, and in the US.

Part IV of House Bill 1973 proposes to eliminate the Safe Routes to School special fund, and divert fines for speeding violations collected through this program to the state's general fund. If passed, counties attempting to use these funds to implement necessary improvements to the transportation systems and infrastructure serving our schools and communities would be required to apply to the legislature for funding.

It makes no sense to replace a function presently being satisfactorily managed within the Department of Transportation with a burden on the legislature—evaluating the merits of proposed county transportation safety improvements and monitoring their completion.

For simplicity's sake, these roles should remain the responsibility of the Department of Transportation, with input from the host communities. If passed, this bill would unnecessarily add to the bureaucratic complexity of building life-saving sidewalks and traffic calming infrastructure—as you can now see successfully in progress locally near Kauai's King Kaumuali'i Elementary School in Hanamaulu and elsewhere in the state.

Part IV of House Bill 1973 not only impedes the process of implementing safety-oriented programs and infrastructure, it risks avoidable traffic-related injuries and deaths due to unaddressed roadway safety hazards. The end result would be to diminish or eliminate the effectiveness of a functional program approved only a few years ago by the legislature and deprive communities of needed transportation safety improvements.

Thank you for your attention to this testimony opposing HB 1973.

Sincerely,

Tommy Noyes, Executive Director, Kauai Path, Inc.

Kauai residents working together to preserve, protect, and extend access island-wide through the design, implementation, and stewardship of non-motorized multi-use paths.

HB-1973

Submitted on: 2/6/2020 6:23:02 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
LIBRADO COBIAN	OMA Oahu Motorsports Association	Oppose	No

Comments:

I am the president of OMA Oahu Motorsports Association with over 6 ,000 associated partner members in the Racing & Motorsports Community. I oppose this Bill. it will remove funds for Drivers Education Motorcycle and Scooter safety Education.

Our Streets and freeways are getting more dangerous everyday. This bill will remove funds from Life saving Transportation needed education.

Li Cobian



Peoples Advocacy For Trails Hawai'i

PO Box 62, Kailua-Kona, Hawai'i 96745

808 -326-7284 www.pathhawaii.org

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To safely connect
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places on Hawaii
Island with pathways
and bikeways.

Serving
the Island of Hawai'i
since 1986

HOUSE COMMITTEE ON TRANSPORTATION Rep. Henry J.C.

Aquino, Chair, Rep. Troy N. Hashimoto, Vice Chair Rep. Tom Brower, Rep. Scot Z. Matayoshi, Rep. Ty J.K. Cullen, Rep. Justin H. Woodson, Rep. Mark J. Hashem, and Rep. Val Okimoto

Subject: Strong Opposition to HB 1973

Aloha House Committee on Transportation Members, PATH is a non profit bicycle and pedestrian advocacy organization on Hawaii Island. We have been the Safe Routes to School Coordinator for the County of Hawaii since 2015. We strongly oppose Part IV of House Bill 1973 proposes to eliminate the Safe Routes to School special fund, and divert fines for speeding violations collected through this program to the state's general fund. If passed, Hawaii County would no longer have this source of funds to implement necessary improvements to the transportation systems and infrastructure serving our schools and communities would be required to apply to the legislature for funding.

The SRTS Special fund has been a reliable source of infrastructure monies for the past 5 years and is being satisfactorily managed within the Department of Transportation without a burden on the legislature.

If passed, this bill would unnecessarily add to the bureaucratic complexity of building life-saving sidewalks and traffic calming infrastructure. As the state and counties reckon with epidemic pedestrian fatalities, reliable funding for programs and infrastructure should be protected.

Part IV of House Bill 1973 not only impedes the process of implementing safety-oriented programs and infrastructure, it risks avoidable traffic-related injuries and deaths due to unaddressed roadway safety hazards. The end result would be to diminish or eliminate the effectiveness of a functional program approved 5 years ago by the legislature and deprive communities of needed transportation safety improvements.

Thank you for your attention to this testimony opposing HB 1973. Sincerely,

Strategic Projects Director



Street Bikers United Hawaii (SBU) Submissions

February 06, 2019

Presenter: Bruce Paige, SBU State Director

Residence: Pearl City

Email: bpaigeco@gmail.com

LATE

Bill SB No. 1973 – Related to Non-General Funds

Bill Introducers: Luke

Report Title: DOT; Reclassification of Funds; Repeal of Non-General Funds; Transfer of Balances

Description(s): Abolishes, repeals, or reclassifies various non-general funds of the Department of Transportation.

Bill HB No. 1973 – TITLE: Related to Non-General Funds.

Renamed: “Transferring Targeted \$2/Year Insurance Contribution Funding For Motorcycle, Motor Scooter Operators’ Education To General Fund” or

New Title: “Motorcyclists Lives Aren’t Worth \$2 Bucks A Year Anymore!”

Executive Summary – Bill HB1973

SBU Recommends That Its Members Oppose Bill SB Nos. 1973 On Three Grounds:

- I. Statistics Don’t Lie. Motorcycle (Motor Scooter) Safety Training & Education Courses Prevent Accidents, Saves Lives Avoids Injuries; Reduces the Social Costs Associated With Avoidable and Unnecessary Accidents or Collisions.
- II. The Goal of Reducing Serious Injuries (including head injuries) and Fatalities sustained in Motorcycle and Motor Scooter (and Moped) Accidents Is Best Achieved with a “Responsible” “Comprehensive” and “Integrated” Policy Based on a Mandatory Motorcycle Training and Education Course - Licensing Program.
- III. Instead of Cutting Motorcycle, Motor Scooter Operators’ Education and Training Program Funding thereby “Gutting the Program” by transferring the Annual \$2.00/Operator Insurance Contribution to the State “General Fund” the State should be expanding the payment to \$20.00/Operator Insurance Contribution and making all first time Motorcycle, Motor Scooter and Moped Licensees take a “Mandatory Motorcycle Safety Training & Education Course (Mandatory MST&EC) as a licensing requirement.

SBU Submissions:

- I. Proposed Bill HB1973 takes Motorcycle and Motor Scooter (“Motorcycle” includes Motorcycles by definition) safety in the opposite direction from where we need to go.¹ We want better trained and educated Motorcycle and Motor Scooter Operators (“Riders”) in Hawaii. We want less Motorcycle

¹ “Moped” is expressly excluded from the definitions of Motorcycle and Motor Scooter in the statutory definitions §286-2 Definitions, while Motor Scooter” is included in the definition of “Motorcycle”.

deaths and injuries. We want more and more Riders (which includes Motorcycle and Motor Scooter passengers) to ease congestion and reduce parking demands in our cities and on our streets, roads, highways, freeways. However, more Riders will only come with less accident related deaths and injuries if we make it “safer” for them. It would be nice to improve the training and skill levels of other motorists in Hawaii, because statistics (the Hurt Report²) show that two-thirds of all motorcycle-automobile accidents are actually caused by motorists not the Riders. The Hurt Report suggested that there was a higher probability that a Rider who had taken a “**Motorcycle Safety Education Course**” (“MSEC”) or a “**Motorcycle Skills Training Course**” (“MSTC”)³ was significantly less likely to be involved in an Motorcycle Accident and was more likely to wear a Helmet after successfully completing such a course compared to a Rider who did not take a MSEC or a MSTC.⁴

- II. Unfortunately, educating the Hawaii motoring public to watch for and avoid collisions with Motorcycles may be an overwhelming task, but educating Riders to watch for and avoid colliding with the rest of the motoring public in Hawaii is financially and practically doable right now, with the financial resources we potentially have at our disposal. We just need the political will to do it! In reality we have ninety (90%) per cent of what is necessary for completion of a Motorcycle Safety Training & Education Course as a mandatory licensing requirement for Hawaii is in place already. We have Motorcycle licensing program (Category #2) and we have a Motorcycle Safety Training & Education Course (MST&EC), which is offered by the Leeward Community College⁵. They are not yet combined into a “Mandatory” requirement for first time license applicants. There must be a funding mechanism for the program. Instead of transferring the Motorcycle, Motor Scooter Operators’ Education and Training Program Funding thereby “Gutting the Program” by transferring the Annual \$2.00/Operator Insurance Contribution to the State “General Fund” the State should be expanding the payment from \$2.00 to \$20.00/Operator Insurance Contribution and making all first time Motorcycle and Moped Licensees take MST&EC.

² Motorcycle Accident Cause Factors and Identification of Countermeasures, January 1981. H.H. Hurt, Jr. J.V. Ouellet and D.R Thorn. Traffic Safety Centre, University of Southern California, Los Angeles, California 90007, Contract No. DOT HS-5-01160 (Final Report) Funded by National Highway Traffic Safety Administration, U.S. Department of Transportation. The Hurt Report study involved accidents for the period from 1975 to 1980, and reported in 1981. The Hurt Report studied 900 motorcycle accidents on site and 3600 police accident reports involving motorcycles and conducted interviews of 2310 motorcyclists who were involved in those accidents during the period 1975-80. The study comprises 435 pages and generated 55 conclusions. The Hurt Report is outdated in some ways, but it was and remains the most comprehensive Motorcycle statistical and scientific study ever conducted.

³ An example of an MSEC or a MSTC is the Motorcycle Safety Foundation (“MSF”) “**Basic Rider Course**” offered through the Leeward Community College on Oahu and is recognized by the Hawai’i Department of Transportation (DOT) for participants who successfully complete that course constituting a licensing waiver for a Hawai’i Category 2 motorcycle operator’s license. However there are many advanced skills training courses that increase motorcyclists’ proficiency from intermediate to expert levels that are also offered through the MSF and similar organizations.

⁴ Ibid FN 22 Hurt Report pages 250-53. “*The trained motorcycle riders (although they are scarce) showed very high rates of helmet use and the comparison with untrained riders was very significant*”. Table 9.3.18 indicated 68.3% Riders with formal MTPs training were helmeted although they were only involved in 5.1% of the accidents.

⁵ Hurt Report found that Riders who received a motorcycle rider training course (MSEC/MSTC) were significantly underrepresented in the collisions as were Experienced Riders. This distinction is important since in Europe most jurisdictions have a multi-phase licensing program with compulsory training and a series of testing involving written exams, range exercises and an on-road test for Motorcycles. Although that is encouraged in Hawai’i re Motorcycle Safety Foundation (“MSF”) “Basic Rider Course” offered through the Leeward Community College, it is not mandatory requirement for a Hawai’i Category #1 (Moped) or category #2 (Motorcycle/Motor Scooter) license/endorsement like in the European jurisdictions

- III. SBU estimates there are forty-five (45,000) thousand licensed Motorcycles and Motor Scooters in Hawaii, which at \$20.00/Annual Operator Insurance Contribution is $\$20.00 \times 45,000 = \$900,000$ annually available funding for the implementation of the Mandatory Motorcycle Safety Training & Education Course Licensing Program Funding Requirements. With the Leeward Community College “Basic Rider Course” program now costing \$200/applicant and 500-1,000 applications per year for first-time Motorcycle and Motor Scooter licensees the program should cost \$100,000 to \$200,000/year even if there is a subsidy of \$100,000/year presently, the total program costs would be \$300,000. There is a backlog at present and extra cost for first-time Motorcycle licensees outside Honolulu County, There may be some Motorcycle equipment upgrading required as well, but the additional \$600,000 generated by this proposed program should ameliorate these problems.
- IV. The Hurt Report found that most motorcycle accidents (66.6%) occurred in intersections; **(66%) were cause by the other driver.** Usually, the accident was the fault of a motorist (64.9%) due to a failure to see, recognize, or notice the oncoming Motorcycle (**i.e. lack of Motorcycle conspicuity or Motorist inattentiveness or both**), even though most of those accidents (75%) occurred in broad daylight, and under clear visibility conditions (86.3%) of the time. Of the total accidents involving Motorcycles (75%) involved another vehicle. Of the remaining (25%) of the total accidents, these were classified as “single vehicle” Motorcycle Accidents only 64.3% were the Rider’s fault (i.e. Rider inattention, misjudgments, or carelessness). Another 10.9% of the “single vehicle” Motorcycle Accidents were actually caused by a motorists, although no contact with the Motorcycle was made. The rest of the single vehicle Motorcycle Accidents resulted from other factors such as animals, uneven road surfaces, etc.⁶ Most of the accidents (68.9%), involve the Motorcyclist’s hesitation and failure to initiate any form of evasive maneuver (herein called “**Collision Avoidance Skills**”). The Motorcyclist failed to initiate any evasive action when presented with the imminent threat of collision, due to a lack of formal training, inexperience, improper or ineffectively braking and an absence of collision avoidance skills.⁷ **Only 5.1% of Motorcyclists involved in accidents had any formal Motorcycle Safety Skills training course (i.e. what we have called “MST&EC”)**, while 92% had absolutely no training at all.⁸ **Riders with over four (4) years’ experience comprised only 3.2%** of the accident victims while 42.3% of the accident victims had less than two years’ experience riding a motorcycle.⁹ The inevitable conclusion is that by requiring first time Motorcycle, Motor Scooter (and Moped) licensee applicants to successfully complete a MST&EC we can reduce the risk of those Operators and their passengers being injured or killed by as much as ninety-five (95%) per cent. The savings in loss of lives and injuries is significant, the financial savings to individuals, families, employers and our society as a whole are staggering. Yes, it involves real costs, it will take a few years after employment before Hawai’i begins enjoy the benefits and it will require courageous politicians who show a commitment to the Motorcycle Community by taking a stand and implementing this mandatory program.
- V. SBU recommends that all Motorcycle and Motor Scooter operators should have sufficient knowledge and expertise regarding “two-wheeled” or “three-wheeled” vehicle (depending on what they ride) as to the basic operating maintenance, operating skills and “collision avoidance techniques” to safely

⁶ Ibid FN 22 Hurt Report at pgs 44, 45, 49, 50 and 54. (See also Tables 5.4.1, 5.4.2 and 5.4.3.)

⁷ Ibid FN 22 Hurt Report at pgs 140-47

⁸ Ibid FN 22 Hurt Report at page 126 at Table 7.7.1 and page 250. Formally Trained Motorcyclists were (5.1%) of the total number of Riders involved in accidents and showed very high rates of helmet use by comparison to untrained Riders.

⁹ Ibid FN 22 Hurt Report at pg 128-9

operate a Motorcycle or Motor Scooter. In reality this is only true if the Motorcycle Licensee has either considerable experience (i.e. over 4 years minimum) or they have successfully completed a Motorcycle Safety Training & Education Course (MST&EC) as a mandatory requirement and prerequisite to being first licensed to operate a Motorcycle or Motor Scooter in Hawai'i.

- VI. The same rules should apply to tourists coming to Hawaii for visits and wishing to rent Motorcycles and Motor Scooters while visiting. These renters should either have certified proof they have taken a MSTEC in their home jurisdiction comparable to that required in Hawaii or they should not be permitted to ride. Period. Unlike Experience Riders in Hawaii who have an appropriate Motorcycle or Motor Scooter Operator's License and have been operating in the state for four (4) years with the attendant track record, rental companies have no idea what kind of riding experience such tourists from outside the State of Hawaii might have had. SBU understands that the rental industry will oppose this SBU initiative as it will initially reduce rentals, but: (a) it will save lives and injuries to those they do rent Motorcycles and Motor Scooters; (b) it make the roads safer for everyone; and (c) if they openly advertise that MST&EC requirement they will attract renters and lessees who do qualify and will therefore have a safer motorcycling or motor scooter vacation/experience when they come to Hawaii, because they are far less likely to go home injured or worse.

SBU Recommendations as an alternative to Bill HB1973 Gutting :

(A) The Mandatory Motorcycle/Moped Training & Safety Education Course ("Mandatory MT&SEC") should become a core requirement for qualification of either a Category #1 (Moped License) or a Category #2 (Motorcycle/Motor Scooter License)

(B) All persons, businesses or enterprises shall ensure that the renter or lessee of a Motorcycles, Motor Scooters and Mopeds be properly educated, trained and licensed with a mandatory **Beginner Moped and Motorcycle Rider Course: Riding and Street Skills** (i.e. the Mandatory MST&EC) or the equivalent course from another jurisdiction) to qualify to rent or lease Motorcycles, Motor Scooters and Mopeds in Hawaii.

(C) Existing licensed Adult Riders Licensees (over 18 years of age) could be "grandfathered into to the mandatory license requirements" with virtually no adverse impact injury and fatality trends, since most all have over two to four years' full-time riding experience. SBU says that everyone can benefit from taking some level of formal motorcycle training, but the greatest gains are for **Beginner Motorcycle Rider Course: Riding and Street Skills** for the new Rider first-time taking their Category (1) (Moped) or Category (2) (Motorcycle and Motor Scooter) license as novices, regardless of age.

(D) At present in Hawai'i the law requires Motorcycle Insurance carriers to grant owners of Motorcycle Insurance policies a discount of fifteen (15%) percent for Riders who complete a Motorcycle Safety Education Course (i.e. the "**Motorcycle Education Course Insurance Premium Deduction**" or the "**MECIP Deduction**" for short). That is not done for Moped Operators, because there has never been mandatory insurance for Moped operators (which have traditionally been treated as bicycles). SBU says that should change. Mopeds need to be insured just like all other motorized vehicles operated on Hawaii roads, the fatalities and serious injury statistics for Mopeds dictate it. Also, it is not mandatory for a Moped operator to obtain a Category (1) license, which must change for the same reasons. The Mandatory MST&EC should be required for both those categories #1 and #2 applicant (albeit modified for the differences between Motorcycles and Motor Scooters versus Mopeds). SBU recommends only a duly licensed Category (2) holder should be entitled to operate a Motorcycle (including a Motor Scooter) as

well as a Moped; and a Category (1) license should be the minimum license requirement necessary for a person to be entitled to operate a Moped.

(E) If the MST&EC - “Beginner Motorcycle Rider Course: Riding and Street Skills” was made mandatory for new licensees, the same MECIP Deduction fifteen (15%) insurance reduction incentive would not be necessary (for mopeds or motorcycles), since the course would be mandatory. Instead the MECIP Deduction could be used to incentivize existing Riders to take an Advanced Motorcycle Safety Training Course (“Advanced MSTC”), which would further enhance their motorcycle skills generally and especially “collision avoidance skills”. The MECIP would then be granted only if Motorcycle and Moped Riders take an Advanced MSTC.

(G) Motorcycle Traffic-Safety School (“MTSS”) is an effective alternative to payment of a fine or suspension for a citation. The requirement to attend a MTSS with multiple traffic citations (i.e. three or more in any one 12 month period) or multiple accidents (i.e. three or more at-fault in any one 12 month period), exposes these Riders to critical information, training, and experience relating to Motorcycle Skills development that can greatly reduce the likelihood of the Riders will be involved in a subsequent collision. They would be required to satisfactorily complete (at their own personal expense) a specialized motorcycle rider training course (MSEC/MSTC whether it is the “beginner course” or an “advanced skills course”) as part of satisfactorily completing all of the MTSS requirements.

SBU Recommends That Its Members Oppose Bill SB No. 1973 On Three Grounds:

- I. Statistics Don’t Lie. Motorcycle (Motor Scooter) Safety Training & Education Courses Prevent Accidents, Saves Lives Avoids Injuries; Reduces the Social Costs Associated With Avoidable and Unnecessary Accidents or Collisions.**
- II. The Goal of Reducing Serious Injuries (including head injuries) and Fatalities sustained in Motorcycle and Motor Scooter (and Moped) Accidents Is Best Achieved with a “Responsible” “Comprehensive” and “Integrated” Policy Based on a Mandatory Motorcycle Training and Education Course - Licensing Program.**
- III. Instead of Cutting Motorcycle, Motor Scooter Operators’ Education and Training Program Funding thereby “Gutting the Program” by transferring the Annual \$2.00/Operator Insurance Contribution to the State “General Fund” the State should be expanding the payment to \$20.00/Operator Insurance Contribution and making all first time Motorcycle, Motor Scooter and Moped Licensees take a “Mandatory Motorcycle Safety Training & Education Course (Mandatory MST&EC) as a licensing requirement.**

All of which is respectfully submitted:

On Behalf of Street Bikers United Hawaii (SBU)

Bruce Paige

Bruce Paige
SBU State Director

TAX FOUNDATION OF HAWAII

126 Queen Street, Suite 304

Honolulu, Hawaii 96813 Tel. 536-4587

SUBJECT: MISCELLANEOUS, Repeal Non-General Funds

BILL NUMBER: HB 1973

INTRODUCED BY: LUKE

EXECUTIVE SUMMARY: Abolishes, repeals, or reclassifies various non-general funds of the Department of Transportation as recommended by State Auditor's Report No. 19-05.

SYNOPSIS: As it relates to the airports division:

- Reclassifies various administratively created funds as trust accounts.

As it relates to the harbors division:

- Repeals the Aloha Tower fund (HRS section 206J-17).
- Reclassifies various administratively created funds as trust accounts.
- Abolishes the administratively created risk management fire and casualty losses - harbors trust fund.

As it relates to the highways division:

- Repeals the transportation improvement special fund (HRS section 264-19).
- Reclassifies various administratively created funds as trust accounts.
- Abolishes the administratively created highway senior debt service reserve account revolving fund.

Repeals the safe routes to school program special fund (HRS section 291C-4). The safe routes to school program surcharge in HRS section 291C-5 is not abolished; any surcharges will go to the general fund.

Repeals the motorcycle and motor scooter operations education fund (HRS section 431:10G-107).

EFFECTIVE DATE: July 1, 2020.

STAFF COMMENTS: The 1989 Tax Review Commission noted that use of special fund financing is a "departure from Hawaii's sound fiscal policies and should be avoided." It also noted that special funds are appropriate where the revenues to the funds maintain some direct connection between a public service and the beneficiary of that service. The Commission found that special funds which merely set aside general funds cannot be justified as such actions restrict budget flexibility, create inefficiencies, and lessen accountability. It recommended that such programs can be given priority under the normal budget process without having to resort to this type of financing.

Re: HB 1973

Page 2

Because of the spotlight of monies in special funds, HRS section 23-12 requires the State Auditor to review all existing special, revolving, and trust funds beginning in 2014 and at five-year intervals. This bill was the result of Auditor's Report No. 19-05.

Digested 2/5/2020

HB-1973

Submitted on: 2/6/2020 9:18:06 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sharleen Andrade	Individual	Oppose	No

Comments:

It is unacceptable to remove funding from programs which will provide safety to our children's routes to school . This should be the State's priority and commitment to all communities to do whatever the state can do for the safety of our children when they use the streets to get to school by walking or biking.

HB-1973

Submitted on: 2/6/2020 9:59:35 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
William N. Arakaki	Individual	Oppose	No

Comments:

I, William N. Arakaki oppose those portions of HB 1973 that repeal the Safe Routes to School Special Fund. Currently, this special fund, which is funded through a surcharge on traffic violations, is distributed to counties by the Hawai'i Department of Transportation based on an established formula. This funding is critical for Safe Routes to School projects on Kaua'i. For example, these funds have been used as a local match for the Kawaihau elevated boardwalk in Kapa'a, which links our coastal shared use path with three schools. In addition, these funds were used to construct a new shared use path connecting Wilcox Elementary School in Lā'āhu'e.

The County of Kaua'i relies on these regularly-distributed funds to keep its Safe Routes to School infrastructure improvements moving forward. The County can anticipate how much funding it will receive each year, and can program the use of these funds for design and construction. Constructing projects with regular funding sources is already challenging. If this Bill were to pass in its current form, appropriations would need to be requested from the Legislature. This causes a much higher level of uncertainty, and would most likely mean these important safety projects around schools would be delayed or cancelled due to the additional steps required.

It should also be noted that the Bill as currently proposed was not the intent of the original Safe Routes to School Special Fund legislation. At that time, the fund was conceived to provide counties with a reliable stream of funds for SRTS projects and programs, with each county determining how to use these funds to best meet its needs. Placing the legislature in the position of approving or denying each specific SRTS expenditure will reduce each county's flexibility and autonomy to make decisions at the local level.

I urge you to amend this Bill to keep the Safe Routes to School Special Fund program intact as it currently exists. Until that happens, I oppose this Bill.

HB-1973

Submitted on: 2/7/2020 7:51:09 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kelvin N Asahina, DDS	Individual	Oppose	No

Comments:

A documented fact: motorcycle safety courses save lives.

example: safer-turn.com/article/motorcycle-safety-course-why-should-every-rider-take-it

HB-1973

Submitted on: 2/6/2020 9:55:59 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Bev Brody	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/5/2020 5:23:51 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Randy Ching	Individual	Oppose	No

Comments:

Aloha Chair Aquino, Vice Chair Hashimoto, and members of the committee,

I oppose HB1973. The Safe Routes to School program is meant to enable children to get to school safely. I have been fighting for this since 2006, when the City Charter Amendment passed with 75% of Oahu voters saying they wanted Oahu to become more bicycle and pedestrian friendly. I engaged with HIDOT administrators about spending the money (which comes from the federal government) for safety improvements around schools.

Many times the State would just return the money to the feds (there is a deadline to spend the money) because SRTS was such a low priority to HIDOT. The program administration was usually assigned to some junior engineer who had just joined Highways Division. That person had no idea which areas had the worst conditions and so nothing was done.

Please kill this bill or hold it in committee. We need to protect our keiki as they journey to school every day. The Safe Routes to School is a special fund that needs to be protected. Mahalo for the opportunity to testify.

Randy Ching

Honolulu

HB-1973

Submitted on: 2/6/2020 9:36:40 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katie Folio	Individual	Oppose	No

Comments:

Aloha Honorable Members of the Committee,

My name is Katie Folio and I submit this testimony in opposition to HB1973 as a concerned citizen and parent. Please do not put funding for the Safe Routes to School program at risk. I have a daughter starting kindergarten this year at Kula Elementary and, while we live close enough to walk, there are no sidewalks and there is a highway that must be crossed. I see and notice where Safe Routes to School projects are being implemented on Maui, and it really makes a huge difference for the health and safety of our kids. We need more programs like this that think about and incorporate health into our communities and planning processes. Please do not put this program at risk of reduced funding.

Mahalo nui loa

Katie Folio

Kula, Maui, HI

LATE

HB-1973

Submitted on: 2/6/2020 4:54:16 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Jacqueline Foster	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/5/2020 10:00:37 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Amy Ford-Wagner	Individual	Oppose	No

Comments:

Aloha, The Safe Routes to School fund has done exactly what it was meant to - promoted the construction of safe facilities for children walking and bicycling to school. In the relative scheme of things, this is a small fund that has a powerful impact. Please do not dismantle it. Thank you for the work you do for Hawaii!

Sincerely,

Amy Ford-Wagner

HB-1973

Submitted on: 2/5/2020 4:11:55 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Colleen Inouye	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/6/2020 7:00:36 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Braanna Kunz	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/6/2020 10:07:23 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Anne Massie	Individual	Oppose	No

Comments:

This proposal to defund the Safe Routes to School is a BAD IDEA. It is a STEP BACKWARDS. I am so disappointed that legislatures are more interested in supporting dying businesses (like the Cattleman's Association) while ignoring the SAFETY of keiki and other citizens.

Hawaii as a state and Honolulu as a City and County are NOT SAFE for pedestrians and bicyclists. There is very little public education provided (TV and radio commercials, street signage, programs in schools and colleges) to reach the motorists, pedestrians and bicyclers alike. Motorists drive distracted and speed in posted school zones. I see this everyday when I drive up and down Makakilo Drive through the school zones. Police enforcement is insufficient and I suspect it is because there are not enough officers on patrol.

Defunding the Safe Routes to School will put our KEIKI at risk of accidents, trauma, and possibly even death. Since the Department of Education has failed to provide crosswalk guards at most schools on Oahu, this act is one of FEW mechanisms in place to protect keiki who are WALKING OR BICYCLING to school. This assembly should hold the Department of Education responsible to CREATIVELY recruit, hire, and provide tools to crosswalk guards instead of defunding a safety measure?

As a former trauma nurse, I have seen what motorists do to pedestrians and bicyclists. The costs of hospitalizations, rehabilitation (if the victim survives), medications, etc. are horrendous. Add to that the mental trauma the child and family will suffer.

Please oppose this bill which would remove funding of the Safe Routes to School.

Thank you.

HB-1973

Submitted on: 2/5/2020 9:21:05 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kristin Mills	Individual	Oppose	No

Comments:

These funds need to remain as special funds, not general funds.

HB-1973

Submitted on: 2/6/2020 4:43:32 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Robert Moses	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/5/2020 6:53:48 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ben noble	Individual	Oppose	No

Comments:

Safe Routes to School projects make it safer kids to walk and bicycle to school.

HB-1973

Submitted on: 2/6/2020 7:02:13 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Bruce Paige III	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/6/2020 6:58:21 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Malana Paige	Individual	Oppose	No

Comments:

LATE

HB-1973

Submitted on: 2/6/2020 4:35:29 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Steve Palin	Individual	Oppose	No

Comments:

What are you thinking with this one?

SECTION 25. The purpose of this part is to repeal the motorcycle and motor scooter operations education fund.

Sure, who needs to educate people when we can use these funds to buy more votes!. You create all of these taxes for specific purposes and then figure you can give it a few years and no one will notice when they quietly get moved over to the black hole called General Funds. Here is a better idea, stop collecting all these faxes and fees so we the people can keep some of our money.

HB-1973

Submitted on: 2/6/2020 7:03:32 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Kassandra Palmer	Individual	Oppose	No

Comments:

HB-1973

Submitted on: 2/5/2020 10:04:01 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Sue Pantano-Saldana	Individual	Oppose	No

Comments:

As the Kilauea School PCNC, I have worked for several years with the Kauai SRTS Task Force and coordinated all of the Walk/Bike to School days. I have also been involved in process of developing plans to make the streets safer for the students to get to school. We still have a long way to go to make the necessary changes to the infrastructure.

The work that has been completed would not have been possible without the dedication of those that helped to create the bill establishing the SRTS fund with money from the moving violation surcharges. Taking this money away from this program will make it even harder than it already has been to get the changes that vital for the safety of the students completed.

As our representatives, we ask that you listen and hear what those doing the real work of making this happen have to say regarding this issue rather than the bean counters in an office somewhere making decisions about this money that have no idea how and for what it is actually being used.

Safer streets for your children to walk and bike to school (or anywhere) on should be a priority for all of you and keeping this fund separate and intact is best way to show that this truly matters to you.

Respectively, Sue Pantano-Saldana

HB-1973

Submitted on: 2/6/2020 9:48:36 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
John Rogers	Individual	Oppose	No

Comments:

I oppose HB 1973. The Safe Routes to School Special Fund was created to fund projects that make it safer for our children to travel to school. The Safe Routes to School Special Fund provides funding to qualified projects identified by schools and communities to encourage biking and walking to school. If we want to see a Vision Zero Future than this Special Fund should be enhanced not abolished.

HB-1973

Submitted on: 2/6/2020 12:07:16 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Rosenblum	Individual	Oppose	No

Comments:

This would be a big loss – taking away dedicated funding for projects to improve safety for kids walking and biking to school.

HB-1973

Submitted on: 2/6/2020 4:39:05 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Anthony P Sedillo	Individual	Oppose	No

Comments:

Safe Routes to School projects make it safer kids to walk and bicycle to school. In 2012 the legislature created the Safe Routes to School Special Fund to provide a dedicated funding source for these important projects. Now HB1973 is proposing to eliminate this crucial fund.

HB-1973

Submitted on: 2/6/2020 9:06:01 AM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Christopher Tipton	Individual	Oppose	No

Comments:

Please do not remove the dedicated funding source for Hawaii's keiki to safely walk and bike to school. Let's not make them as car-dependent as their parents.

HB-1973

Submitted on: 2/5/2020 6:51:26 PM

Testimony for TRN on 2/7/2020 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Franz Weber	Individual	Oppose	No

Comments: