

SB-1173-SD-1

Submitted on: 3/13/2023 4:49:56 PM

Testimony for TRN on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
LIBRADO COBIAN	Oahu Motorsports Association	Comments	In Person

Comments:

We support the intent but ask for a exemption for Racing Events . This bill would cause every racer in Big Island Kauai and Maui to get a fine . All of racing performance vehicles release visible exhaust. Li Cobian

SB-1173-SD-1

Submitted on: 3/13/2023 7:42:34 PM

Testimony for TRN on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Bobby jay Gouveia	808 Street Chevy Street Trucks and 808 Street Rods	Oppose	Written Testimony Only

Comments:

Hi my Name is Bobby Gouveia our family has been into trucking and racing since the 60s and there has never been any complaints of diesel or gas exhaust complaints ever in the 808 state I think there's more bad games and fumes coming out of both Volcanoes from the Big island so I don't how you would regulate those games from our vehicles I still think you all need to do more investigating on this matter thank you from all the trucking and car groups around the island



SB-1173-SD-1

Submitted on: 3/14/2023 12:13:17 PM

Testimony for TRN on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Marc Rubenstein	Polynesian Adventure Tours	Oppose	Written Testimony Only

Comments:

Aloha

My name is Marc Rubenstein, I'm the SVP/COO for Polynesian Adventure Tours. I am testifying in opposition of Senate Bill 1173 Senate Draft 1 as it is poorly written and overreaching.

The bill calls for not less than a \$500 penalty for discharging clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle.

All commercial vehicles emit an "exhaust emission" no matter how clean and clear the exhaust is. This includes brand new vehicles that are built to the strictest EPA standards. Exhaust is emitted as a byproduct of internal combustion engines. Uninformed complaints from a well intentioned public could be overwhelming and trigger enormous fines for what is a perfectly functioning vehicle.

The true problem lies in the defeating of emission controls. If a motorist intentionally defeats manufacturers emission controls and causes a dark, soot-like cloud to be emitted, then there should be enforcement.

I urge you to vote NO on this bill. It is poorly written and will have unintended negative consequences on commercial motor carriers.

Thank you.



March 16, 2023

**TESTIMONY BEFORE THE HOUSE COMMITTEE ON TRANSPORTATION
ON SB 1173 SD1 RELATING TO VEHICLES**

Aloha Chair Todd and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 350 transportation related members throughout the state of Hawaii.

Hawaii Transportation Association opposes this bill as written.

This bill provides a penalty for the INTENTIONAL release of exhaust emissions. Although commercial vehicles are not equipped with systems to enable the intentional release of exhaust nor the ability to even aim said exhaust at a target, how does enforcement determine intent?

Commercial vehicles could be subject to the \$500 fine every time they move from a stopped position. Guarding against the potential impact of such a judgement call offense would insanely increase the cost of delivering EVERYTHING residents and visitors consume.

However, the Senate Transportation Committee's report addressed the crux of the problem stating: "Your Committee finds that emissions from motor vehicles are one of the greatest sources of manmade pollution. ***The practice of intentional discharge of diesel exhaust, also known as "rolling coal", occurs when modifications to a vehicle's parts are adjusted to bypass pollution controls. The usage of "defeat devices", including electronic programmers or "tuners" adjust fuel and timing settings while also turning off certain emission controls that are designed to inhibit the release of visible exhaust.***"

This report makes clear the situations that create the problem. If those situations were in the bill enumerated in the language of the bill as triggers to a violation, we would not oppose this measure. For example:

"§29I— Intentional release of exhaust emissions;
penalty. (a) No person shall cause a diesel or gas—powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle when **modifications to a vehicle's parts are adjusted to bypass pollution controls, or the vehicle is equipped with "defeat devices", including electronic programmers or "tuners" to adjust fuel and timing settings while also turning off certain emission controls that are designed to inhibit the release of visible exhaust.**"

This would clearly define when a violation exists and remove the uncertainty of a fine, and the ensuing price increases.

Mahalo.



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HOUSE COMMITTEE ON TRANSPORTATION
Thursday, March 16, 2023 – 10:00am

Hawai'i Bicycling League Supports SB1173 SD1, relating to vehicles

Aloha Chair Todd, Vice Chair Kila, and Committee Members,

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

Hawai'i Bicycling League supports SB1173 SD1, which prohibits a person from causing a diesel or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle. A establishes a \$500 fine for violators.

While much of the previous testimony has been focused on commercial drivers, the intention of this bill is to prohibit the act of "coal rolling" or where a large privately owned truck has modified their exhaust to discharge a large amount of smoke/soot. The action is often used to harass people walking or biking, as well as people driving a vehicle viewed as more environmentally friendly. I have full faith that commercial drivers are not doing this action and that this bill would not impact their ability to drive or add any cost to their business. Perhaps modifying the bill to only apply to privately registered vehicles would signify this intention.

I have personally been passed while riding a bicycle by a large diesel truck who intentionally blew soot/smoke on me as he passed. I could tell this was intention by the fact that his brake lights were illuminated while his engine was revving, to pass in a manner that maximized the impact of this smoke. This is not only dangerous, but also unhealthy for the person experiencing it as well as the environment. This action must be specifically outlawed.

Mahalo for the opportunity to provide testimony. Please support **SB1173 SD2** and help create safer streets for people who bike and walk.

Ride Aloha,

Travis L. Counsell
Executive Director
Hawai'i Bicycling League

SB-1173-SD-1

Submitted on: 3/15/2023 1:53:39 PM

Testimony for TRN on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Jowell Rivera	Hawaii Logistic Services	Oppose	Remotely Via Zoom

Comments:

This bill needs to be **re-written** to say "**any vehicles MODIFIED to intentionally blow smoke or soot**" as the way it is currently written penalizes most if not all vehicles on the road. See below

Prohibits a person from **MODIFYING a VEHICLE, INTENTIONALLY** causing a diesel or gas-powered vehicle to discharge clearly visible smoke, soot, or other exhaust emissions onto another person or motor vehicle. Establishes a \$500 fine for violators.

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SB-1173-SD-1

Submitted on: 3/16/2023 9:51:06 AM

Testimony for TRN on 3/16/2023 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
james pirtle	Individual	Oppose	Written Testimony Only

Comments:

I opose this bill. The legislature is not lawfully elected thus does not have the authority to enact laws and bills. All actions are treason against the United States of America.