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STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAI'I
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

Thursday, April 2, 2026
2:00 PM
State Capitol, 325

SB3154,SD2, HD1
RELATING TO TRANSPORTATION ENVIRONMENTAL REVIEW

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) is in strong support of SB3154 SD2, HD1, which authorizes the Department of Transportation to assume federal environmental review responsibilities under the National Environmental Policy Act of 1969 (NEPA) for transportation projects within the State. This legislation aligns with the Department's objectives to streamline project delivery while maintaining robust environmental protections.

The bill enables the Department to participate in the National Environmental Policy Act Assignment Program under 23 U.S.C. §§ 326 and 327. NEPA Assignment is a well-established federal program that allows qualified state DOTs to assume certain federal environmental review responsibilities while remaining fully accountable under federal environmental law. Multiple states already operate successfully under NEPA Assignment, including Alaska, Arizona, California, Florida, Nebraska, Ohio, Texas, and Utah.

The bill specifically provides for a limited waiver of sovereign immunity to comply with federal requirements under 23 U.S.C. § 326(b)(4) and § 327(c)(3)(B), ensuring that the Department can effectively carry out its assigned responsibilities. The limited waiver of sovereign immunity is a federal prerequisite to pursue NEPA assignment.

By assuming these federal environmental review responsibilities, the Department will gain greater control over project timelines and reduce dependency on federal agencies such as the Federal Highway Administration. This enhanced autonomy will improve the efficiency of transportation infrastructure development, particularly for highways, airports, and harbors, thereby supporting economic growth and public safety while maintaining environmental safeguards and public transparency.

Furthermore, the bill requires the Department to adopt relevant federal environmental standards as state standards, ensuring that environmental protections remain consistent with federal guidelines. The inclusion of provisions for entering into

memoranda of understanding with the U.S. Department of Transportation also facilitates clear coordination and compliance with federal mandates. Finally, these programs are not “set it and forget it.” The Federal Highway Administration monitors performance through required audits (especially in early years), and audit findings are publicly noticed and documented.

Thank you for the opportunity to testify in support of this bill.



April 1, 2026

Representative David A. Tarnas, Chair
Representative Mahina Poepoe, Vice Chair
House Committee on Judiciary & Hawaiian Affairs

Strong Support of SB 3154, SD2, HD1, RELATING TO TRANSPORTATION ENVIRONMENTAL REVIEW (Authorizes the Department of Transportation [DOT] to assume responsibilities under the National Environmental Policy Act of 1969 [NEPA] for highway projects, as well as railroad, public transportation, or multimodal projects within the State, allowing streamlined environmental reviews. Provides a limited waiver of sovereign immunity to comply with federal requirements under 23 U.S.C. §§326 and 327. [HD1])

**JHA Hearing: Thursday, April 2, 2026, at 2:00 PM
State Capitol, Conference Room 325, and VIA VIDEOCONFERENCE**

The Land Use Research Foundation of Hawai'i (LURF) is a private research and trade association founded in 1979, whose members include major Hawai'i landowners, developers, utility companies, and land use professionals. LURF's mission is to research, educate, and advocate for reasonable, rational, and equitable land use planning, laws, and regulations that encourage well-planned and sustainable economic growth in agriculture, housing, renewable energy, commercial and industrial uses, and tourism, while safeguarding Hawai'i's significant natural, environmental, historic, and cultural resources, public health, and safety.

Collectively and over the past 46 years, LURF members have helped to build the most affordable housing units and privately funded public infrastructure in the State of Hawai'i by working collaboratively with state and county administrations and agencies and complying with Chapter 343, HRS and the National Environmental Policy Act (NEPA). LURF has also served on various government working groups relating to the environmental review process and Chapter 343.

LURF is in **strong support of SB 3154, SD2, HD1**, which authorizes the State DOT to assume responsibilities under NEPA for highway projects, as well as railroad, public transportation, or multimodal projects within the State, allowing streamlined environmental reviews; and provides a limited waiver of sovereign immunity to comply with federal requirements.

LURF understands that the NEPA Assignment Program, authorized under 23 U.S.C. §~326 and 327, allows state departments of transportation to assume federal environmental review responsibilities for highway projects, as well as public transportation, or multimodal projects within the State, reducing delays and improving efficiency in environmental review and implementation of transportation projects. According to DOT, other states like Texas have successfully implemented this program, by complying with federal environmental standards and achieving faster project approvals.

This measure proposes to amend section 26-19, which will provide DOT with authority to assume NEPA responsibilities, enter memoranda of understanding with the U.S. Department of Transportation, and adopt federal environmental standards as state standards. The bill also includes a limited waiver of sovereign immunity to meet federal requirements for judicial review, ensuring compliance with 23 U.S.C. §~326(b) (4) and 327(c) (3) (B).

LURF agrees with DOT 's position that this measure will enhance its ability to deliver critical infrastructure projects, such as highways, while maintaining environmental protections. The State has confirmed that all environmental protections will remain intact, as the DOT will adhere to federal NEPA standards.

LURF believes that the streamlined environmental review permitted by this bill will allow the DOT to more efficient implementation of transportation infrastructure projects, such as highways, airports, and harbors. Hopefully, this measure will also reduce delays in addressing traffic congestion, improving safety, multimodal transportation corridors, and enhancing connectivity across the State.

Based on the reasons stated above, LURF is in **strong support of SB 3154, SD2, HD1**, and respectfully requests your favorable consideration of this bill.

Thank you for the opportunity to provide comments in support of this proposed measure.

SB-3154-HD-1

Submitted on: 4/1/2026 12:21:34 AM

Testimony for JHA on 4/2/2026 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Gregory Misakian	Individual	Oppose	Remotely Via Zoom

Comments:

Aloha Chair, Vice Chair, and Members of the JHA Committee,

I am in strong opposition to SB3154 SD2 HD1.

My Background

I currently serve as:

- **President, Kokua Council**
- **Vice President, Hawaii Alliance for Retired Americans (HARA)**
- **Director, Keoni Ana AOA**

I previously served on the Waikiki Neighborhood Board from Jan. 2023 to June 2025.

The Department of Transportation should not be allowed to solely decide what environmental assessments are needed, or approve projects based on a lack of proper environmental assessments required by laws or regulations, and which have been done in the past to protect the environment and the rights of the people of Hawaii.

Please vote no on this bill.

Respectfully

Gregory Misakian