

TESTIMONY OF
JAMES P. GRIFFIN, Ph.D.
CHAIR, PUBLIC UTILITIES COMMISSION
STATE OF HAWAII

TO THE
SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

February 24, 2021
9:30 a.m.

Chair Baker and Members of the Committee:

MEASURE: S.B. No. 766

TITLE: RELATING TO MOTOR CARRIER PENALTIES.

DESCRIPTION: Allows a penalty of up to \$5,000 for the fourth or subsequent violations of the motor carrier law within one calendar year.

POSITION:

The Public Utilities Commission (“Commission”) supports this measure and offers the following comments for consideration.

COMMENTS:

The Commission supports this measure, which would grant the Commission with additional flexibility in determining penalties for violations by regulated motor carriers. The Commission finds that, in certain instances, the civil penalty’s statutory limit of \$1,000 does not sufficiently encourage repeat violators to comply with the provisions of Chapter 271, Hawaii Revised Statutes, and lawful Commission orders.

Thank you for the opportunity to testify on this measure.

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

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

LATE

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

February 25, 2021
1:00 P.M.
State Capitol, Teleconference

**H.B. 766, H.D. 1
RELATING TO THE DEPARTMENT OF TRANSPORTATION**

HOUSE COMMITTEE ON FINANCE

The Department of Transportation (DOT) **supports the intent** of protecting the public health, safety, and welfare of anyone using and/or living adjacent to substandard roadways. We welcome the opportunity to work with the legislature to ensure that the existing connection to our state highway systems are properly planned, designed, constructed, operated, and maintained and to potentially recoup any cost that DOT may incur having to address private property owner's responsibilities.

The DOT offers the following comments: Impact fees are a specific method of financing used to address regional traffic impacts based on regional traffic studies that justify "fair share" costs and demonstrate the rational nexus between the fees being assessed and the traffic impacts caused by those being assessed. Impact fees also require passage of law establishing impact fee structure and identify fees to be collected with land use and/or permits approvals.

We are currently seeking advice from the Attorney General's Office, and they are researching existing case law and alternative financial mechanisms to assess and collect reimbursement costs.

Thank you for the opportunity to provide testimony.