

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

TO THE  
SENATE COMMITTEE ON  
TRANSPORTATION

February 9, 2021  
3:05 p.m.

Chair Lee 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 OF  
HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
TRANSPORTATION**

**Tuesday, February 9, 2021  
3:05 PM  
State Capitol, Conference Room 224**

**In consideration of  
SENATE BILL 766  
RELATING TO MOTOR CARRIER PENALTIES**

Senate Bill 17 proposes to allow a penalty of up to \$5,000 for the fourth or subsequent violations of the motor carrier law within one calendar year. **The Department of Land and Natural Resources (Department) offers the following comments.**

The Department supports any action that would curb a motor carrier or lessor, officer, agent, employee or representative who fails or refuses to comply with any provision of chapter X or any rule or requirement.

Commercial PUC Motor carriers, pre-pandemic, bring high tourism volume to such locations as Nu‘uanu Pali State Wayside and Diamond Head State Monument on O‘ahu, ‘Iao Valley State Monument and Wai‘anapanapa State Park on Maui, Waimea Canyon and Koke‘e State Parks on Kaua‘i and Akaka Falls and Hapuna State Parks on the Hawai‘i island. Additional penalties would help optimize compliance with PUC regulations and reduce any illegal activities or violations that may occur. The Department appreciates and supports strategies to curtailing these violations and in doing possibly reduce subsequent impacts.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ROBERT K. MASUDA**  
FIRST DEPUTY

**M. KALEO MANUEL**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS

**SB-766**

Submitted on: 2/8/2021 12:31:33 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Curt Cottrell	Testifying for DLNR	Comments	No

Comments:

I would like to provide oral testimony for DLNR. Please allow me Zoom access. Thank you!



February 9, 2021

**TESTIMONY BEFORE THE SENATE COMMITTEE ON TRANSPORTATION  
ON SB 766 RELATING TO MOTOR CARRIER PENALTIES**

Aloha Chair Lee, and committee members. I am Gareth Sakakida Managing Director of the Hawaii Transportation Association (HTA) with over 375 members involved with the commercial ground transportation industry.

HTA supports this bill. The trucking and tour vehicle industries have long contended with fly by night operators who seek to skirt the requirements of motor carrier operations which the Public Utilities Commission enforces.

The PUC's abilities need to be strengthened and increased penalties are one way of achieving this.

Mahalo.

**SB-766**

Submitted on: 2/6/2021 10:21:30 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Patricia Blair	Individual	Support	No

Comments:

I support this bill.

**SB-766**

Submitted on: 2/6/2021 10:23:35 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Kau'i Losalio	Individual	Support	No

**Comments:**

Tour bus companies who repeatedly violate the law should be held accountable to the law. A \$5000 is a fair reminder that goes right back into our local economy: win-win.

**SB-766**

Submitted on: 2/6/2021 10:34:20 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
James E Raymond	Individual	Support	No

Comments:

Please save our neighborhoods

**SB-766**

Submitted on: 2/6/2021 10:36:49 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ashley de Coligny	Individual	Support	No

Comments:

I support this bill increasing fines for companies who repeatedly break the law in our communities.



**SB-766**

Submitted on: 2/6/2021 11:07:35 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alexandra Avery	Individual	Support	No

Comments:

Aloha Sen. Chris Lee and TRS Committee members,

Mahalo for introduciing this much needed bill. Although we are very privileged to live in one of the most beautiful places on earth, it does come with some responsibilites to keep it that way. I believe this bill, when enacted into law, will help our individual and collective efforts to do so.

There are enough parks to provide places for private tour companies to drop off their paying clientele, find legal parking, and avoid residential and private areas. Isn't it better to have one vehicle at public places (go carpooling!) than the number of rental cars that would otherwise be taking up precious parking spaces? With penalties like this one proposed, we will see better compliance with public health and safety protective measures.

Aloha,

Alexandra Avery

**SB-766**

Submitted on: 2/6/2021 11:37:12 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alvin Kitamura	Individual	Support	No

Comments:

I am in support of SB766 as a very concerned citizen and resident of Kailua town. During my fifteen years residing in Kailua, I have witnessed the steady increase in "flyovers" by helicopters over our residential areas; even directly overhead. They are not only a noise nuisance but a mounting concern as I wonder if another crash will occur.

I personally witnessed the recent tragedy of the helicopter when it crashed onto Oneawa Street barely 100 feet from my residence. It was not just tragic due to the loss of life but a severe inconvenience for the duration of time it took while authorities investigated the scene and blocked off the street. Everyone on our block felt like prisoners as our access to our own homes was everly limited and restricted for the duration.

I can only hope that another such incident does not occur in the future, yet I still witness helicopters flying overhead on a fairly regular basis. While I cannot be certain if they are tour choppers or for other purposes, it is still a concern and feel an unnecessary risk to have helicopters flying directly over residential areas.

While the flouting of laws by tour operators cannot be completely controlled, SB766 is just a small step to hopefully make them take notice that this is something that should not be allowed.

Thank you, Alvin Kitamura

**SB-766**

Submitted on: 2/6/2021 12:07:27 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
kristy	Individual	Support	No

Comments:

They should be accountable, the noise is a nuisance and after 43yrs of living in this neighborhood it's increased so much it's harder to ignore. And after a certain time at night should not be allowed!!

**SB-766**

Submitted on: 2/6/2021 1:24:42 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Donna Shigemura	Individual	Support	No

Comments:

Our neighborhood has recently raised concerns about the Hanauma Bay parking overflow on our streets. We also experience tour vans and taxis dropping off/picking up tourists visiting Hanauma Bay. Between van and taxi pick-ups visitors sit on our walls, drink refreshments and food leaving their rubbish in our yards, children play in some of the yards, etc. Taxis and tour van drivers waiting for business on our streets, leave their cigarette butts in our yards.

Things have been better thanks to the number system recently set-up at the Bay. However, tourism is low due to Covid so we expect things to return to normal once tourism returns to Hawaii. This legislation is needed to address one of the many safety concerns raised by neighborhoods living near a tourist attraction.

Thank you for your time.

**SB-766**

Submitted on: 2/6/2021 1:45:05 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
STEVEN J PROCTOR	Individual	Support	No

## Comments:

I and my wife, Margo R. Bare, both support this bill. Tour bus traffic in our neighborhood (Lanikai) continues to overburden our very limited street and parking resources and creates traffic hazards when they block streets and bike paths to load or discharge passengers. The companies obviously have done a cost/benefit analysis and consider the money to be made to outweigh the currently piddling consequences (if any at all) for flouting the law against commercial activity in residential neighborhoods like Lanikai. This bill would incentivize the companies to comply with the law.

**SB-766**

Submitted on: 2/6/2021 2:04:33 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Neil Frazer	Testifying for Frazer-Frantz Ohana	Support	No

Comments:

Aloha Senators,

My family strongly supports SB766. Nearly every day we are impacted by illegal tour operators who violate the law by dropping van loads of tourists into our neighborhood.

Mahalo for your attention to this issue, and for your unselfish service to the people of O'ahu.

Sincerely,

**SB-766**

Submitted on: 2/6/2021 2:14:17 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Byron Hendrix	Individual	Comments	No

Comments:

Aloha,

Why can't the Honolulu Police enforce the existing law. A larger fine is not going to change things if the current law is not enforced. It should be 1, 2, 3 strikes and you are OUT of business.

Aloha

**SB-766**

Submitted on: 2/6/2021 2:25:44 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lynn Robinson-Onderko	Individual	Support	No

Comments:

Aloha Chair and Committee Members,

I would like to lend my strong support for SB766. Stronger penalties are needed for operator non-compliance.

Mahalo for your consideration.

Lynn Robinson-Onderko, Ewa Beach



**SB-766**

Submitted on: 2/6/2021 7:27:27 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joshua DeMello	Individual	Support	No

Comments:

The arrogance of businesses ignoring state and county rules against your stops is astounding. These rules were put into place so that the locals can continue to live their lives free of the impediment of tourism. The visitor sprawl is already occurring through private cars, there is no need to add hordes of tourists in rentals. I think this bill doesn't go far enough. One time might be a mistake, two times pushing it, but third, fourth, fifth? The penalties should be a continued escalation of fines getting progressively higher at a certain rate so these guys think twice. Maybe \$5000 is nothing to them and they will continue to do it. Take a closer look at Section 1(3) and make sure the "fourth or subsequent" doesn't provide wiggle room and means that the fourth violation is \$5000, the fifth violation is \$5000, the sixth is \$5000, etc. Please support this bill and consider the comment on escalating fines.

**SB-766**

Submitted on: 2/6/2021 11:28:05 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Cosette Harms	Individual	Support	No

Comments:

I am so relieved and grateful for bill SB 766! Thank you. I live in Lanikai - (3rd generation here) and for this past year of shut down times we have had our neighborhood back. But now as tourism opens up - the vans have returned - dropping off people. The vans are unmarked. Their drivers are often rude if confronted. One driver when confronted claimed to be bringing in a church group. Sure didn't look like that to us. For them it is about the \$\$\$.

This is a residential neighborhood with limited space and no facilities. It would be awesome if Lanikai Beach and the Pill Box hike was never advertised. There are ENOUGH visitors that find us on foot. Best if folks would ride THE BUS to minimize the impact on traffic and parking.

We do not want to lose our Aloha Spirit...

Mahalo

Cosette Harms

**SB-766**

Submitted on: 2/7/2021 1:26:38 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Sandra C. Castell	Individual	Support	No

Comments:

I support increasing fines to \$5000 for tour bus companies who repeatedly violate the law.

Sandra Castell, 'Ewa Beach

**SB-766**

Submitted on: 2/7/2021 9:48:02 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
nicole harbottle	Individual	Support	No

Comments:

I am in support of keeping our beaches and neighborhoods residential and not filled with traffic. I support the increased fine for repeated tour bus violations. Mahalo!

**SB-766**

Submitted on: 2/7/2021 11:09:39 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Tom Aitken	Individual	Support	No

Comments:

As a retired mental health interventionist for the Red Cross, I can tell you firsthand that anything we can do to move the agenda toward safer small aircraft will be a small step towards justice for the victim families I worked with, and will save lives in the future. I certainly would not get on a tour plane or helicopter under the current system. Please support!

To: Hawaii State Senate Committee on Transportation  
Hearing Date/Time: Tuesday, February 9, 2021 (3:05 pm)  
Place: Hawaii State Capitol, Rm. 224  
Re: Testimony in support of SB766 (relating to motor vehicle carrier penalties)

Aloha Senator Chris Lee (Chair), Senator Lorraine R. Inouye (Vice Chair), and Committee Members,

I am grateful for this opportunity to testify in **strong support of SB766 (relating to motor vehicle carrier penalties)**.

I live in Kailua, and typically enjoy Kailua and Lanikai Beach, less so currently, given the covid pandemic. In the past, and I am sure with increased tourism, in the future, illegal transportation of visitors to the beach is a daily, if not hourly occurrence. Given that there are ample bus, walking, biking options for travel to these beaches by tourists, it seems more ideal to save parking spots for locals traveling to the beach, or for rental cars, with a single family, not carrier vehicles.

When I see carrier vehicles using local parking, I ask drivers why they are breaking the rules, and they laugh at me. They know that the police pay no attention to them because the penalties are so low. Plus, I have asked the police to enforce penalties, and they have just looked at me as though I am insane. In other words, the situation is out of control. This bill should help to rectify this in Kailua, and other locations across the island, such as Waimanalo.

In conclusion, **I urge the passage of SB766.**

Thank you for the opportunity to testify.

Sincerely

*Susan J. Wurtzburg*

Susan J. Wurtzburg Ph.D.

**SB-766**

Submitted on: 2/7/2021 7:19:44 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm a lifelong resident of Hawai'i. I'm writing in strong support of SB766. Tour Busses should be fined up to \$5000 who repeatedly violate the law.

Please support this bill.

me ke aloha 'Ä• ina,

**SB-766**

Submitted on: 2/7/2021 8:37:58 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jennifer Milholen	Individual	Support	No

Comments:

Thank you for supporting this measure in the interest of public safety.



**SB-766**

Submitted on: 2/8/2021 6:08:22 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lois Crozer	Individual	Support	No

Comments:

For those tour companies who just care about making a profit at the expense of neighborhoods, please pass this bill. The \$5,000 fine is a high but I'm sure they are making tons of money for these tours.

**SB-766**

Submitted on: 2/8/2021 7:14:04 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Ted Bohlen	Individual	Support	No

Comments:

Support

**SB-766**

Submitted on: 2/8/2021 7:54:19 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jim Nicolow	Individual	Support	No

Comments:

I am writing in favor of increased penalties for illegal commercial activities to protect sensitive areas.

**SB-766**

Submitted on: 2/8/2021 10:36:38 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lewis Glenn	Individual	Support	No

Comments:

As a resident of Kailua, I support SB 766. Tour buses, before the pandemic, brought tourists from, presumably, Honolulu, to Kailua, parking in the parking lot in the center of Kailua Town, on A&B-owned property, I believe. Large buses like this plying the streets of our small town pose a hazard to pedestrians and other traffic alike. The volume of tourists deposited on our streets on a daily basis turned our quiet town into a Windward Waikiki. This is not the town that many of us moved here for. The way of life has changed, all for commercial benefit, often of those who do not live here. This transport of tourists to our small town has increased over the years and some legislation is needed, in my view, to stop or place a limit on the volume. Commercial interests cannot be the only driver.

**SB-766**

Submitted on: 2/8/2021 11:08:21 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Forest Frizzell	Individual	Support	No

Comments:

I stand in support of this bill.

**SB-766**

Submitted on: 2/8/2021 11:42:02 AM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
judy bishop	Individual	Support	No

Comments:

Please increase fines on tour buses and helicopters for illegally dropping off tourists in sensitive areas! This needs to be enforced ! noise and overcrowding and traffic and overwhelming numbers of tourists have severely negatively impacted the quality of life for residents in Hawaii and especially in areas near popular tourist destinations. This has to be limited! it cannot continue to expand! it is damaging to life and soul! neighborhoods are no longer fit for residents to live and play. We are being used and abused for the almighty dollar and as a result we are making Hawaii a less desirable place to live and to visit.

**LATE**

**SB-766**

Submitted on: 2/8/2021 6:41:40 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Heidi Bornhorst	Individual	Support	No

Comments:

keep Tour Buses in designated permitted spaces, not everywhere ! NOT in our neighborhoods and at most beaches Control tourism and greedy operators while we can

**LATE**

**SB-766**

Submitted on: 2/8/2021 10:33:34 PM

Testimony for TRS on 2/9/2021 3:05:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Chad Taniguchi	Individual	Support	No

Comments:

Keep neighborhoods safe and peaceful. Support.