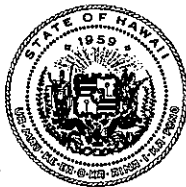


**SB 2758**



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

February 16, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

SENATE BILL NO. 2758

COMMITTEES ON ENERGY AND ENVIRONMENT  
AND  
TRANSPORTATION, INTERNATIONAL AND INTERGOVERNMENTAL AFFAIRS

The Department of Transportation supports this Administration bill, which is designed to improve safety.

Currently, HDOT's Motor Vehicle Safety Office (MVSO) receives federal money from the Federal Motor Carrier Safety Administration (FMCSA) to fund its Motor Carrier Safety Assistance Program (MCSAP) and New Entrant Incentive Program. This funding allows the State Motor Carrier Safety Officers to enforce the Federal Motor Carrier Safety Regulations (FMCSR) and the Hazardous Material Regulations (HMR) that ultimately provide safer roads.

The 2003 and 2007 Program Reviews prepared by the FMCSA found that Sections 286-207 and 286-209 of the Hawaii Revised Statutes (HRS) were incompatible with the FMCSR. Section 350.341 of the FMCSR says that a state may not exempt a CMV (Commercial Motor Vehicle) from such laws or regulations if the vehicle transports hazardous materials requiring a placard.

The compatibility issue must be corrected to avoid possible sanctions levied by FMCSA. According to Section 350.335(d) of the FMCSR, any state law, regulation or enforcement practice pertaining to CMV safety, in either interstate or intrastate commerce that is determined by FMCSA to be incompatible with the FMCSRs or the HMRs, the FMCSA could then initiate a proceeding to withdraw the State's funding for its MCSAP and New Entrant Incentive Program.

Should funding provided by the FMCSA be withdrawn because State statutes remain incompatible with the FMCSR and/or HMR, the State would have to find alternate funding sources in order to continue enforcement of Hawaii's motor carrier safety laws on commercial motor carriers to ensure that our roadways are safe for everyone.