
HOUSE CONCURRENT RESOLUTION

REQUESTING THAT THE DIRECTOR OF TRANSPORTATION INCREASE THE
MINIMUM NUMBER OF OCCUPANTS REQUIRED IN A VEHICLE OPERATING
IN THE ZIPPER LANE.

1 WHEREAS, many Oahu residents spend hours in gridlock or
2 stop-and-go traffic during their commute each morning and
3 afternoon; and
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5 WHEREAS, the East-bound traffic in the morning hours is
6 especially heavy, particularly on the H1 and H2 Freeways, due in
7 large part to the high volume of vehicles and a lack of
8 incentive to carpool; and
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10 WHEREAS, the zipper lane was created as an express lane on
11 the freeway to benefit carpooling commuters and mitigate
12 traffic; and
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14 WHEREAS, the State currently requires that vehicle
15 operators who choose to use the zipper lane contain a minimum of
16 two passengers; and
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18 WHEREAS, the two passenger requirement does not
19 sufficiently encourage meaningful carpooling and the zipper lane
20 remains prone to gridlock traffic; and
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22 WHEREAS, the purpose of the zipper lane would be better
23 achieved by increasing the number of passengers required to be
24 in each vehicle in order for that vehicle to be able to use the
25 zipper lane, which would lessen the traffic in the zipper lane;
26 now, therefore,
27

28 BE IT RESOLVED by the House of Representatives of the
29 Twenty-seventh Legislature of the State of Hawaii, Regular
30 Session of 2013, the Senate concurring, that the Director of
31 Transportation is requested to increase the minimum number of



1 occupants required in a vehicle for use of the zipper lane from
2 two individuals to three individuals; and

3

4 BE IT FURTHER RESOLVED that should the Director of
5 Transportation find that the zipper lane remains inefficient
6 after the minimum passenger number increases to three, the
7 Director is requested to further increase the minimum number of
8 occupants a vehicle operating within the zipper lane must carry
9 to increase the efficiency of the zipper lane; and

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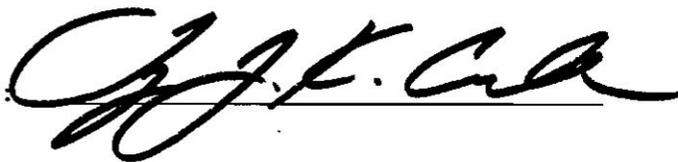
11 BE IT FURTHER RESOLVED that a certified copy of this
12 Concurrent Resolution be transmitted to the Director of
13 Transportation.

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OFFERED BY:



MAR 13 2013





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

April 10, 2013
11:15 am
State Capitol, Room 309

**H.C.R. 143 / H.R. 114 proposed HD1
REQUESTING THE PRESIDENT OF THE UNITED STATES AND THE CONGRESS
TO EXEMPT CERTAIN CORAL SPECIES IN ALL COMMERCIAL HARBORS IN THE
STATE OF HAWAII FROM RECLASSIFICATION UNDER A PROPOSED FEDERAL
RULE CHANGE**

House Committee on Transportation

The Department of Transportation (DOT) strongly **supports** the proposed HD1 for these resolutions to exempt certain candidate coral species in the state's commercial harbor system from reclassification under a proposed federal rule change, which requests that certain types of reef-building candidate coral species be exempt from reclassification as endangered or threatened species in all harbors in the State of Hawaii. Hawaii is critically dependent upon ocean transportation and commerce that occurs through the State's commercial harbors. The proposed rule for reclassification of 82 reef-building coral species (which has been reduced to 66 species) includes two species, *Montipora patula* and *Montipora flabellate*, which are the fourth and fifth most abundant coral in the waters surrounding Hawaii. This resolution seeks to have these two flourishing coral species within all harbors in the State of Hawaii exempted from reclassification under the proposed rule to ensure that there are no significant impacts to harbor operations.

There is significant economic harm and no justification or value for the listing of these two coral species under the Endangered Species Act. See attached, "Summary of Scientific Review, "Status Review Report of 82 Candidate Coral Species Petitioned under the U.S. Endangered Species Act" NOAA Technical Memorandum NMFS-PIFSC-27 September 2011" letter authored by recognized local and national coral experts.

Thank you for the opportunity to provide testimony on this critical resolution.





Hawaii Harbors Users Group

April 10, 2013

Committee on Transportation **Representative Ryan I. Yamane, Chairman**

Re: **Proposed HD1:**

Requesting the President of the United States and the Congress to exempt certain coral species in all commercial harbors in the state of Hawaii from reclassification under a proposed federal rule change

The Hawaii Harbors Users Group (HHUG) was established in 2005 as a non-profit harbor user industry group whose mission is to help the state identify, prioritize, and support the improvement needs of Hawaii's nine commercial harbors. HHUG has 22 member companies that are primary users of all the state harbors:

Aloha Cargo Transport	Horizon Lines	Pacific Shipyards International
American Marine	Kapolei Property Dev.	Pasha Hawaii
Ameron Hawaii	Matson Navigation Co.	P&R Water Taxi
Chevron	McCabe Hamilton and Renny	Sause Brothers, Inc.
Clean Island Council	North West & Canada	Tesoro Hawaii Corporation
Hawaiian Cement	Cruise Association	The Gas Company
Hawaii Stevedores, Inc	Norwegian Cruise Line	Young Brothers / Hawaiian
Hawaii Pilots Association	NYK North America	Tug & Barge

The State of Hawaii operates on a "Just-In-Time" supply chain management system. Each Island's harbor plays a critical role in the delivery of cargo. More than 80% of all consumer goods – food, clothing, autos, building supplies, machinery, paper and allied products, medical

supplies and agricultural materials – are imported into Hawaii. Of that 80%, nearly all – some 98% – enter Hawaii through commercial harbors on six islands.

There has not been a significant harbor improvement for cargo terminals in the port of Honolulu in over forty years. As a consequence the harbor is at or very near its operational capacity. The development of the new Kapalama Container Terminal will solve the harbor operational capacity issue.

It should be pointed out that cargo destined for the residents of the Neighbor Islands will be at greater risk.

Almost 100% of the Neighbor Island cargo has to be transshipped through Honolulu harbor. A delay in the development of the Kapalama Container Terminal will create delays in Neighbor Island cargo availability on the island and could increase transportation cost for Neighbor Island residents.

Based on the material presented in the :

Summary of Scientific Review of “Status Review Report of 82 Candidate Coral Species Petitioned under the U.S. Endangered Species Act” NOAA Technical Memorandum NMFS-PIFSC-27 dated September 2011 authored by: Dr. Steven Dollar, Dr. Richard Grigg and Dr. Richard Brock Attached.

The methodology and time frame being used to create a listing of coral species that could fall into the U.S. Endangered Species Act may create an inaccurate listing. The result could impact the timely development of needed container terminal capacity and the safe operation of ports and marinas in the State by limiting the ability to dredge and otherwise develop and maintain these facilities.

The Hawaii Harbors Users Group supports the House of Representatives of the Twenty-seventh Legislature of the State of Hawaii, Regular Session of 2013 HD1, the Senate concurring, that the President of the United States and the Congress are requested to exempt the *Montipora patula* and the *Montipora flabellate* species of coral in all harbors in the State of Hawaii from reclassification under the proposed rule, "Endangered and Threatened Species: Listing of 66 Reef-Building Coral

Species; Reclassification of Elkhorn Acropora palmata and Staghorn Acropora cervicornis" (77 FR 73219); and

And certified copies of this Concurrent Resolution be transmitted to the President of the United States, United States Secretary of Transportation, Interior, and Commerce, respectively, members of Hawaii's congressional delegation, Acting Administrator of the National Oceanic and Atmospheric Administration, Governor, Chairperson of the Board of Land and Natural Resources, and the state Director of Transportation.Harbors

I would like to close by pointing out that in 2006 an economic study was commissioned by the Hawaii Harbor Users Group (HHUG). This study stated that: "If Hawaii's harbors are not upgraded, the loss of real gross domestic product (in 2007 dollars) could amount to more than \$50 billion by 2030. This is especially large considering the fact that, to date, estimated costs of harbor improvements are under \$1 billion."(Dr. Leroy Laney, Ph.D. Professor of Economics and Finance, Hawaii Pacific University, *The Impact of Hawaii's Harbors on the Local Economy*, 2006.)

Respectfully,

Gary J North
Executive Director
Hawaii Harbor Users Group

Testimony of Ku`uhaku Park
On behalf of Matson Navigation Co., Inc.
In regards to HCR143 HD1
Before the House Committee on Transportation
On April 10, 2013

Chair Yamane and committee members,

Thank you for hearing HCR143 HD1 which recognizes the importance and vital nature of the New Day Work Projects in our harbors to our entire state. Matson Navigation Co., Inc. supports this measure and humbly requests your respective support as well.

While our ports and maritime industries are universally recognized as being the literal and figurative lifeline to our islands, it has been over forty years since any significant improvements have been made to our commercial harbors.

Even in this down economy of late, our commercial harbors are very near capacity. In fact, at Matson, we are stretched out over three non-contiguous piers in order to satisfy our operational needs. With signs of an improving economy, our commercial harbors may well be, in a very short time, in a state of overcapacity and congestion.

With 98% of all imported consumer goods moving through our commercial harbors, it is imperative that we move responsibly, and in the most expeditious manner, to complete these port improvements. This resolution will help all parties involved to do just that.

Thank you for your consideration of my testimony.

Testimony of Kekoa Kaluhiwa on behalf of Horizon Lines, Inc.

House Committee on Transportation
April 10, 2013 11:15am
Conference Room 309
Hawaii State Capitol

Re: HCR 143 / HR 114

Requesting the President of the United States and the Congress to exempt certain coral species in all commercial harbors in the State of Hawaii from reclassification under a proposed federal rule change

Aloha Chair Yamane, Vice Chair Ichiyama, and Members of the House Committee on Transportation:

Horizon Lines wishes to submit its **support** of both HCR 143 and HR 114.

As the most isolated archipelago in the world, the State of Hawaii relies on the shipping industry to provide nearly 99% of all goods for Hawaii's residents, tourists, and military personnel. Most of these goods are shipped to Honolulu Harbor on Oahu, and then transported by barge to the outer islands. With such heavy reliance on ocean transportation and a "just-in-time" delivery of goods, it is imperative that commercial harbors throughout the state, and Honolulu Harbor in particular, receive needed upgrades and expansion of harbor facilities.

Horizon Lines supports the intent of HCR 143 and HR 114 in requesting that President Obama and the U.S. Congress exempt the *Montipora patula* and the *Montipora flabellate* species of coral in all harbors in the State of Hawaii from reclassification. In particular, studies done on the *Montipora patula* species over the last three decades indicate that these species are prevalent throughout Hawaii's near shore waters. An exemption within Hawaii's commercial harbors will ensure that needed improvements to Honolulu Harbor can proceed as scheduled, greatly benefitting Hawaii's residents and military communities.

Thank you for this opportunity for Horizon Lines, Inc. to testify in support of the passage of HCR 143 and HR 114.

HOUSE COMMITTEE ON TRANSPORTATION
THE HONORABLE RYAN I. YAMANE, CHAIR
THE HONORABLE LINDA ICHYAMA, VICE CHAIR

HCR 143 / HR 114, HD 1, scheduled for hearing on April 10, 2013, 11:15 a.m.

**Testimony of Roy Catalani,
Vice President of Strategic Planning and Government Affairs, Young Brothers, Limited**

Chair Yamane, Vice Chair Ichiyama, and Members of the House Committee on Transportation:

Young Brothers, Limited (*Young Brothers*) supports House Concurrent Resolution 143 (HCR 143) and House Resolution 114, HD 1, and offers the following comments.

Young Brothers is a water carrier that provides essential cargo services to the Neighbor Islands and is a member of the Hawaii Harbor Users Group (HHUG). We support HCR143 and HR 114, HD 1, in seeking the exemption of two coral species (specifically, *Montipora patula* and *Montipora flabellata*) in commercial harbors of the State of Hawaii from classification as endangered species in a proposed federal rule change under the federal Endangered Species Act (ESA). At a minimum, a rigorous re-evaluation of the scientific process by which these reportedly very common coral species were selected for listing should be undertaken before any federal rule change is approved.

In Act 200 (2008), commonly referred to as the Harbors Modernization Plan, the Legislature found it imperative to the public interest to move forward with certain key harbor modernization projects. In that Act, the Legislature specifically found:

Ocean surface transportation is our state's lifeline. It remains the only viable means to service the largest share of Hawaii's economic needs. However, Hawaii's aging commercial harbor system has not kept pace with our growing economy, and Hawaii's commercial ports statewide are experiencing competition for berthing rights for cargo, fuel, and cruise ship activities, and severe congestion in harbor facilities. Harbor users, the state administration, and the legislature recognize that it is now extremely critical to upgrade existing port facilities and develop harbor improvements in an expedited manner. The Hawaii Harbors Users Group, a maritime transportation industry group, was formed in 2005 because the industry recognized that Hawaii is facing a shortage of port facilities statewide. Its goal is to help the State identify and prioritize Hawaii's harbor improvement needs. The Hawaii Harbors Users Group has completed research that

predicts that if Hawaii's harbor infrastructure is not improved, the loss of real domestic product (in 2007 dollars) could amount to more than \$50,000,000,000 by the year 2030. In comparison, an assessment of immediate commercial harbor needs statewide is estimated to cost in the range of \$850,000,000.

One of the key projects identified in Act 200 is the development of Kapalama Container Terminal (KCT) in the area now known as the Kapalama Military Reservation. KCT will provide much needed terminal space for cargo arriving from the U.S. mainland via major shipping companies that serve mainland routes. The added capacity will allow Young Brothers to work more efficiently with these carriers in handling cargo arriving in Honolulu but destined for a Neighbor Island. Since the majority of goods transported into or within the State flows through Honolulu Harbor as the hub, it is equally critical to the welfare of Oahu and each Neighbor Island to complete needed infrastructure at KCT.

The Legislature recognized this fact even before Act 200 when, in Senate Concurrent Resolution 33 (2006), it cited a 2005 report commissioned by HHUG. In SCR 33, the Legislature pointed out that the report by the research firm Mercator Transport Group identified Kapalama Terminal Development as one of three priority projects that should be completed in the timeframe of five or more years. Mercator noted that "the calculated throughput per acre at the existing Sand Island terminals is about 8800 TEU/acre, which is the highest of any North American terminal." The Legislature also cited Mercator's report with respect to the looming shortage of port facilities, the loss of reserve capacity of existing facilities, and impending reduction of the ability of ports and port users to efficiently serve the existing market, respond to new service requirements, or recover quickly from the natural and man-made service disruptions that invariably occur.

Because the proposed KCT project will require in-water construction activities, aquatic resources such as corals are expected to be affected during construction. Recent marine surveys have identified multiple coral species in the harbor at the KCT project site, including one of the two species cited in this proposed resolution, *Montipora patula* and *Montipora flabellata*. We understand that the State Department of Transportation (DOT) has begun a process to develop a mitigation plan that would address potential impacts on corals under the Section 404 permitting requirements of the federal Clean Water Act (CWA). Notwithstanding DOT's efforts to mitigate the project's impacts on coral, there are strong concerns about the possibility of intensified project delays not only as a result of the CWA Section 404 process, as recently happened in the Hilo Harbor New Day Work Project (cited in this proposed resolution), but additionally if these corals were to be listed as endangered species. In other words, the proposed ESA listings of reportedly commonly found coral will pose another administrative hurdle where regulatory protections already exist.

For these reasons, we support the proposed resolutions that promote the important public interests identified in the proposed resolution as well as in Act 200 (2008) and SCR 33 (2006).

Thank you for this opportunity to testify.