

DEPARTMENT OF CUSTOMER SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



SHERI T. KAJIWARA
DIRECTOR

RANDY M. LEONG
DEPUTY DIRECTOR

TESTIMONY OF SHERI KAJIWARA, DIRECTOR
CITY AND COUNTY OF HONOLULU, DEPARTMENT OF CUSTOMER SERVICES

Friday, March 16, 2018, 10:00 a.m., Conference room 414

SUPPORT OF HB 2442 , HD2 RELATING TO ABANDONED VEHICLES WITH
AMENDMENTS

TO: The Honorable Senator Lorraine R. Inouye, Chair
Committee on Transportation

The Honorable Senator Clarence K. Nishihara, Chair
Committee on Public Safety, Intergovernmental, and Military Affairs

The City and County of Honolulu ("City") supports H.B. No. 2242 as amended.

The changes made to the definition on a derelict is wide, and the notification to owners may be advisable in certain cases, but those issues can be refined by State Department or county rules.

Once a vehicle is identified as abandoned, as outlined by section 290-1, Hawaii Revised Statutes (HRS), the City has imposed upon ourselves a 72 hour window for AVs to be removed from public streets. The biggest challenge in accomplishing this is a lack of space. There is less and less open land to lease on this island. Fewer landowners are willing to lease the lots they do have for the purpose of storing vehicles. EPA and environmental concerns make it costly. Our contractors are losing their current lots and are struggling to find additional lots to lease. But given sufficient land and space, perhaps with the assistance of the state, I am confident that AVs can be removed from public roads in under 10 days. What most affects space? It's the rate of disposal.

Once taken into custody, section 290-2, HRS, requires that a written notice be sent to the registered owner on record allowing 10 business days for local addresses and 20 business days for out-of-state addresses for the vehicle to be claimed. Once that time has passed, section 290-3, HRS, mandates the vehicle be disposed of by public auction. Eliminating the requirement for public auction allow the counties more flexibility.

In addition to this statutory timeline, beginning last year, we have been challenged with vehicles owned by military service members. In accordance with the provisions of 50 U.S.C. §551, Servicemembers Civil Relief Act, the City is prohibited from disposing of these vehicles without a waiver of release signed by the registered owner. We are required to locate the service member, majority of whom are no longer on island, to obtain the release. In the absence of a signed waiver, the City must seek a court order allowing disposal. All this is costly, time consuming, and consumes valuable space.

Once the notification and auction process is complete and the military-related SCRA processing is satisfied, we now face a salvage challenge. The State Department of Health issued approvals of just five salvage sites capable of processing disposed cars. One of them just lost their lease and cannot do business until a new lot is found and the state issues a new permit. That was the City's tow contractor. The other four businesses are at capacity and I am informed are turning away cars.

So running out of space to store and lacking options to process, abandoned vehicles sit.

How can the State assist in addressing this growing issue?

Assist in providing land for the storage of abandoned vehicles in various communities.

With the declining price of scrap metal, can the state offer more incentives for businesses to do this work to meet demand.

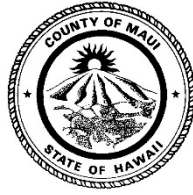
More importantly, we seek your help to stop the illegal abandonment of vehicles. There are no strong penalties in place to deter such action. Many of the citations issued are ignored. Alternatives need to be developed for our unique island state.

Last year alone, Hawaii saw 84,051 new or transferred vehicles brought onto the islands. Last year alone, my small staff of 12 investigated 28,263 complaints regarding abandoned vehicle and removed 9,668 unwanted vehicles left on public property.

We also have found that many of these abandoned vehicles were not even registered as required by law. Stronger registration laws may need to be considered. It is difficult to hold someone accountable, should we choose to do so, if there is no record of ownership.

Thank you for the opportunity to convey our position related to H.B. No. 2442.

ALAN M. ARAKAWA
MAYOR



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OFFICE OF THE MAYOR
Ke`ena O Ka Meia
COUNTY OF MAUI – Kalana O Maui

March 15, 2018



TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON TRANSPORTATION & ENERGY and
THE SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY
AFFAIRS

Friday, March 16, 2018
10:00 AM Conference Room 414

HB2442 HD2 RELATING TO ABANDONED VEHICLES.

Honorable Lorraine R. Inouye, Chair
Honorable Will Espero, Vice Chair
Honorable Members of the Senate Committee on Transportation & Energy

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair
Honorable Members of the Senate Committee on Public Safety, Intergovernmental, and Military
Affairs

Thank you for this opportunity to testify in OPPOSITION to HB2442 HD2.

The purpose of this bill is to require the counties to remove and dispose of abandoned vehicles on public roads within ten business days.

The intention of the bill is understandable; however, in practice, the bill would negatively impact county abandoned vehicles programs, and ultimately, is not feasible. While it may be assumed that the intention is to remove vehicles from public eye within 10 days, there are many reasons why this may not be feasible. They are listed on Page 2.

TESTIMONY OF ALAN M ARAKAWA
MAYOR
COUNTY OF MAUI

BEFORE THE SENATE COMMITTEE ON TRANSPORTATION & ENERGY and
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Page 2

The reasons why counties may not have the ability to accomplish the proposed 10-day removal including but not limited to: non-timely submission of reports by police department, vehicles may need to be cleaned out of trash before tow, special equipment may need to be ordered for certain tows requiring special procurement and logistics, storage facilities may be inadequate, and realistically, the volume of abandoned vehicles that have been reported exceeds counties' ability to remove them within a 10-day period. To my knowledge, all of the counties' abandoned vehicles programs are understaffed and budgets are stretched to limits.

There are subsections of HRS Ch.290 that may be modified to increase counties' ability to remove some vehicles from public roadways more quickly; however, the particular mandate of HB 2442 is not practicable.

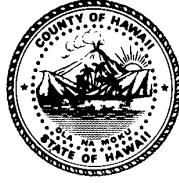
If the 10 day provision were removed, I would support this bill, however, as it is written I **OPPOSE** HB2442.

Respectfully yours,

Alan M Arakawa
Mayor

Harry Kim
Mayor

Wilfred M. Okabe
Managing Director



William A. Kucharski
Director

Diane A. Noda
Deputy Director

COUNTY OF HAWAI'I

DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

345 Kekūanāo'a Street, Suite 41 · Hilo, Hawai'i 96720

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<http://www.hawaiicounty.gov/environmental-management/>

March 14, 2018

Senator Lorraine R. Inouye, Chair
Committee on Transportation and Energy
and
Senator Clarence K. Nishihara, Chair
Committee on Public Safety, Intergovernmental, and Military Affairs
Hawaii State Senate
415 South Beretania Street, Room 414
Honolulu, Hawai'i 96813

Re: OPPOSITION TO HB 2442 HD 2 (RELATING TO ABANDONED VEHICLES)
Hearing: March 16, 2018, at 10:00 a.m.

Dear Senator Inouye, Senator Nishihara, and Committee Members:

The County of Hawai'i (COH) opposes HB2442 HD2.

The proposed amendment to HRS 290-1, requiring COH to take all abandoned vehicles into custody within ten business days of abandonment, imposes a burden on COH to meet this timeline while juggling its manpower and budgetary constraints.

The proposed amendment to HRS 290-2, deleting the specific procedures for providing notice to the registered owner of the custody of the vehicle, its intended disposition, and the owner's opportunity to claim the vehicle before disposition, appears to violate the owner's due process rights.

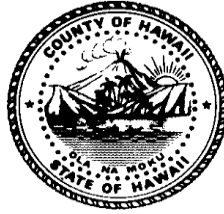
Deleting the specific statutory criteria for waiver of public auction in HRS 29-5, and leaving it to the discretion of the agency designated by the mayor, may result in an increase of appeals based on allegations of arbitrary decisions by COH.

Thank you for considering this input.

Sincerely,

William A. Kucharski
Director

Eileen O'Hara
Council Member
Council District 4



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Chair: Environmental
Management Committee

Vice Chair: Planning Committee and
Agriculture, Water & Energy
Sustainability Committee

County of Hawaii

Hawaii County Council

25 Aupuni Street, Suite 1402 • Hilo, Hawai'i 96720

Senator Lorraine R. Inouye
Chair, Senate Committee on Transportation and Energy
Hawai'i State Senate

March 13, 2018

**Re: In Support of House Bill 2442, from Hawai'i County Council District 4
To be heard by TRE on 03-16-18 10:00AM in conference room 414**

Aloha Chair Inouye and Committee Members:

I'm writing to express my support for House Bill 2442, which requires the Counties to remove and dispose of abandoned vehicles on public roads within ten business days.

Ten days is a very reasonable amount of time to accommodate coordinated efforts to remove unsightly and sometimes dangerous abandoned vehicles on the sides of our roads. Please consider the impact this will have on our safety and economy, and contact me if you have any questions about my support.

Sincerely,

A handwritten signature in black ink that reads "Eileen O'Hara". The signature is written in a cursive, flowing style.

Eileen O'Hara
Council Member
Council District 4

HB-2442-HD-2

Submitted on: 3/15/2018 7:37:10 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	Testifying for OCC Legislative Priorities Committee, Democratic Party of Hawai'i	Support	No

Comments:

HB-2442-HD-2

Submitted on: 3/13/2018 11:10:02 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Joshua Kay	Individual	Support	No

Comments:

I am in strong support of HB2442 HD2. There are four abandoned vehicles on Puowaina Drive (Honolulu) within one block of my home. These vehicles have not been moved in over eight months. I have reported these vehicles to the city numerous times. They have been chalked and ticketed, and I've been told by the city that they are on the tow list, yet they remain unmoved. I believe this legislation is necessary because the C&C Honolulu isn't doing its job.

HB-2442-HD-2

Submitted on: 3/13/2018 10:51:05 PM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dana K. Anderson	Individual	Support	No

Comments:

Drove visitors around the island yesterday and today. The man of the couple said "i've Never seen so many abandoned and derelict cars. This is so awful. Why doesn't someone deal with this?"

HB-2442-HD-2

Submitted on: 3/14/2018 5:07:31 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dale A. Head	Individual	Support	No

Comments:

Aloha:

Please support and pass this worthy bill introduced by Representative Cedric Gates. Abandoned vehicles may be wrongfully used for many wrongful acts, from habitation to criminal storage of drugs. They are surely an 'eye sore' and if not removed from our streets promptly, will accumulate.

Respectfully, Dale Head

February 23, 2018

TO: The Honorable Clarence K. Nishihara, Chair and Members of the
Committee on Public Safety
The Honorable Lorraine R. Inouye, Chair and Members of the Committee
On Transportation and Energy

FROM: Rachael Ke, Mental Health Case Worker / Student of the Myron B.
Thompson School of Social Work

SUBJECT: SB2479 Relating to Abandoned Vehicles

POSITION: Aloha my name is Rachael Ke and I strongly support SB2479. I've been a resident of the Wai`anae community for 18 years since moving from my hometown of Kailua. Wai`anae is such a beautiful place with beautiful beaches and friendly people. However, it has become a dumping ground for unwanted vehicles, and not just people from our community but outsiders come to dump as well. Our beaches and neighborhoods are littered with vehicles that are not only unsafe, but a health hazard as well.

The city claims there is no space, well they need to create space or figure out ways to dispose of these vehicles properly. We want our community and beaches to be safe and clean and for everyone to enjoy. So please consider SB2479. Mahalo for allowing me this opportunity to share my testimony. Malama ke kahi I ke kahi!

HB-2442-HD-2

Submitted on: 3/14/2018 11:06:45 PM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Cadiente	Individual	Support	No

Comments:

I am in support of this bill. Hawaii has become a huge dump and it's getting worse. An abandoned vehicle sitting for months causes theft and vandalism. If there's room for more condos, there is room for storing abandoned vehicles removed from the streets. Hawaii needs to make its residents more responsible and hold them accountable for polluting the aina! Hawaii needs to clean up!

HB-2442-HD-2

Submitted on: 3/15/2018 9:18:57 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Kari Benes	Individual	Support	No

Comments:

Aloha Representatives,

I live in Kapahulu, and over the past year the street I live on has acquired 3 abandoned cars that have been there for over 6 months. Not only are they an eye sore, but they take away parking from the residents. Tickets and abandoned vehicle flyers litter the car, but nothing is done.

While I believe it should be the complete responsibility of the most recent registered owner to properly dispose of a vehicle, I still appreciate that you are considering all options to reduce the number of abandoned vehicles on our streets and roadways.

Thank you for taking to the time to address this issue.

Kari Benes