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LAND USE COMMISSION  
STATE OF HAWAI'I  
HEARING  
A11-794 STATE OF HAWAI'I- )  
DEPARTMENT OF EDUCATION/KIHEI HIGH SCHOOL )  
\_\_\_\_\_)

TRANSCRIPT OF PROCEEDINGS

The above-entitled matter came on for a Public Hearing  
at Courtyard Maui Kahului Airport Haleakala Room,  
Hawai'i, commencing at 8:00 a.m. on June 14, 2013,  
pursuant to Notice.

REPORTED BY: HOLLY M. HACKETT, CSR #130, RPR  
Certified Shorthand Reporter

## A P P E A R A N C E S

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Docket No. A11-794 State of Hawai'i Dept. of

Education, Kihei High School (Maui)

For the Petitioner: WILLIAM YUEN, ESQ.  
MELISSA UHL, ESQFor the County: JAMES GIROUX, ESQ  
Deputy Corporation Counsel  
WILLIAM SPENCEFor the State: BRYAN YEE, ESQ.  
Deputy Attorney General  
RODNEY FUNAKOSHI, OP

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CHAIRMAN CHOCK: Good morning, everyone.  
Bryan, where did we leave off?

1 MR. YEE: I believe the Office of Planning  
2 is prepared to present its case.

3 CHAIRMAN CHOCK: Proceed.

4 MR. YEE: Our first witness will be  
5 Mr. Alvin Takeshita.

6 CHAIRMAN CHOCK: Good morning, Alvin.

7 THE WITNESS: Good morning.

8 ALVIN TAKESHITA  
9 being first duly sworn to tell the truth, was examined  
10 and testified as follows:

11 THE WITNESS: I do.

12 CHAIRMAN CHOCK: Thank you. Could you  
13 state your name and address, please.

14 THE WITNESS: My name is Alvin Takeshita.  
15 My home address is 990 Maninihola Street, Honolulu,  
16 Hawai'i 96825.

17 CHAIRMAN CHOCK: Thank you, Alvin.  
18 Proceed, Bryan.

19 MR. YEE: Mr. Takeshita's resumé has been  
20 submitted as OP Exhibit 8. We would submit  
21 Mr. Takeshita as an expert in the field of traffic  
22 engineering.

23 CHAIRMAN CHOCK: Parties, any objections?

24 MR. YUEN: No objections.

25 MR. GIROUX: No objections.

1 CHAIRMAN CHOCK: Thank you. Witness is  
2 admitted.

3 DIRECT EXAMINATION

4 BY MR. YEE:

5 Q Mr. Takeshita, what is your current  
6 position with the state of Hawai'i?

7 A I'm the Highways Administrator for the  
8 Department of Transportation.

9 Q Was OP Exhibit 5A prepared on behalf of the  
10 Department of Transportation?

11 A Yes, it was.

12 Q Would you please summarize the Department  
13 of Transportation's testimony in this case.

14 A Okay. I will. I believe all of you have a  
15 copy of my testimony so I'm not going to go into the  
16 details of it. But I will summarize it for you and  
17 touch on some of the focal points of it. I do thank  
18 you folks for allowing me to appear before you this  
19 morning. I really appreciate having you get DOT's  
20 input into this matter.

21 We're here today for the proposed Kihei  
22 High School which will be located abutting the  
23 Pi'ilani Highway on Maui. Right now Pi'ilani Highway  
24 is a principal arterial. It is a 4-lane divided  
25 highway. And a principal arterial from an engineering

1 standpoint is a high-capacity, high-speed facility  
2 connecting major destination points. Basically it is  
3 the major route in and out of Kihei. So, you know,  
4 that's the reason why we are particularly sensitive  
5 to keeping the integrity of its functional  
6 classification which is a principal arterial. We must  
7 maintain that.

8           We can't allow it to become a residential  
9 street, if you will. That would really hinder  
10 transportation purposes for the communities and for  
11 the island. So, you know, that's someplace that we  
12 don't want to go.

13           Right now this Petition Area is in the  
14 Urban Growth Boundary of the Maui Island Plan. So we  
15 recognize that. The proposal is to provide an access  
16 to the highway at the existing T intersection at  
17 Kulanihakoi Street.

18           It will propose to make it a 4- way  
19 intersection, a 4-legged intersection, if you will, at  
20 that intersection. And access will be from that  
21 proposed new leg to this intersection.

22           I'm here to tell you about some of the  
23 concerns that we have from the DOT side. Some of the  
24 highlights of it: Petitioner has said that this would  
25 be a 1 percent growth rate. But, you know, we're not

1 comfortable with the 1 percent growth rate. We do not  
2 feel that their projection takes into consideration  
3 all of the proposed developments in the area. It must  
4 be based on a cumulative effect, not on the basis of  
5 one development. That would not be usable.

6 So what we recommend is at least a  
7 2 percent rate, growth rate, that will take into  
8 consideration some of the other proposed developments  
9 in the area as we move forward on this.

10 The study area that they have proposed  
11 from -- excuse me on this pronunciation of the  
12 Hawaiian names, but it's Ka'ono'ulu Street to Pi'ikea,  
13 that's fine. We're okay with that study area.

14 We have looked at their submitted TIAR  
15 which is the Traffic Impact Assessment Report. We  
16 agree that there's no regional impacts of this Project  
17 as it will serve the community. So, you know, based  
18 on that we are okay with that study area as they had  
19 recommended.

20 What we find is the TIAR, we have a lot of  
21 concerns on it that was submitted. The TIAR should  
22 mitigate all transportation impacts due to this  
23 Project. We do not feel, again, that there's any  
24 negative effect to regional impacts. So that's fine.  
25 But the TIAR must address all transportation impacts

1 from this Project.

2           A signal warrant study that was submitted  
3 by the Petitioner, and although their report found  
4 that a signal is warranted at the intersection of  
5 Kulanihakoi Street and Pi'ilani Highway, we are not  
6 comfortable with that warrant study. And we ask that  
7 they redo the warrant study.

8           One of my biggest concerns as a former  
9 traffic engineer is the MUCDE which is the Manual on  
10 Uniform Control Devices, that's our nation's traffic  
11 engineers' bible, if you will, for engineering  
12 guidelines, does not recommend using right-turn  
13 volumes in your traffic signal warrant analysis.

14           I believe their warrant study considered  
15 right turn movements. But if you look at the MUCDE it  
16 clearly states that right-turn volumes, especially  
17 more so with a separate right-turn lane, should not be  
18 used in your analysis.

19           We also ask again, as I had mentioned, that  
20 we want to protect the integrity and the functional  
21 classification of Pi'ilani Highway as a principal  
22 arterial. We ask that the warrant study be made on  
23 the basis of vehicles and not pedestrians.

24           We say this because if it's only for  
25 pedestrians -- and we do understand safety is a



1 consideration -- any signal along Honoapi'ilani  
2 Highway will affect the efficiency of this highway.

3 I think you've seen some of the, lot of  
4 urban areas, urban roadways throughout the state.  
5 When signals appear on them they become less efficient  
6 for what they're functionally classified as. So we  
7 ask that the warrant study be based on vehicles not  
8 pedestrians.

9 We also add that Petitioner do a pedestrian  
10 route study. This is because, again, Pi'ilani Highway  
11 is a high capacity, high speed roadway. Based on that  
12 we don't want pedestrians to have access to Pi'ilani  
13 Highway at any point along this proposed development.  
14 I think it will be a nightmare for our safety folks  
15 that, you know, pedestrians can cross at any point  
16 along the highway. You know, we need to define that  
17 pedestrian route.

18 Where will the pedestrians from the school  
19 or students, if you will, where will they be accessing  
20 the high school? Can they access from any point along  
21 the school? I don't think that would be desirable.  
22 So we're asking them to do the route study.

23 Right now this proposed high school will be  
24 built in 2 phases. Phase 1 I believe is 800 students.  
25 I believe the full buildout will be 1,650 students.

1 So we're talking about quite a bit of students here.  
2 Again, the proposed location of the high school is  
3 mauka of the community. So, you know, there is going  
4 to be impacts, you know, from the school. It will  
5 generate -- people that live close to the high school  
6 will normally just walk to it unless they're, you  
7 know, like my kids they're spoiled and decide to drive  
8 their own car. But that's not the reality of the  
9 situation.

10 We ask that they revise the TIAR to  
11 consider all of this. And if a signal is not  
12 warranted we ask that a safe pedestrian crossing be  
13 provided in the form of an overpass because you do not  
14 want to have students, or any pedestrian for that  
15 matter, cross a high-speed high-capacity highway in an  
16 unsignalized situation. I think there's too much at  
17 risk.

18 National studies have pointed that out that  
19 those are conditions that you do not want to expose  
20 any pedestrian, especially elders as they cross  
21 because, you know, some of the students they're not as  
22 matured as we adults are here. Some of the elderly  
23 are not as mobile. You need to provide a safe  
24 crossing. I'm getting there, folks. So I know about  
25 getting old. (Laughter). Okay.

1           You know, again, if a signal is warranted  
2 I'm going to say: Hey, we can't require an overpass.  
3 But it would be desirable. I feel that an overpass  
4 would be a safer situation. But, you know, I can't  
5 say with engineering credibility that it's a  
6 requirement but it would be safer. So I'd like to  
7 point that out.

8           We ask that the Petitioner set aside enough  
9 right-of-way to accommodate and make sure that his  
10 improvements that he has to make can be done,  
11 particularly with the intersection itself. If there's  
12 any improvements to the intersection that his revised  
13 TIAR identifies, then that right-of-way should be  
14 provided by the Petitioner.

15           I looked at Google Earth, by the way,  
16 before I got here yesterday. And, you know, the area  
17 on the mauka side of Pi'ilani Highway basically is,  
18 it's not a -- it's not a real urban situation. I  
19 believe the urban situation is on the makai side of  
20 the highway.

21           So noise is not really going to be a  
22 concern at this time because I don't know the future  
23 of the area mauka. I understand there are proposals  
24 for further development of the area. But noise is not  
25 a concern for us. We just ask that they follow the

1 DOT's noise policy and abatement guidelines to make  
2 sure that -- use that as a test to make sure that  
3 there's no noise concerns from their development.

4           Based on these concerns we have some  
5 recommendations to the Commission on conditions of  
6 this development. Again, as I had mentioned many,  
7 many times we are not happy with the TIAR. That we  
8 ask that they submit a revised TIAR with all the  
9 things that I've said, mentioned earlier, to be  
10 included in it including a signal warrant study that  
11 be redone correctly.

12           Again include the pedestrian route study.  
13 That's very important. I'm sure all of you know that  
14 Hawai'i has been known as a nightmare for pedestrians.  
15 National studies point out that Hawai'i has some of  
16 the higher, highest pedestrian accident rates per  
17 capita. So, you know, we acknowledge that. And we'd  
18 like to make sure that that does not continue.

19           Access. We ask that access be -- we're  
20 okay with that fourth leg at Kulanihakoi Street. We  
21 ask that they do the necessary analysis of that  
22 intersection to accommodate their proposal.

23           As far as the Pi'ilani Highway is concerned  
24 fronting the school, we ask that they look at a paved  
25 shoulder. Make sure that the shoulders can

1 accommodate bicyclists and pedestrians. 'Cause, you  
2 know, it's not just crossing the highway, but there  
3 may be cases where people may be walking along the  
4 highway. So, you know, we ask that they look at that  
5 to make sure that that's safe and appropriate for  
6 those other users.

7           As with all developments, whether they be  
8 by private entities or by other government entities,  
9 we ask that the Petitioner fund through their funding  
10 source and provide for the planning, design and  
11 construction of all the improvements as determined in  
12 the TIAR that should be approved by the DOT.

13           The revised TIAR, again, should be updated  
14 and submitted to the DOT for review and acceptance one  
15 year following the opening of Phase 1. I don't want  
16 to confuse you on that.

17           We ask that the revised TIAR be submitted  
18 for our approval before any boundary changes are made.  
19 But as we move forward after Phase 1 is completed and  
20 as they proceed into Phase 2, we ask that they revise  
21 and update the TIAR. Because nothing remains the  
22 same. The area is not going to remain the same. So  
23 we need to protect, again, the integrity for the  
24 community. It's all about the community, you know.  
25 They need to have their transportation needs

1 fulfilled.

2           So we ask that an updated TIAR be submitted  
3 one year after the completion of Phase 1. Again  
4 right-of-way. We'd like to have that as a condition  
5 that they provide the right-of-way necessary for all  
6 the improvements that are identified. Again, that  
7 they be required to do a noise study based on the  
8 DOT's noise abatement guidelines. That's basically  
9 it. And if you -- I'm willing to answer any questions  
10 that you have.

11       Q       I have a few follow up questions. In your  
12 testimony you had indicated there were no regional --  
13 you had agreed that there were no regional impacts.  
14 Because of this has the requirement -- has the general  
15 requirement to provide regional impact fees been  
16 deleted from the proposed conditions?

17       A       Yes.

18       Q       And then you used the term "less efficient"  
19 when referring to how traffic lights might affect any  
20 state roadway or highway. What does "less efficient"  
21 mean in sort of lay terms?

22       A       Well, it doesn't take an engineer to figure  
23 out. Actually the cars along the main highway got to  
24 stop at a signal. That's less efficient than just  
25 going right through without a signal. So it is -- it

1 will impede your travel time.

2 Q So it will take longer to travel.

3 A That is correct.

4 Q In your testimony you also said if a  
5 traffic signal was not warranted it would not be  
6 allowed at Kulanihakoi and Pi'ilani, then you would  
7 recommend an overpass. Did you mean either an  
8 overpass or an underpass?

9 A Yes. You know, by the way, even though I'm  
10 from the Big Island I lived most of live in O'ahu. I  
11 guess my tendency on my part is because I would prefer  
12 an overpass because underpass has basically become a  
13 security problem. And in some of our culverts  
14 throughout the state right now has become home for the  
15 homeless.

16 So you have other social issues, security  
17 issues. You probably will have drainage issues. So  
18 those are some of the other concerns that may weigh  
19 against the use of an underpass. But if they can --  
20 the Petitioner can overcome those things I'm okay with  
21 it.

22 Q Then you referred to the right-of-way -- to  
23 add a sufficient right-of-way at the intersection of  
24 Kulanihakoi and Pi'ilani. Just to ask a couple  
25 questions about that. I take it from your testimony

1 there are anticipated further developments mauka of  
2 the proposed Kihei High School, correct?

3 A That's correct.

4 Q And the size of the intersection and the  
5 improvements to the intersection is not based upon  
6 that potential increased volume.

7 A That's correct. But, you know, I think  
8 just to clarify what I had said earlier, Bryan.

9 Q Right.

10 A The footprint of that proposed fourth lane  
11 to this highway should have setbacks sufficient to  
12 accommodate that future growth. Already yesterday my  
13 planners came to see me about a tech park that's  
14 coming up mauka of the high school. So, you know, hey  
15 there's going to be some development. Trust me now.  
16 It is -- it's not going to be static as far as that  
17 area.

18 Q And the term "to set aside a sufficient  
19 right-of-way" just means something basically you don't  
20 want people to put a building there and that be torn  
21 down if improvements are made.

22 A Yes, that's correct.

23 Q So their proposed access parking would be  
24 an appropriate use of that area, correct?

25 A Yes.



1           Q       Then you also used the term that you wanted  
2 a revised TIAR before any boundary change. I just  
3 want to check your terminology. With respect to your  
4 revision of the current TIAR, you're asking for that  
5 then before the zoning change by Maui County.

6           A       That's correct.

7           Q       And then with respect to the -- and then  
8 subsequently you're asking for another TIAR after the  
9 opening, one year after the opening of Phase 1?

10          A       That's correct. An updated TIAR.

11          Q       That's just updated then.

12          A       That's correct.

13          Q       The difference being a revision is intended  
14 to change some particular assumptions or analysis.  
15 Whereas an update is simply to recheck the numbers.

16          A       That's correct.

17                   MR. YEE: Nothing further. Thank you.

18                   CHAIRMAN CHOCK: Petitioner?

19                   MR. YEE: I'm sorry.

20          Q       Would you have an estimated cost of how  
21 much it would be for a pedestrian overpass?

22          A       Yes, I do. You know a few years back a lot  
23 of you may remember a Hawai'i Pacific University  
24 student, a pedestrian being killed on Pali Highway by  
25 the Pali Golf Course as she was crossing there. So at

1 that time I was a state traffic engineer for DOT.

2 We were asked to look into constructing a  
3 pedestrian overpass. With all the ADA requirements  
4 and stuff it's not as simple as it sounds. It will  
5 probably cost you -- our estimate at that time was  
6 about a year and-a-half ago was 4 to \$5 million to  
7 accommodate, construct -- design and construct a  
8 pedestrian overpass.

9 MR. YEE: Thank you. Nothing further.

10 CHAIRMAN CHOCK: Petitioner.

11 CROSS-EXAMINATION

12 BY MR. YUEN:

13 Q Mr. Takeshita, first you characterized  
14 Pi'ilani Highway as a principal arterial. Are there  
15 signalized intersections along Pi'ilani Highway?

16 A Yes.

17 Q Do you know how many?

18 A Not offhand.

19 Q Is it at least 4 or 5?

20 A I can't verify that.

21 Q Okay. Did DOT install those signalized  
22 intersections?

23 A I don't know the history again. It could  
24 have been by other developers if we required them to  
25 install it, or it could be us. I'm not sure.

1           Q       Why would either a developer been required  
2 to provide one? Or why would you have provided one in  
3 those cases?

4           A       Well, you know, a signal -- although the  
5 MUTCD again the National Engineering -- Traffic  
6 Engineers bible, although they say that if you meet a  
7 traffic signal warrant it does not mean that you need  
8 or required to install a traffic signal. They say the  
9 need to install a traffic signal is based on an  
10 engineering study. So I'm assuming that that study  
11 justified the signal.

12          Q       And that DOT would have approved that  
13 study.

14          A       That's correct.

15          Q       Otherwise you would not have allowed the  
16 signal.

17          A       Oh, yeah. Definitely not.

18          Q       And in this case are you suggesting that --  
19 well, does the MUTCD specifically say that you should  
20 not incorporate right-turn movements or right-turn  
21 traffic volumes in your traffic signal warrant study?

22          A       Very specifically. And in preparation for  
23 that testimony I reviewed the MUTCD yesterday  
24 afternoon. And it's still there.

25          Q       What section is that?

1           A       It's 4C.

2           Q       4C?

3           A       That's correct.

4           Q       Is Kalanianaʻole Highway on O'ahu, would you  
5 characterize that -- well, first of all, is that a  
6 state highway?

7           A       Yes.

8           Q       Would you characterize that highway as a  
9 principal arterial?

10          A       Yes.

11          Q       And are you aware of the location of Kalani  
12 High School adjacent to Kalanianaʻole Highway?

13          A       I sure do. I live in Hawai'i Kai.

14          Q       So you pass that every day.

15          A       That's correct.

16          Q       Is there a pedestrian overpass to get to  
17 Kalani High School?

18          A       No there's not.

19          Q       In your opinion do you believe that one is  
20 warranted in that situation?

21          A       Actually if there was no signalized  
22 crossings I would highly recommend an overpass be  
23 constructed. But, you know, you're basically  
24 comparing apples and oranges. The speed limit on  
25 Kalanianaʻole Highway is 35 miles on hour which is

1 your -- you know, that's the borderline or the cap --  
2 well, anything above 35 miles an hour is considered by  
3 traffic engineers as high speed. And it goes all the  
4 way up, of course, to 60, 65. But on Pi'ilani it's  
5 40 miles per hour. So a little different.

6 I think if you look at Kalaniana'ole Highway  
7 with Waialae Iki, you know, a lot of the Waialae area  
8 it's highly urbanized. Whether Pi'ilani Highway will  
9 become that way we don't know. But the speeds are  
10 lower, trust me, on Kalaniana'ole Highway.

11 I'm sure that those of you that live on  
12 Maui know that again it's not as urbanized as  
13 Kalaniana'ole Highway and Pi'ilani. So the 40 miles  
14 per hour speed limit I'm sure the drivers are going a  
15 little faster than that. So, you know, it's 2  
16 different scenarios. That's why we always require an  
17 engineering study because each scenario is different.

18 Q One of the inadequacies you cited to the  
19 DOE's TIAR is the use of a 1 percent growth rate  
20 versus a 2 percent growth rate and the failure to  
21 consider other developments.

22 First of all, are you aware that the  
23 1 percent growth rate is taken from DOT information  
24 regarding the increase in traffic counts over the  
25 years?

1           A       Yes. The traffic counts are a historical  
2 measure, if you will. It shows you the growth rate in  
3 the past. We don't feel comfortable. That's the  
4 reason we made that particular comment. Again this  
5 area on the mauka side of Pi'ilani is relatively open.

6                   We foresee your Promenade project, your  
7 tech project, all of those that are not existing now  
8 but are being proposed now will have a combined  
9 cumulative effect. That's why we are making that  
10 comment.

11           Q       And are you suggesting that even if a  
12 project has not been approved or permitted that DOE's  
13 traffic engineers should consider the effects of that  
14 project?

15           A       That's correct.

16           Q       And are you saying that the specific effect  
17 of each project plus a 2 percent growth rate should be  
18 used? Not just -- and that 2 percent growth rate  
19 should not -- should be separate and apart from  
20 considering these projects?

21           A       Well, I believe some of them have already  
22 been made. But again the 2 percent is your key.

23           Q       What I'm trying to clarify is is it  
24 2 percent or is it 2 percent plus extra projects?

25           A       Well, our position again we'd feel

1 comfortable if it's 2 percent plus the projected  
2 traffic from other developments.

3 Q Okay. With respect to the pedestrian study  
4 that you're requesting, you mentioned that you wanted  
5 a pedestrian route study which includes ingress and  
6 egress of pedestrians through defined locations that  
7 are not along Pi'ilani Highway. Exactly what kind of  
8 locations are you referring to?

9 A I'm looking for -- of course, you know your  
10 proposed high school has not been designed yet. So we  
11 do understand that. But in doing that design I think  
12 this is the appropriate time in developing the TIAR  
13 that features of the highway be considered including  
14 fencing that will control the ingress/egress of  
15 students.

16 We can't have them exiting and entering the  
17 school at any point along Pi'ilani or for that matter  
18 the proposed fourth lane. We would recommend that for  
19 the sake of pedestrian safety and uniformity they  
20 define that route study.

21 Q Meaning "define" the -- your preference is  
22 that pedestrian access to the high school be limited  
23 to a single point along the highway. Is that what  
24 you're saying?

25 A Not maybe one single point. But it should

1 be at defined points. And it shouldn't be a  
2 free-for-all.

3 Q Okay. You're suggesting that if the  
4 traffic signal warrant study eliminates the  
5 consideration of right turn volumes from Kalanihakoi  
6 Street to the highway, if that study does not warrant  
7 a traffic signal is it the Department's position that  
8 there should not be a traffic signal at that  
9 intersection?

10 A There should not be a traffic signal if it  
11 is not warranted.

12 Q And so for the entrance -- for the primary  
13 vehicular entrance to the highway for the new high  
14 school is it conceivable that that entrance should not  
15 have a traffic signal?

16 A If it is not warranted.

17 Q Okay. You also indicated -- I wanted to  
18 confirm your statement that an overpass or underpass  
19 you feel that this would be safer but it is not a  
20 requirement. You're saying it's not required by  
21 either the ASHTO guidelines or any Federal Highway  
22 Administration requirement.

23 A It is not required if there is a signalized  
24 crossing at that point.

25 Q Okay. But is it DOE's -- I'm sorry -- is



1 it DOT's requirement that a grade-separated crossing  
2 be provided here if there's no traffic signal?

3 A Yes. That's our position.

4 Q Okay. It's not a recommendation. It's a  
5 requirement.

6 A That would be a requirement.

7 Q Okay. Has the DOT been faced with a  
8 situation like this anywhere else in the state where  
9 you are requiring that a pedestrian overpass or  
10 underpass be built over a state highway for a new  
11 facility?

12 A Not recently. We have had pedestrian  
13 overpasses before on our state highways. In fact a  
14 lot of them are at unsignallized intersections. A  
15 prime example would be -- I'm not sure if you're  
16 familiar with Kalaniana'ole Intermediate School. It's  
17 in Papaikou on the Big Island. There used to be an  
18 pedestrian overpass. But, you know, I guess nowadays  
19 kids lazy walk so they tore it down. But it was there  
20 before.

21 Where we've had pedestrian overpasses  
22 usually it's through -- it preceded a signal. Again,  
23 Kalaniana'ole Highway at Lunalilo Home Road for Koko  
24 Head Elementary School, there's a pedestrian overpass  
25 there right next to a signal. But you know what? The

1 pedestrian overpass came first before the signal.  
2 That's why we required it. And then the signal came  
3 in so no sense tear 'em down.

4 Q You indicate your estimate of the cost of  
5 the overpass is 4 or \$5 million. If the Department of  
6 Education has no money in its budget to fund this  
7 overpass, how do you see the overpass being  
8 accomplished?

9 MR. YEE: I'm going to object on the basis  
10 of beyond the scope of this party's expertise. It's  
11 not a traffic engineering question.

12 CHAIRMAN CHOCK: Do you know how?

13 THE WITNESS: Well, I can't speak for the  
14 DOE. Of course, we at the DOT we're especially  
15 funded by gas tax and all of the other motorists.  
16 They expect their improvements to be delivered and not  
17 diverted to other interests. So, you know, we as well  
18 don't have funds. But I'm not sure how DOE would  
19 handle that. That's an internal discussion for you to  
20 address.

21 Q (By Mr. Yuen): Is this improvement an  
22 improvement that the Department of Transportation  
23 could make to the highway?

24 A As of yesterday -- no, Tuesday -- no, no  
25 wait. Yesterday Wednesday. No, Wednesday. This past

1 Wednesday. This federal fiscal year we're \$49 million  
2 short.

3 We have \$49 million more in projects than  
4 we have funds available. So I'm doing my juggling  
5 act. If I gotta go fund DOE's responsibilities I'm  
6 not sure *where* we're going on that.

7 Q If an overpass were built would DOT, since  
8 it would be built over a state highway, would DOT  
9 operate and maintain it?

10 A No.

11 Q So who would have to operate and maintain  
12 it?

13 A We're asking -- I believe you look in my  
14 testimony I didn't mention it, but, you know, we would  
15 want the DOE to maintain it. I don't think you need  
16 to operate the overpass, but you do need to maintain  
17 it.

18 Q Could you clarify how DOE would be expected  
19 to maintain a facility that would be entirely within  
20 the state highway right-of-way?

21 A We have a mechanism for that. It's called  
22 the Use and Occupancy Agreement. Lot of different  
23 entities including government entities and private  
24 entities have constructed facilities within our  
25 right-of-way. They enter into a use and occupancy

1 agreement. The agreement will contain conditions for  
2 them to maintain and accept liability for it.

3 MR. YUEN: I have no further questions.

4 CHAIRMAN CHOCK: County?

5 MR. GIROUX: No questions.

6 CHAIRMAN CHOCK: Bryan, redirect?

7 REDIRECT EXAMINATION

8 BY MR. YEE:

9 Q Just for clarification. You were asked  
10 about the pedestrian route study because you didn't  
11 want pedestrians along Pi'ilani Highway. Clearly  
12 pedestrians need to cross over or go across Pi'ilani  
13 Highway, correct?

14 A That is correct.

15 Q The pedestrian route study, is that  
16 intended to have a plan to direct pedestrians along  
17 particular routes and avoid having them walk along the  
18 shoulder of Pi'ilani Highway?

19 A Yeah. You know that study needs to  
20 consider it's not only an operational study but it's  
21 also a safety study. You've got to identify where the  
22 safe areas for them to walk. You also need to  
23 identify where are the pedestrian generators coming  
24 from? The community? Is it the shopping center  
25 across the street? Do the students want to go to the

1 shopping center, especially high school students? I'm  
2 pretty sure the answer would be yes.

3 Q So when you mention things like a fencing  
4 that would be an example of fencing along Pi'ilani  
5 Highway so the kids don't keep walking along Pi'ilani  
6 Highway to get into school?

7 A No. What I'm saying is from that school  
8 property to get to Honoapi'ilani Highway I don't want  
9 them to be able to get to the shoulder from any point.  
10 It has to be a defined point. Like I said, as I  
11 mentioned earlier, I don't want a free-for-all.

12 MR. YEE: Okay. Thank you. Nothing  
13 further.

14 CHAIRMAN CHOCK: Commissioners, any  
15 questions for this witness? Commissioner Inouye.

16 COMMISSIONER INOUE: Thank you, Chair.  
17 Thank you for your testimony, Mr. Takeshita.

18 THE WITNESS: Good morning.

19 COMMISSIONER INOUE: I'm trying to get a  
20 feel for the other schools around the state and  
21 whether they have overpasses, underpasses and what is  
22 the division of responsibility and 1 for building it  
23 and 2 for maintaining it?

24 Do you have a fell for other, that we  
25 talked about, the one at Koko Head? We talked about

1 the Kalani High School. There's no overpass there but  
2 I'm trying to get a feel for who takes responsibility  
3 for that.

4 THE WITNESS: Actually, you know, the DOT's  
5 position in any development is, you know, the  
6 petitioner or developer whether they be private or  
7 other governmental agency they should take care of  
8 whatever traffic they generate.

9 What I mean by "traffic" is it's not  
10 limited to vehicles, pedestrians as well, bicyclists,  
11 other modes of transportation. So if you are  
12 generating pedestrian traffic and there's a need for  
13 an overpass, we don't feel that we should stretch our  
14 funds to start maintaining those.

15 COMMISSIONER INOUE: I understand. I'll  
16 get a little bit of detail on that later. But my  
17 question, another question related is you have a  
18 school. And you have potential developers developing  
19 all using the overpass or underpass.

20 How do you split the pie basically as far  
21 as trying to figure out who's supposed to be  
22 maintaining and who's supposed to be building it? And  
23 who's paying for it?

24 THE WITNESS: You know I can't really give  
25 you a clear answer on that. And the reason why -- let

1 me try to be as clear as I can in my explanation. You  
2 know that's always been our transportation planners  
3 gray area, if you will. You know, I understand that  
4 the concept seems to be first in: your kuleana.

5 But there's no defined way that we can  
6 identify all of the developments in an area. I mean  
7 you know whether it be ten years from now, 15 years  
8 from now, those other developments, unidentified  
9 developments, will also have impact including  
10 pedestrians at this area. So we -- you know, it's  
11 clearly an area that we are very concerned about.

12 But again when the school comes in it's  
13 very clear to us that if there's no signalized  
14 crossing a pedestrian overpass is required.

15 COMMISSIONER INOUE: Do you have an  
16 example or do you know of any examples around the  
17 state about who maintains? Do you maintain some  
18 overpasses?

19 THE WITNESS: Well, you know, I've been  
20 with the DOT for 42 years but going back beyond 20  
21 years it's kinda hazy already. (Laughter) The one I  
22 member even though it doesn't involve the State DOT is  
23 Kapolei High School. Okay. Because Kapolei High  
24 School is the state DOE. Right? They have a  
25 pedestrian overpass on Kapolei Parkway. That is

1 maintained by DOE.

2 COMMISSIONER INOUE: And who built that?  
3 The DOE?

4 THE WITNESS: Yeah.

5 COMMISSIONER INOUE: Now, do you folks  
6 have a mechanism where as far as shared costs, future  
7 developments have an impact fee to help pay for some  
8 of this?

9 THE WITNESS: No. There's no mechanism  
10 because again the gray area is it's difficult to  
11 identify the future growth, the future projects that  
12 will come out. We just don't know.

13 COMMISSIONER INOUE: This is a little bit  
14 different issue. But if you don't have a signalized  
15 intersection how do you get into the school going  
16 mauka coming from, say, Kahului? Would there be a  
17 left turn with no signal?

18 How do you get into the school area if you  
19 don't have a signal there or going across Pi'ilani  
20 Highway? You just have to wait? Is that way it  
21 works?

22 THE WITNESS: Yes. You're talking about  
23 left-turn movement by vehicles?

24 COMMISSIONER INOUE: Yes, I'm sorry.

25 THE WITNESS: Well, I'm sure we're going to



1 require left-turn lanes. That's for sure. 'Cause,  
2 you know, we don't want them waiting in the travelway  
3 to make that turn. But that being said, you know,  
4 if -- there are 8 traffic signal warrants. It's not  
5 limited to pedestrians now. It's 8 traffic signal  
6 warrants. And we ask that Petitioner take a look a  
7 all 8 warrants and see if there's one that applies.

8 COMMISSIONER INOUE: I'm sorry. I guess  
9 I'm not familiar with the term warrants I guess, 8  
10 warrants.

11 THE WITNESS: Yeah. You know basically the  
12 trigger for a traffic signal and MUTCD it meets 1 of 8  
13 warrant, 8 conditions if you will. Just for  
14 simplicity let me explain. One of 'em is accidents.

15 If there's accidents over there and there's  
16 5 in one year that can be corrected now, gotta be  
17 correctable by a traffic signal, then you meet the  
18 warrant. That's what I mean by you meet a certain  
19 condition.

20 COMMISSIONER INOUE: Thank you, Chair. I  
21 have no other questions.

22 CHAIRMAN CHOCK: Thank you. Commissioner  
23 Teves.

24 COMMISSIONER TEVES: Hi, Mr. Takeshita.  
25 Regarding traffic signals. That Pi'ilani Highway

1 north-south it has 2 lanes in each direction you said,  
2 right?

3 THE WITNESS: That's correct.

4 COMMISSIONER TEVES: If a school bus is  
5 exiting the school and turning left, south, it has to  
6 cross 2 lanes now of 40-mile an hour traffic.

7 Wouldn't a traffic signal be required for safety?

8 'Cause you said "if it's warranted", but isn't that  
9 automatic warranty right there?

10 THE WITNESS: No, not really. You know,  
11 you've gotta look at again -- okay. I hate to give a  
12 class on traffic signals, but... (Laughter).

13 COMMISSIONER TEVES: You may have to.

14 THE WITNESS: There are 8 warrants. One is  
15 an 8-hour warrant. 8-hour warrant rules that for 8  
16 hours so much traffic going through this intersection  
17 that a signal is required. And we have numbers on  
18 that.

19 The other one, the one that you're looking  
20 at is a 4-hour warrant. That if the mainline is so  
21 heavy, the traffic, that people get hard time get out  
22 of the side street, which is in this case the proposed  
23 extension of Kulanihakoi, then it meets it. But you  
24 know there's certain numbers you gotta meet.

25 There's also gap requirements that, you

1 know. If there's no gaps, 60 per hour there's no  
2 gaps, then you also meet the requirement.

3 But, you know, again get 8 you know. For  
4 8-hour warrant, 4-hour warrant, peak hour warrant.  
5 Get pedestrian warrant, get school warrant. You get  
6 network warrant. You got accident warrant. And you  
7 get what they call a roadway system warrant. So, you  
8 know, get all different kind.

9 COMMISSIONER TEVES: So, in other words, if  
10 there isn't much traffic then you don't need the time  
11 of day say school gets out at 2:00. You don't need a  
12 signal 'cause there's not much traffic.

13 THE WITNESS: Again, we ask them to look at  
14 it. You show us.

15 COMMISSIONER TEVES: I just hate to see a  
16 school bus pulling out at the 40 miles an hour traffic  
17 crossing 2 lanes and trying to get into the third lane  
18 going south. What would happen then to some guy?  
19 Like you said they go faster than 40 miles an hour.

20 THE WITNESS: Yeah, you know, that's a  
21 whole different issue. I was a traffic safety  
22 engineer for about 15 years and that's another issue.  
23 I won't discuss that.

24 COMMISSIONER TEVES: What happened if the  
25 if Commission stipulated that there shall be a traffic

1 signal?

2 THE WITNESS: Actually the happiest guy on  
3 this island would be James Krueger.

4 COMMISSIONER TEVES: Okay. Only him?  
5 (laughter)

6 THE WITNESS: I forgot that wahine anyway.

7 COMMISSIONER TEVES: Or was there others?

8 THE WITNESS: Yeah. I was involved in  
9 about 20 trials on Maui when they sued the DOT. So,  
10 yeah, Cardoza and I are on a first name basis I think.

11 COMMISSIONER TEVES: So would the DOT  
12 oppose the Commission's rule if we said there should  
13 be a...

14 THE WITNESS: Yes. We'll not allow it  
15 because we accept the liability for it.

16 COMMISSIONER TEVES: So it has to be only  
17 on the study.

18 THE WITNESS: That is correct.

19 COMMISSIONER TEVES: Okay. Thank you.

20 CHAIRMAN CHOCK: Commissioner Biga.

21 COMMISSIONER BIGA: Being from Maui living  
22 in Maui, Alvin, we go through that every day. And  
23 believe you me trying to come out of this intersection  
24 even with the stoplight sometime's very hard. Yeah, I  
25 know we gotta depend on the studies with the warrants

1 you've been talking about. It is a problem.

2           You know everyone in this room I think is  
3 looking at the best safety for the students and the  
4 school you know. Maybe the studies need to be looked  
5 at or the warrants need to be looked at again.

6           That's where we're coming from is to make  
7 sure the assurance of the safety of the students is at  
8 hand. Thank you.

9           THE WITNESS: Just for your  
10 entertainment -- Bryan, I know this is not part of the  
11 testimony. (laughter) You know, Hawai'i is the only  
12 state in the nation without a state highway patrol.  
13 Every state has a state highway patrol that is  
14 dedicated now, their sole purpose is to enforce  
15 traffic laws. That's all they do.

16           In Hawai'i we share that responsibility  
17 with the counties who have other responsibilities for  
18 crime and, you know, other kind stuff. So they're  
19 doing it basically part-time for us. So, you know,  
20 people speed because we have no enforcement.

21           In 1999 the State of Oregon they had so  
22 many accidents and fatalities they got fed up. So  
23 what they did was they raised the citation for  
24 speeding to a flat rate. Flat rate: 1,000.

25           And I got to talk to one of the judges,

1 Dorothy Baker. She's another Judge Judy. She was the  
2 hanging judge. Because she didn't -- she didn't  
3 accept any of these loopholes and stuff. If you were  
4 speeding, boom, thousand dollars. But you know  
5 something? Their accident rate after they started to  
6 enforce that decreased by 40 percent. They won the  
7 National Safety Award. Forty percent of their  
8 accidents went down.

9 But you know we just don't have that  
10 situation here. We don't have the funding to fund a  
11 state highway patrol. So it is what it is.

12 CHAIRMAN CHOCK: Any other questions,  
13 Commissioner? Commissioner Inouye.

14 COMMISSIONER INOUE: Thank you. If a  
15 signal is warranted and done, who maintains that  
16 signal?

17 THE WITNESS: I'm sorry?

18 COMMISSIONER INOUE: If a traffic signal  
19 intersection is done, who maintains that?

20 THE WITNESS: We would maintain it because  
21 one, you know, they would have to come through us to  
22 get the signal design approved. So through our  
23 approval we accept the facility. You know, for  
24 example, in an area if a signal goes out, somebody  
25 knocks it down, we can't wait for DOE to come in

1 there, fix it.

2 We are capable of responding immediately.  
3 So it is a safety issue. So we accept responsibility  
4 for maintaining it because we accept the design.

5 COMMISSIONER INOUE: And that's the  
6 dividing line of why you accept responsibility for  
7 that but not an overpass. You don't approve the  
8 overpass design?

9 THE WITNESS: Well we would.

10 COMMISSIONER INOUE: Okay.

11 THE WITNESS: For example we probably would  
12 require railings so people don't fall over. But you  
13 know, again, it's a matter of, you know, like signals  
14 we accept responsibility because for the safety of  
15 people going through an intersection we need to  
16 respond right away if there's something wrong with the  
17 signal. And we're more capable.

18 I think it would be a bureaucratic  
19 nightmare if the signal went out and we wait for DOE  
20 to come fix it. I'm sure, as Mr. Biga mentioned,  
21 people on Maui going wait forever and a day because  
22 they probably are not equipped to have people who can  
23 fix a signal. So you know it's true, in the public's  
24 interest that we respond immediately and take  
25 responsibility for that.

1           COMMISSIONER INOUE: So that is the  
2 dividing line basically the speed of response.  
3 Where's there's an overpass situation you don't need  
4 to respond that fast. Therefore you don't want to  
5 take --

6           THE WITNESS: Yeah, not unless, you know,  
7 like O'ahu we get all these big trucks that hitting  
8 our overpass. They fall down. So it becomes our  
9 problem. But, yeah, we get issues on it.

10          COMMISSIONER INOUE: Okay. Thank you.

11          CHAIRMAN CHOCK: Commissioner.

12          COMMISSIONER TEVES: One last question.  
13 Mr. Takeshita, on the state highways, the traffic  
14 signal system who maintains it?

15          THE WITNESS: It depends each island. You  
16 know, there was a movement way back when that they  
17 didn't want the counties and the state to have  
18 duplicate workforces.

19                So, for example, O'ahu, the city and county  
20 operates and maintains it for us. They don't it free  
21 by the way. It's for a fee.

22                However, on Maui our Maui district office  
23 maintains and operates it. So it depends on the  
24 agreement that they can come up with. The Big Island  
25 is down by the Hawai'i County. Maui and Kaua'i are



1 done by our State DOT forces.

2 COMMISSIONER TEVES: Thank you.

3 CHAIRMAN CHOCK: Commissioner McDonald.

4 COMMISSIONER McDONALD: Hi, Alvin. Thanks  
5 for your testimony. Just a hypothetical question. If  
6 the DOT was to build an overpass, would it be eligible  
7 for federal funds, that type of project?

8 THE WITNESS: Probably not. I can't say  
9 no, yes or no because that call is made by Federal  
10 Highways. I'm sure they would look at it as a need  
11 created by a developer. Again, I don't know if I  
12 mentioned it earlier but the FBI Building for example  
13 in Kalaeloa, the FBI, federal government, did all the  
14 traffic improvements that they were required to do.  
15 They also made their fair-share of their contribution  
16 to regional impacts to the 'Ewa Impact Fund. So even  
17 federal government we don't, we don't discriminate.

18 COMMISSIONER McDONALD: Okay. Thank you.

19 CHAIRMAN CHOCK: Any other questions,  
20 Commissioners? Thank you very much, Alvin. Have a  
21 good weekend.

22 THE WITNESS: Thank you.

23 CHAIRMAN CHOCK: Next witness.

24 MR. YEE: I believe Mr. Yuen wanted to put  
25 on Mr. Pascua in order to make sure Mr. Pascua could

1 leave on time.

2 CHAIRMAN CHOCK: That's fine. Thank you,  
3 Mr. Pascua. Good morning.

4 PETE PASCUA

5 being first duly sworn to tell the truth, was examined  
6 and testified as follows:

7 THE WITNESS: Yes.

8 CHAIRMAN CHOCK: Name and address please.

9 THE WITNESS: My name is Pete Pascua. My  
10 address is 1907 South Beretania Street, suite 400  
11 Honolulu, Hawai'i 96826.

12 CHAIRMAN CHOCK: Go ahead.

13 MR. YUEN: Mr. Pascua has previously been  
14 qualified as an expert in traffic engineering.

15 DIRECT EXAMINATION

16 BY MR. YUEN:

17 Q Mr. Pascua, you heard Mr. Takeshita's  
18 testimony, did you not?

19 A Yes, I did.

20 Q Okay. A couple of questions. First, you  
21 prepared a traffic -- did you prepare a traffic signal  
22 warrant study for the Kihei High School Project?

23 A Yes, I did or under my supervision, yes.

24 Q Did your study conclude that a traffic  
25 signal is warranted at this intersection?

1           A       Yes, it did.

2           Q       How many of the warrants -- well, strike  
3 that. Mr. Takeshita testified that in performing a  
4 traffic signal warrant study there are 8 warrants. If  
5 you satisfy any one of them that you could conclude  
6 that a traffic signal is warranted.

7                   How many of the warrants were satisfied  
8 under your study?

9           A       Well, we evaluated 2 primary warrants first  
10 which is warrant 1 which I believe Mr. Takeshita  
11 mentioned is the 8-hour warrant. Also warrant No. 2  
12 which is a 4-hour warrant. But we also looked at the  
13 peak hour warrant which is not as, not as -- not  
14 considered a primary warrant as warrants 1 and 2. All  
15 3 warrants were satisfied.

16          Q       Mr. Takeshita mentioned that right turn  
17 movements -- or right turn movements should not be  
18 considered under the MUTCD standard in your warrant  
19 study. He cited section 4C of these requirements that  
20 specifically say you should not consider right turn  
21 movements.

22                   First, is Mr. Takeshita correct in his  
23 statement that you should not consider right turn  
24 movements in your traffic signal warrant study?

25          A       Yes and no.

1 Q Could you explain?

2 A Yes in the sense of if an intersection is a  
3 channelized right turn movement and does not control  
4 or affected by signal operations then it should not  
5 be -- or would not be controlled by signal operations,  
6 then shouldn't be included in the signal warrant  
7 study.

8 If a right turn movement is controlled by a  
9 traffic signal, then it should be included in the  
10 analysis of a signal warrant.

11 Q Did you consider right turn movements in  
12 your study?

13 A Yes, I did. Because if pedestrians were to  
14 cross that intersection, and that was the whole point  
15 of studying whether a signal is required or not if the  
16 pedestrians can safely cross the intersection as well.

17 If a pedestrian crossing is provided on the  
18 south side of Kulanihakoi Street and the intersection  
19 of Pi'ilani Highway, right turn movements from  
20 Kulanihakoi heading south on Pi'ilani Highway would  
21 conflict with pedestrian movements crossing the  
22 highway.

23 I think it would be irresponsible on my  
24 part if I did not include the right turn movement as  
25 part of the warrant study.

1           Q       Mr. Takeshita mentioned, among other  
2 warrants, a school warrant. Are you familiar with  
3 that warrant?

4           A       Yes, I am.

5           Q       Could you explain to the Commission what  
6 the school warrant is?

7           A       Well, the school warrants are usually --  
8 school warrant with respect to traffic signals should  
9 be or typically done after the school is in place  
10 where pedestrians cross and you can determine what the  
11 frequency of the pedestrian movements occur, the  
12 volume, the demand of the pedestrian movements  
13 relative to the available gaps in the highway. And if  
14 it meets a certain threshold then a signal would be  
15 warranted based on that.

16                   So we really can't do that now because  
17 there is no school to determine what the frequency,  
18 what the platoon of pedestrians would be crossing the  
19 highway during a signalized crossing or even a  
20 non-signalized crossing.

21           Q       Can you make assumptions or projections  
22 under that to satisfy that warrant?

23           A       Yes I could make projections. It would be  
24 very high that there are, there would be pedestrians  
25 crossing obviously because a lot of the residential

1 units are on the makai side of the highway. And the  
2 school is being proposed on the mauka side, the other  
3 side of the highway.

4 Q Commissioner Teves mentioned a possible  
5 scenario of a school bus turning left or south onto  
6 Pi'ilani Highway from the Kulanihakoi Street access  
7 road as a condition that he would conceive of as just  
8 possibly justifying a traffic signal.

9 In your warrant study do you consider these  
10 kinds of movements?

11 A Yes, but not on a quantitative level. More  
12 qualitative. If you just think about it a bus  
13 crossing the highway filled with school children with  
14 speeds maybe in excess of 40 miles per hour crossing a  
15 4-lane highway with maybe perhaps a left-turn pocket  
16 at the intersection which would be approximately  
17 60 feet.

18 To get from one side of the highway to the  
19 other side it would be very dangerous especially if  
20 the bus is stopped at the stop bar on the side strip.  
21 Buses can't accelerate like cars, especially filled  
22 with children.

23 Q When you perform a traffic signal warrant  
24 study, are you allowed to consider engineering  
25 judgment in reaching your final conclusions?

1           A       Yes. And that's previous question my  
2 previous answer to that question, yes.

3           Q       Can you explain to the Commission what the  
4 term "engineering judgment" means or what kinds of  
5 considerations you would make in exercising your  
6 engineer's judgment in a traffic signal warrant study?

7           A       Well, it will be a much easier judgment, if  
8 you will, if you're near the threshold of warranting  
9 the signal in terms of volumes, demand, pedestrian  
10 demand, gaps in the traffic stream where you're just  
11 about to warrant it.

12                   If it was a little bit more I would be -- I  
13 would feel very comfortable making a judgment to  
14 recommend a signal in that case.

15                   In other cases you have to look at all the  
16 different other scenarios or different other factors  
17 that may affect the signal. But an engineering  
18 judgment is something I don't take lightly obviously.  
19 We shouldn't take lightly as engineers. But it gives  
20 a flexibility to look at the overall big picture as  
21 opposed to hey, wait, we have 600 cars here.

22                   If we had 601 then we should put a signal.  
23 That's something that shouldn't be done in terms of  
24 engineers' decisions to recommend a warrant, recommend  
25 a signal in this case.

1           Just because it meets or just went above  
2 the threshold doesn't mean -- or right below the  
3 threshold it doesn't mean you shouldn't be installing  
4 the signal if you felt that one was needed for other  
5 reasons as well.

6           Q       If you were to restudy or redo your traffic  
7 signal warrant study, do you think you would reach the  
8 same conclusion that a signal is warranted at this  
9 intersection?

10          A       Yes. Because the only difference between  
11 the warrant study that I had done in 2011 and if I did  
12 one today would be collecting updated traffic data. I  
13 cannot see where I'm pretty sure that traffic has not  
14 decreased significantly enough to change the results  
15 of the warrants.

16                   MR. YUEN: No further questions.

17                   CHAIRMAN CHOCK: County?

18                   MR. GIROUX: We waive questions.

19                   CHAIRMAN CHOCK: Bryan?

20                               CROSS-EXAMINATION

21 BY MR. YEE:

22          Q       With respect to the right turn counts, you  
23 said you should include right turn counts if the  
24 intersection is controlled by a signal, is that  
25 correct?



1           A       No.

2           Q       What is the circumstance under which you do  
3 consider right turn volume?

4           A       If you would eventually, the signal being  
5 installed if the right turn volume would be controlled  
6 by the signal.

7           Q       And currently there's no signal.

8           A       Right.

9           Q       So if you don't construct the -- so why  
10 would there be a signal if it's not otherwise  
11 warranted?

12          A       I don't understand your question.

13          Q       Okay. Let me rephrase. Currently there's  
14 no signal at Kulanihakoi and Pi'ilani.

15          A       Yes.

16          Q       You would consider a right count there if  
17 you're going to be putting in a signal. Is that what  
18 you're saying?

19          A       Not necessarily. If you're gonna assume  
20 that a signal would be installed there would control  
21 the right turn movement.

22          Q       Okay. Why are you assuming that a signal  
23 is there?

24          A       That's what we're testing. We're testing  
25 whether a signal would be warranted or not. I'm not

1 assuming a signal is there. That's the test. Does it  
2 meet the warrant? If a signal is there does it meet  
3 the warrant?

4 Q So if you assume a signal is not there -- I  
5 guess you always assume there's a signal there so you  
6 always include right-turn counts?

7 A No.

8 Q I thought the purpose of a warrant is to  
9 determine whether or not to put in a signal, is that  
10 right?

11 A Yes. But how do you test that? You need  
12 to assume that a signal and how a signal would operate  
13 at that intersection.

14 Q So under the warrant you're saying you  
15 assume the signal is going to be there and you look at  
16 whether or not the right turn movement is going to be  
17 controlled by the signal.

18 A Yes.

19 Q Could you allow simply a right turn without  
20 being controlled by a signal?

21 A You could. That's when you exclude the  
22 right turn movement, yes.

23 Q Is that the current configuration on  
24 Kulanihakoi? A right turn without -- a separate  
25 right-turn lane?

1           A       It's a separate right-turn lane. And the  
2 current configuration is there is no signal.

3           Q       And is that right turn to be controlled by  
4 the signal then?

5           A       If you're going to have a pedestrian  
6 crossing on the south side of Kulanihakoi, yes.  
7 There's a conflict.

8           Q       So it depends on whether or not you allow  
9 the crosswalk; is that right?

10          A       Yes. We're trying to provide a safe  
11 crossing for the pedestrians, yes.

12          Q       So if there's going to be a crosswalk you  
13 should have that right turn controlled by the signal.  
14 And if you have the right turn -- if you have that  
15 right turn controlled by the signal then you should  
16 consider the right turn movements.

17          A       Yes, for warrants 1 and 2, yes.

18          Q       If you don't assume that there's going to  
19 be a crosswalk, then you would not have that right  
20 turn controlled by the signal.

21          A       Yes. There's no conflict.

22          Q       Okay. With respect to the engineering  
23 judgment I take it there are a number of factors that  
24 would always come into play when you try to apply an  
25 engineering judgment?

1           A       Yes.

2           Q       With respect to school buses, in other  
3 words, it's sort of a limited number of trips, would  
4 you consider whether there are operational changes  
5 that could be made for the bus routes so they would  
6 maybe be turning right instead of left?

7           A       Sure.

8           MR. YEE: That's all I have. Thank you.

9           CHAIRMAN CHOCK: Redirect?

10          MR. YUEN: None.

11          CHAIRMAN CHOCK: Commissioners, any  
12 questions for this witness? Commissioner Biga.

13          COMMISSIONER BIGA: Just to, if you had any  
14 time yesterday to follow up on Commissioner Teves'  
15 question about how much accidents on that highway.  
16 Were you able to get that information?

17          THE WITNESS: I did call back my office and  
18 see what kind of data we had within the study area.  
19 We don't have anything beyond the study area. So our  
20 study area as Mr. Takeshita had testified, and we have  
21 done, is between Kaonoulu Street to the north and to  
22 the south Pi'ikea Avenue.

23          But within that stretch we don't have any  
24 known accidents or pedestrian accidents specifically  
25 in that area. For one thing there's no highway

1 crossing. So more we would be looking at is the  
2 accidents, pedestrian accidents along the highway  
3 since there are no crossings. We didn't find any  
4 within the study area.

5 I'm sure Mr. Takeshita was able to get  
6 accident data for the entire stretch of Pi'ilani  
7 Highway. In fact he used to head that department as I  
8 understand it.

9 COMMISSIONER BIGA: Thank you.

10 CHAIRMAN CHOCK: Any other questions,  
11 Commissioners? Thank you very much, Mr. Pascua. How  
12 you doing, Holly? Okay. Why don't we take your next  
13 witness, State.

14 MR. YEE: Thank you. Our next and last  
15 witness will be Mr. Rodney Funakoshi.

16 THE REPORTER: Chair Chock, since he might  
17 be a little long could we just have a short recess?

18 CHAIRMAN CHOCK: Sure. Why don't we have a  
19 brief recess give Holly a break.

20 (9:15-9:35 recess.)

21 CHAIRMAN CHOCK: Bryan, your witness.

22 RODNEY FUNAKOSHI

23 being first duly sworn to tell the truth, was examined  
24 and testified as follows:

25 THE WITNESS: Yes, I do.

1 CHAIRMAN CHOCK: Name and address please.

2 MR. FUNAKOSHI: Rodney Funakoshi, State  
3 Office of Planning, 235 South Beretania Street.

4 DIRECT EXAMINATION

5 BY MR. YEE:

6 Q Mr. Funakoshi what's your current position  
7 with the state?

8 A I'm a planning program administrator land  
9 use division.

10 Q Was OP Exhibit 2 prepared on behalf of the  
11 Office of Planning?

12 A Yes.

13 Q Would you please summarize the Office of  
14 Planning's testimony in this case?

15 A Okay. Thank you and good morning. The  
16 Office of Planning fully supports the DOE in the  
17 development of a new high school for the Kihei  
18 community. This is a long-standing need evidenced by  
19 the wide-spread community support and full funding by  
20 the Legislature of the first phase of development.

21 Briefly the issues of concern to the state:  
22 Water. We're pleased with DOE's commitment to use  
23 non-potable water for the development be it effluent  
24 or brackish wells to supply the 185,000 gallons per  
25 day required for landscaping.

1           For fauna potential impacts to endangered  
2 birds DOE is agreeable to down-shielding external  
3 lights.

4           Archaeology. There are 8 historic features  
5 identified and documented acceptably by the State  
6 Historic Preservation Division. All that remains is  
7 to have an archaeological monitoring plan approved by  
8 the SHPD.

9           Agriculture. The entire Petition Area is  
10 rated E by the Land Study Bureau. This is the lowest  
11 quality of soil for agricultural use.

12          Civil Defense. The condition is for DOE to  
13 provide a suitable site for the state civil defense to  
14 install a warning siren.

15          Sustainability. We appreciate and commend  
16 the DOE for its commitment to sustainable design and  
17 adoption of the new program entitled Hawai'i  
18 Collaborative for High Performance Schools.

19          Regarding transportation, this is the major  
20 issue to be addressed this morning. Initially we'd  
21 like to clarify that although the TIAR was included in  
22 the Final EIS, the governor's acceptance of the EIS  
23 does not confer acceptance of the traffic impact  
24 study.

25          Typically and especially at the Land Use

1 Commission stage of approval, traffic impact reports  
2 are not fully and finally accepted.

3           The Office of Planning supports and has  
4 included the recommendations of the DOE regarding TIAR  
5 revisions and improvements to mitigate highway  
6 impacts. One clarification in our OP testimony on  
7 page 11 condition 1D we wish to delete reference to  
8 sidewalks per DOT's revised testimony.

9           One major area of distinction, however, is  
10 regarding the pedestrian crossing at Pi'ilani Highway.  
11 DOE believes that an at-grade crosswalk at a  
12 signalized intersection is adequate for pedestrians  
13 and bicyclists to cross Pi'ilani Highway.

14           DOT's approach is from an engineering  
15 standards perspective in requiring further study on  
16 the issue.

17           OP's approach is more from the land use and  
18 pedestrian safety perspective. OP Exhibit 4 shown on  
19 the projector is very straight forward. The high  
20 school is proposed to be on the mauka side of Pi'ilani  
21 Highway where there's currently little development,  
22 although some planned developments in the near future.  
23 But the predominant residential community is clearly  
24 on the makai side of the highway.

25           Pi'ilani Highway is the principal arterial



1 with a posted speed limit of 40 miles per hour. And  
2 as those of you know this area most vehicles travel at  
3 higher speeds.

4 The Federal Highways Administration Report,  
5 Petitioner's Exhibit 31 -- and we thank you for that  
6 submission -- we were intending also to submit that as  
7 an exhibit, is acknowledged by Petitioner's traffic  
8 engineer as the best available guidance on warrants  
9 for pedestrian over and underpasses.

10 In particular the first 2 warrants: 1.  
11 pedestrian volumes over 300 in a 4 hour period. DOT  
12 has estimated 330 students will walk or bike across  
13 Pi'ilani Highway at buildout of the school.

14 Proposed warrant 2 vehicle volume over  
15 35,000 with vehicle speeds over 40 miles per hour.  
16 Existing volumes are already at this level and DOT  
17 projections show 46,000 average daily trips by 2025  
18 buildout year.

19 So clearly the first 2 proposed warrants  
20 are already met relative to the need for a pedestrian  
21 overpass or underpass. Accordingly, OP firmly  
22 believes that a grade/separated crossing is justified  
23 based on the school's location, federal highways  
24 guidance and pedestrian safety.

25 OP's proposed condition on this is as

1 follows: To further remove conflicts between vehicles  
2 and pedestrians Petitioner shall construct a  
3 pedestrian overpass or underpass across Pi'ilani  
4 Highway. The crossing shall be designed in accordance  
5 with federal and state guidelines and requirements and  
6 shall be approved by the DOT.

7           Petitioner shall provide a needed  
8 right-of-way and pedestrian landing areas for safety  
9 and efficiency.

10           OP acknowledges DOE's concerns about  
11 offsite improvements, but we note that developers are  
12 typically required to be responsible for offsite  
13 improvements to mitigate impacts caused by their  
14 development. OP is willing to provide support and  
15 assistance to the DOE in seeking additional funding  
16 from the Legislature for the crossing.

17           In conclusion, the Project meets the  
18 standards for Urban District reclassification and  
19 should be approved subject to the conditions  
20 recommended by OP. Thank you.

21           MR. YEE: No further questions.

22           CHAIRMAN CHOCK: Petitioner?

23           MR. YUEN: Thank you, Mr. Chair.

24           CROSS-EXAMINATION

25 BY MR. YUEN:

1           Q       Mr. Funakoshi, I wanted to clarify your  
2 last comments. You're saying that the OP is  
3 recommending to the Commission that the Department of  
4 Education be required to construct an overpass or  
5 underpass, is that correct?

6           A       Yes.

7           Q       And the DOT's position is that the  
8 Petitioner should prepare a traffic signal warrant  
9 study. And if the traffic signal warrant study  
10 warrants a traffic signal at that intersection we  
11 should, DOE should install a crosswalk and no overpass  
12 is required. But if a traffic signal is not warranted  
13 then an overpass should be constructed.

14                   Which of these recommendations is the  
15 State's recommendation? Of is the state making two  
16 alternative recommendations to the Commission?

17          A       Ours is the state's recommendation.

18          Q       So the Commission should ignore DOT's  
19 recommendation?

20          A       We are going further, not so much ignore.  
21 We are going further than what DOT is recommending,  
22 yes.

23          Q       So if the Commission takes your  
24 recommendation, a traffic signal warrant study is not  
25 necessary to be prepared.

1           A       That may still be needed to satisfy DOT's  
2 acceptance of the traffic impact report. I wouldn't  
3 want to speak to that.

4           Q       But we just heard DOT. Now we're hearing  
5 your say something different. I just want to clarify  
6 that. Are you saying that no signal is necessary at  
7 that intersection?

8           A       No.

9           Q       You're saying that a signal should be  
10 installed and an overpass should be installed.

11          A       I'm saying regardless.

12          Q       Wait, wait, wait. First of all, what about  
13 a signal? Are you saying that a signal should be  
14 installed at that intersection?

15          A       It if meets the warrants which I believe it  
16 does. But that's not for me to decide or approve.

17          Q       And an overpass should be installed, both.

18          A       Yes.

19                 MR. YEE: I'm sorry. Can I ask for  
20 clarification. Do you mean overpass or underpass?

21                 THE WITNESS: Yes.

22          Q       (By Mr. Yuen) Have you physically -- have  
23 you seen the site?

24          A       Yes.

25          Q       Have you seen the streambeds where a

1 proposed underpass might be located?

2 A Yes.

3 Q Do you feel those are safe sites for an  
4 underpass?

5 A Potentially, yes.

6 Q Thank you.

7 MR. YUEN: No further questions.

8 CHAIRMAN CHOCK: County?

9 CROSS-EXAMINATION

10 BY MR. GIROUX:

11 Q Rodney, as far as this state issue do you  
12 foresee that if this condition is put into the Order  
13 the way you want it, is it possible that the DOT would  
14 not accept a building of an overpass without a  
15 warrant?

16 A I'm not sure.

17 Q My fear is that on the County's part is  
18 that we don't want to see conditions that makes it  
19 impossible to comply. So I really want to be clear  
20 that if, because what we heard when we were talking  
21 about the signalizations was if DOT was not going to  
22 allow any signalizations without a warrant.

23 And I don't know if that transfers to this  
24 overpass. Has there been conversation between the  
25 state and the -- well, the state OP and DOT regarding

1 the issue of warrants for an overpass?

2 A Well, it's been pretty much documented in  
3 this record that, you know, it's not a requirement per  
4 se. This is a Federal Highways study that was done.  
5 It was done because there really was no guidance on  
6 whether and when there should or should not be an  
7 pedestrian overpass.

8 And, you know, it's been characterized as a  
9 research paper, guidelines and, you know, DOT is not  
10 comfortable in requiring it based on that guidance.  
11 But they do still feel that it is safer and they would  
12 recommend it, but they're not in a position to  
13 requiring it. The position to require it.

14 So we're taking it one step further in  
15 recommending that it be required.

16 Q So if they are -- if they are recommending  
17 it then they would not deny the building of it without  
18 a warrant is what I'm trying to get at.

19 A Yes, I believe so.

20 MR. GIROUX: Nothing further.

21 CHAIRMAN CHOCK: Redirect, Bryan?

22 MR. YEE: No redirect.

23 CHAIRMAN CHOCK: Commissioners, any  
24 questions for Rodney? Have a good weekend, sir.

25 MR. FUNAKOSHI: Thank you.

1 MR. YEE: The Office of Planning has no  
2 further witnesses and we rest.

3 CHAIRMAN CHOCK: Mr. Yuen, are you prepared  
4 to make a closing statement at this time?

5 MR. YUEN: I have one more rebuttal  
6 witness, Mr. Nichols.

7 CHAIRMAN CHOCK: Okay. Come forward,  
8 please.

9 NICK NICHOLS  
10 being previously duly sworn to tell the truth, was  
11 examined and testified as follows:

12 THE WITNESS: Yes, I do.

13 CHAIRMAN CHOCK: Again, name and address  
14 please.

15 THE WITNESS: My name is Nick Nichols. I'm  
16 with Department of Education. Queen Liliuokalani  
17 Building, 1390 Miller Street, Honolulu.

18 CHAIRMAN CHOCK: Proceed.

19 REBUTTAL EXAMINATION

20 BY MR. YUEN:

21 Q Mr. Nichols, you heard Mr. Takeshita say  
22 that there's an overpass over Kapolei Parkway at the  
23 new Kapolei High School. Did you hear that testimony?

24 A Yes, I did.

25 Q Are you the person in the Department of

1 Education responsible for the planning and design of  
2 Kapolei High School?

3 A Yes. I was highly involved in that  
4 charrette and the design.

5 Q Is there an overpass at that high school  
6 over Kapolei Parkway?

7 A No. Kapolei High School has no overpass  
8 even over Kapolei Parkway or Fort Barrette Road which  
9 would join the two.

10 Q Are there signalized intersections at that  
11 school?

12 A Yes. There's now a signalized intersection  
13 as you come out of Kapolei High School.

14 Q In the last 5 years approximately how many  
15 new schools have you been involved in the planning  
16 for?

17 A Well, every single new school I have been  
18 involved in. Ewa Makai, Kioniulu, Wailuku 2 which is  
19 just about under completion. The past 20 years I've  
20 been involved in every single one.

21 Q Okay. Is it a fair statement to say at  
22 every single new school there's at least one  
23 signalized intersection?

24 A More recently I think so. Kioniulu has  
25 one. I'm not sure about -- yes, I think 'Ewa Makai



1 has one at the corner. Also I believe Kapolei Middle  
2 has one at the corner. We mentioned Kapolei High  
3 School.

4 Wailuku 2, no it doesn't have a signalized.  
5 It's all, no, it doesn't have one because it's more  
6 deep in the residential area. It's not automatic that  
7 we have one.

8 Q I'd like you to give the Commission your  
9 view speaking as the representative of the Department  
10 of Education in charge of new facilities. You've  
11 heard the testimony this morning of Mr. Takeshita on  
12 behalf of the Department of Transportation and then  
13 Mr. Funakoshi; Mr. Takeshita in particular suggesting  
14 that if a traffic signal is not warranted by the  
15 warrant study that there should be no traffic signal  
16 but there should be an overpass.

17 I'd like you to give the Commission your  
18 perspective from DOE in terms of operating the school  
19 what the, what problems would be caused for DOE if  
20 there were no traffic signal at this intersection.

21 A Right. Before I became a planner I was a  
22 principal, I was a vice principal and principal of the  
23 schools. And I think what I learned as a principal  
24 the buck stops with you. Every parent expects the  
25 principal to not only meet all the educational needs

1 of their son or daughter, but any concerns they have  
2 they ask the principal. And they expect the principal  
3 to be able to answer. In most cases they expect a  
4 prudent, reasonable answer.

5           So from that perspective I learned that --  
6 okay, let's go to Kihei High School. First of all, I  
7 don't see like, and it seems most of you agree how it  
8 could operate, how it could be accessed from the  
9 students' perspective, from the parents' perspective,  
10 from the staff's perspective, from operating all the  
11 kinds of events that a high school would have.

12           You mentioned buses. You're going to have  
13 football games. You're going to have baseball games.  
14 You're going to have softball games. You're gonna  
15 have assemblies. I don't see how you can have a school  
16 there and not a have a controlled intersection so that  
17 people can go in and out of it especially from the  
18 vehicular aspect.

19           We drove down it yesterday after this  
20 meeting. And it's hair raising to try to come from  
21 the other side and get back on the freeway -- or on  
22 the highway. So to me it's just inconceivable that we  
23 would not have a signalized intersection there.

24           The idea of having the underpass under the  
25 bridges. We pulled over and we walked there. Again

1 as speaking for the DOE I don't see how I could face a  
2 parent and say, "You know the safe passage for your  
3 son or daughter to get to the other side of the road  
4 is to go down, walk under a bridge."

5 I think even Alvin this morning told you of  
6 potentially all the negatives, the homeless, all the  
7 social, the muggings, the things that could take  
8 place.

9 As a principal, as the DOE, I just can't  
10 imagine why I would want to take on that kind of  
11 burden and try to explain to a parent that I think  
12 this is the right way for your son or daughter to get  
13 to and from school if you're going to walk.

14 And I think I can speak for most principals  
15 from that perspective because I wore that shoe. You  
16 have to be able to look parents in the eye and have  
17 some credibility. I'm also a parent. Would I want my  
18 daughter if she was to go to Kihei High School walk  
19 under the bridge to get there?

20 Okay. Then the other thing is, well, the  
21 overpass. Operationally that, if from what I  
22 understand Alvin said they're not going to fund it.  
23 They're not going to maintain it because they have  
24 budget cuts and their money is strapped. Well, the  
25 DOE is a state agency. Our budgets have been cut

1 perhaps even more than his. And we're strapped.

2 Then I also didn't understand why if they  
3 have to approve the design but they wouldn't be  
4 responsible for it. So this is mind boggling to me.  
5 I would hope that you can just make your own  
6 judgments. I don't have much more to say on this.  
7 This is amazing.

8 MR. YUEN: Thank you. No further  
9 questions.

10 CHAIRMAN CHOCK: County?

11 MR. GIROUX: We have no questions.

12 CHAIRMAN CHOCK: State?

13 MR. YEE: No questions.

14 CHAIRMAN CHOCK: No redirect?

15 MR. YUEN: No redirect.

16 CHAIRMAN CHOCK: Commissioners, any  
17 questions for Mr. Nichols? Okay. We're good. No  
18 questions. You ready with closing argument?

19 MR. YUEN: I will reserve my closing  
20 argument 'til decision-making.

21 CHAIRMAN CHOCK: County?

22 MR. GIROUX: We're ready.

23 CHAIRMAN CHOCK: Go ahead. Proceed.

24 MR. GIROUX: Thank you, Chair, the county  
25 fully supports the building of this high school.

1 We've been waiting a long time in this county for  
2 this. We feel we're even behind the 8 ball in getting  
3 a school in this area.

4 We feel it's necessary to have this  
5 education facility for the children to grow up in a  
6 neighborhood, be educated in the neighborhood and  
7 hopefully come back to this neighborhood. That's what  
8 builds strong communities.

9 We're looking forward to seeing the  
10 progress. The county is fully supporting the state  
11 going forward with this. It's got other entitlement  
12 processes that the County has already looked at ways  
13 to expedite the facilitating of this Project.

14 And we've always looked at education as an  
15 important factor in the County. We are looking at the  
16 state too to really get these issues resolved so that  
17 the children can get into this school, they can get  
18 educated, they can be safe.

19 We really don't have that much to say at  
20 this level. The County will be looking at this, the  
21 Planning Commission will be looking at this, the  
22 county council will be looking at this. So we're just  
23 looking to see this process go forward and as fast as  
24 possible.

25 CHAIRMAN CHOCK: Thank you very much

1 Mr. Giroux. State?

2 MR. YEE: We'll reserve our final argument  
3 for 2 weeks from now.

4 CHAIRMAN CHOCK: Given that the parties  
5 have completed their presentations before this  
6 Commission I declare the evidentiary portion of this  
7 proceeding to have been completed --

8 COMMISSIONER INOUE: Chair -- sorry.

9 CHAIRMAN CHOCK: I'm sorry. Commissioner  
10 Inouye.

11 COMMISSIONER INOUE: It's kind of out of  
12 order. Mr. Nichols, yesterday we talked about the  
13 timeline and trying to get the RFP out for a design/  
14 build and done and ready to issue. Were you able to  
15 look into that? I guess maybe I didn't make a formal  
16 request, but were you able to look at that?

17 THE WITNESS: No, not at this point but I  
18 will once I return.

19 COMMISSIONER INOUE: Okay. Thank you.  
20 Sorry.

21 CHAIRMAN CHOCK: No problem. Anybody else  
22 have questions for any of the parties? I'd like to  
23 direct parties to draft your individual proposed  
24 findings of fact, conclusions of law and decision and  
25 order based upon the record in this docket and serve

1 the same upon each other and the Commission.

2 The proposed findings of fact should  
3 reference the witness as well as the date, page and  
4 line numbers of the transcripts to identify your  
5 facts.

6 In addition exhibits and the evidence  
7 should also be referenced. I'd like to note for the  
8 parties that the Commission has standard conditions  
9 which we would like the parties to consider in  
10 preparing your proposed orders. A copy of the  
11 standard conditions may be obtained from Commission  
12 staff.

13 Should any of the parties desire to  
14 stipulate on any portion or all of the findings of  
15 fact, conclusions of law and decision and order you're  
16 encouraged to do so. Regardless of whether the  
17 parties pursue a partial or fully stipulated order,  
18 I'd like to ask each party to file its proposal with  
19 the Commission and serve copies on the other parties.

20 And I believe you guys have discussed this  
21 with staff and amongst yourselves to serve copies on  
22 each other, on the parties no later than close of  
23 business on June 18th. All responses or objections to  
24 the parties' respective proposals shall be filed with  
25 the Commission and served upon the parties no later

1 than noontime on June 25.

2 Any responses to the objections must be  
3 filed with the Commission and served on the other  
4 parties no later than noontime on June 25th, 2013.

5 Please consult with staff early in the  
6 process to ensure technical and non-substantive  
7 formating protocols observed by the Commission are  
8 adhered to. Are there any questions with respect to  
9 this schedule? Parties?

10 MR. YUEN: No questions.

11 MR. YEE: Chair, with respect to the  
12 submission of the D&O I believe both the County and  
13 the Office of Planning would like to waive the filing  
14 of a separate D&O.

15 We wanted to assure the Commission that we  
16 have already scheduled a meeting on Friday to try to  
17 resolve as many differences as we can. But as a  
18 result the Office of Planning does not intend to file  
19 a D&O on the 18th but will file our comments and  
20 objections on the 25th.

21 CHAIRMAN CHOCK: That would be fine. Any  
22 other questions? Commissioners, any questions?

23 MR. GIROUX: Just to clarify. The County  
24 intends to follow the same process.

25 CHAIRMAN CHOCK: Got it. Any comments?



1 Dan, any announcements? Staff? Think that's about  
2 it. Dan, any announcements? Staff? Good job,  
3 everybody. Thanks for all your hard work, especially  
4 to Riley and Scott and Dan and all of our folks,  
5 appreciate it. Have a good weekend. Safe travels  
6 home. We're adjourned.

7 (The proceedings were adjourned at 10:00 a.m.)

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## C E R T I F I C A T E

I, HOLLY HACKETT, CSR, RPR, in and for the  
State of Hawai'i, do hereby certify;

That I was acting as court reporter in the  
foregoing LUC matter on the 14th day of June 2013;

That the proceedings were taken down in  
computerized machine shorthand by me and were  
thereafter reduced to print by me;

That the foregoing represents, to the best  
of my ability, a true and correct transcript of the  
proceedings had in the foregoing matter.

DATED: This \_\_\_\_\_ day of \_\_\_\_\_ 2013

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HOLLY M. HACKETT, HI CSR #130, RPR  
Certified Shorthand Reporter