From: Rep. Rida Cabanilla
To: Hamayasu, Toru; Kaku, Melvin N; Brennon Morioka; barry.fukunaga@hawaii.gov; glenn.yasui@hawaii.gov
Sent: 8/13/2007 1:58:19 PM
Subject: Clarification on Tolling Authority/Jurisdiction

Aloha DTS Director Kaku and DOT Director Fukunaga,

Please consider responding to the inquiry made below. Your response would be greatly appreciated. In brief- the emails are seeking an answer to the following- "Does the City have the authority to implement a charge, or fee, or toll upon end users of any fixed guideway within the *technology proposals* before the City Council of Honolulu whereby the right of way of such fixed guideway utilizes the State's right of way/jurisdiction?" From my understanding, the City can implement a toll on City thoroughfares but if a toll is to be levied upon any State right of way or thoroughfare even if used by the City per language set in HB1309, the State must authorize such charge to be permitted per statute of which at this time, none exists. Therefore, would it be correct/safe to assume, that the fixed guideway system or technology to be chosen if implementing a HOT/Managed Lane concept, must have concurrence from the State first prior to any such decision / FTA approval/concurrence?

Meaning- does HB70 HD3- the toll road bill that allows the State to charge a fee for using a road- have to be a law first before the City can use the State's right of way for implementing the Managed Lane/HOT concept where the State has complete jurisdiction over the elevated fixed guideway?

Mahalo
Tom Berg
Ofc Mgr
Rep Cabanilla
586-6080

From: Gordon Lum [mailto:glumompo@hawaii.rr.com]
Sent: Monday, August 13, 2007 1:39 PM
To: Rep. Rida Cabanilla
Subject: RE: Clarification on Tolling Authority/Jurisdiction

Tom,

My guess is that if the State is prohibited from charging a toll on highways under State jurisdiction, then the City must also be prohibited from charging a toll on highways under State jurisdiction.

It would be best to contact the City to confirm this as they or the State would know the answer to that question.

Gordon

From: Rep. Rida Cabanilla [mailto:repcabanilla@capitol.hawaii.gov]
Sent: Monday, August 13, 2007 1:02 PM
To: Gordon Lum
Subject: Clarification on Tolling Authority/Jurisdiction

Aloha Director Lum,

It would be greatly appreciated if you could assist in clarifying a subject matter involving the difference between the State and City having the authority to charge a fee /toll on existing thoroughfares or newly created elevated fixed guideways. My question is:

Since the State is prohibited from charging a toll on highways under State jurisdiction, how does the City expect to, if choosing Managed Lanes or HOT Lanes, expect to be able to charge a toll on thoroughfares of which may be utilizing property/State right of way within the State's domain? For instance, if the State's Farrington or Kam Highway medial strips were to be used to house the Managed Lanes or HOT Lane concept being discussed by the City (since the City can already toll on City roads), does the City currently have the authority to charge a toll upon individual vehicles carrying one passenger on an elevated fixed guideway

where the State's jurisdiction comes into play- State controls the right of way?

Here is where it gets confusing- if the City has the ability to charge a toll on an elevated fixed guideway per language contained in HB1309 that became law (where the toll charge would transpire on a thoroughfare/ right of way owned by the State), why does the State have to pass a law to allow the State to collect a toll on the same right of way? The State cannot currently charge a toll on its right of ways- so is it accurate to say that the City can charge a toll on State roads? So is this a correct statement- "The City can collect a charge or a toll on State property, it's just that the State cannot do the same on its own property?"

Thank you for your time.

Mahalo

Tom Berg
Ofc Mgr
Rep Cabanilla
586-6080