

South Kohala Traffic Safety Committee
P.O. Box 383375
Waikoloa, HI 96738

Ms. Linden H. Joesting – Staff Attorney
Office of Information Practices
No. 1 Capitol District Building
250 South Hotel Street
Honolulu, HI 96813

August 23, 2010

Ref: Request for Assistance to Access Records (U RFA-P 11-5)

Dear Ms. Joesting

This letter follows up our August 18, 2010 telephone discussion and the OIP letter dated August 9, 2010. I am answering your questions in the order found in the August 18, 2010 OIP letter.

Waiver of fees under Uniform Information Practices Act (UIPA)

We understand that up to \$60 shall be waived if;

1. Waiver request is supported by a statement of facts. We feel the prior SKTSC letters dated July 29, 2010 to OIP and July 14, 2010 to Director Lee – Department of Public Works (DPW) clearly state the complaint and identify South Kohala Traffic Safety Committee. Both OIP and DPW have these letters. For the record;

The complaint is filed on behalf of SKTSC by:

Michael W. Price (Mike) – Chair - South Kohala Traffic Safety Committee (SKTSC)
P.O. Box 383375
Waikoloa, HI 96738

I am filing the complaint on behalf of the SKTSC members and reside in South Kohala District at 1794 Auhili Loop, Waikoloa, HI 96738. Correspondence needs to be sent to the above P. O. Box. I am authorized by the Committee to make this filing as the principal elected officer of SKTSC.

2. The records requested are:

1. **Breakdown of the \$10 Million Bond to Relieve Traffic Congestion through Waimea.** Specifically the cost to date of the Waimea Traffic Circulation Study by Parson's Brinkerhoff (study is released and not being requested by SKTSC); The Lalamilo Connector Road EA study by Belt Collins; and any and all other contracts, agreements and studies financed by the Bond (Full disclosure). Also **provide the plan for the remaining balance.** This \$10 Million Bond was approved by the Hawaii County Council in late 2003 or early 2004. The Bill # was not available on the Hawaii County Website. Their search engine was not functioning this past weekend.
2. The **Lalamilo Connector Road EA study** by Belt Collins document delivered to Hawaii County Administration many months ago and never released to the public after multiple requests throughout 2009 and 2010 to present date. See attachments. **This request includes the subsequent Lalamilo Connector Road EA "Buffer" study by Belt Collins** document delivered to the County Administration in October 2009 according to Belt Collins. **Belt Collins' contract listed the EA study as "Mamalaho Highway – Kawaihae Road Connector Project"**. The DPW refers to the document as the Lalamilo Connector Road EA on the Hawaii County Website under DPW/ projects/South Kohala. See attachment.

3. SKTSC requests waiver of the \$60 fee to search, review, or segregate the requested record. The requester's identity and basis for this waiver are listed in the letters listed under item #1 above. SKTSC is a public forum for discussions regarding traffic safety, traffic improvements and traffic planning. SKTSC has a long history dating back to territorial days of serving the public interest.

4. SKTSC requests an electronic copy of the requested records described in item #2 above.

Waiver of fees is in the public interest when:

1. The requested records pertain to taxpayer funded studies and projects directed and supervised by the Hawaii Department of Public Works and its Director – Mr. Warren Lee.
2. The record is not readily available in the public domain. The DPW has been requested to release the information several times prior. See attached emails sent to Director Lee (1/13/2009, 4/15/2010, 5/12/2010) SKTSC Agendas and SKTSC Minutes for 3/9/2010, 4/13/2010, 5/11/2010, 6/8/2010, 7/13/2010.
3. SKTSC disseminates information by email to 200 plus people (Hawaii County DPW Director Lee and Mayor Kenoi are but 2 of the recipients). SKTSC primary intension and ability is to disseminate the requested records for public viewing through the SKTSC email distribution, along with posting on the Waimea Community Association website, and printing and reporting in the North Hawaii News newspaper. This will cover the "general public at large" in North and South Kohala and Hamakua Districts of Hawaii Island.

Provide Hawaii County Department of Public Works with enough information for them to determine your eligibility for a waiver up to \$60.

By copy of this letter and previous Certified letter July 14, 2010 to Director Lee Hawaii County Department of Public Works, we have complied with this request.

Hopefully the above information answers OIP requests and questions. All of the above would not be necessary if DPW would release the records to the general public view. We filed a complaint under HRS 92F-42 and request your action to bring Director Lee and the Hawaii County Department of Public Works into compliance with Hawaii State Law with the Powers and Duties vested with your agency. It is well over 30 days and DPW is still out of compliance and not responsive within the 10 day designated period or even the extended 20 day period stated in the Law. Please keep our Committee informed about the progress of this complaint. The information requested from Director Lee is critical to the well being and future plans of the community.

Mahalo for your action resulting in release of the requested information, and enforcement of transparency and compliance in County government.

Sincerely on behalf of South Kohala Traffic Safety Committee,



Mike Price-Chair South Kohala Traffic Safety Committee

Attachments

- CC: SKTSC
Mayor William Kenoi – Hawaii County
Councilman Pete Hoffmann – Hawaii County Council
Warren H.W. Lee - Director – Hawaii County Department of Public Works
Representative Cindy Evans – Hawaii State House
Senator Josh Green – Hawaii State Senate