
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. In 2009, the legislature adopted senate
2 concurrent resolution no. 132, S.D. 1, which established the
3 construction industry task force to determine the economic value
4 of the construction industry in Hawaii. As directed in the
5 concurrent resolution, the task force was charged with
6 developing a series of recommendations to stimulate the
7 construction industry and create new jobs in the local
8 construction industry. Unfortunately, to date, many of the task
9 force's recommendations have yet to be enacted by the
10 legislature. The intent of this Act is to enact and implement
11 one of the recommendations of the task force in an effort to
12 support the local construction industry.

13 The legislature finds that it is necessary to provide the
14 airports and highways divisions of the department of
15 transportation with the same type of county exemptions from
16 shoreline management area permits that is provided to the
17 department of transportation harbors division. This exemption
18 is necessary to facilitate the airports and highways divisions'



1 progress in areas that are crucial to a project's footprint and
2 to containing construction costs.

3 The purpose of this Act is to extend to the airports and
4 highways divisions of the department of transportation the same
5 exemptions from county special management area permit
6 requirements that are provided to the harbors division.

7 SECTION 2. Section 261-4, Hawaii Revised Statutes, is
8 amended by amending subsection (c) to read as follows:

9 "(c) Structures and improvements. ~~[All]~~ Notwithstanding
10 any law or provision to the contrary, the department of
11 transportation is authorized to plan, design, construct,
12 operate, and maintain structures and improvements to land, to be
13 used for airport purposes, ~~[may be planned, designed, and~~
14 ~~constructed by the department.]~~ without the approval of county
15 agencies."

16 SECTION 3. Section 264-7, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§264-7 Permits, fees, etc.** (a) Any person or government
19 agency desiring the permit required by section 264-6 shall apply
20 for a permit on a form prescribed by the director of
21 transportation. Any permit issued shall be conditioned upon the
22 adherence of the applicant to the requirements of sections 264-8



1 and 264-9; provided that on awarding any contract for the
2 construction, reconstruction, maintenance or repair of any state
3 highway or federal-aid highway project, the director of
4 transportation or the director's authorized representative shall
5 ascertain whether the work to be done by the terms of that
6 contract will require the contractor, the contractor's
7 employees, or the contractor's agents to engage in any of the
8 activities enumerated in section 264-6(1) and (2) and, if one or
9 more such activities is likely to be required, shall issue the
10 permit required by section 264-6, waiving the fee requirements
11 imposed by subsection (b) of this section.

12 (b) The director, subject to chapter 91, shall establish a
13 fee schedule for the issuance of the permit. The fee schedule
14 established shall be calculated to provide revenues sufficient
15 to defray any expenses the department of transportation may
16 incur in connection with the permit under sections 264-6 to 264-
17 12. An applicant for a permit shall pay the applicable fee,
18 provided that the director may waive the fee payable when the
19 director determines that the work to be done will either improve
20 the highway or otherwise be of benefit to the State; and
21 provided further that no fee shall be required where the only



1 work to be done is the setting of poles and guys to carry
2 overhead wires.

3 (c) Notwithstanding any law or provision to the contrary,
4 the department of transportation is authorized to plan, design,
5 construct, operate, and maintain structures and improvements to
6 land, to be used for highway purposes, without the approval of
7 county agencies."

8 SECTION 4. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Special Management Area; Airport and Highway Improvements;
Exempt from County Approvals

Description:

Allows Department of Transportation to plan, design, construct, operate, and maintain land improvements for airport and highway purposes without the approval of county agencies. (HB1586 HD1)

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