

STAND. COM. REP. NO.

1095

Honolulu, Hawaii

MAR 21 2007

RE: H.B. No. 1608  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Transportation and International Affairs,  
to which was referred H.B. No. 1608 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to create an emergency power for the Governor and the Director of Transportation to exercise upon a determination that a substantial endangerment to public health and safety is or will be caused by the temporary closure of, or the lack of access to, an area by a state highway, which requires immediate action.

Your Committee received testimony in support of this measure from the Department of Transportation; Lahaina Bypass.com; Maui Land & Pineapple Company, Inc.; and one individual. Comments were received from the State Procurement Office and the Consumer Lawyers of Hawaii.

Your Committee finds that severe incidents on the highways caused by traffic accidents and natural disasters have had a major impact on the provision of access for motorists to communities. The emergency power would allow the Governor or the Director of Transportation to designate the area to be a traffic emergency zone and allow the taking of any action that may be necessary, without public hearing in the interests of expediency, until access to the designated area has been established.

Your Committee has amended this measure by:

2007-2340 SSCR SMA.doc



- (1) Providing the county mayors and county directors of transportation with the same emergency powers with regard to county highways and streets;
- (2) Adding a qualified immunity for a claim for negligence in the design, construction, repair, and correction of work performed; and
- (3) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1608, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1608, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,




J. KALANI ENGLISH, Chair



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Transportation and International Affairs**  
**TIA**

Bill / Resolution No.:* <b>HB 1608 (HSCR 1078)</b>	Committee Referral: <b>TIA, JDL</b>	Date: <b>3-19-07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	/			
INOUE, Lorraine R. (VC)				/
ESPERO, Will	/			
HOOSER, Gary L.				/
TANIGUCHI, Brian T.				/
TSUTSUI, Shan S.	/			
GABBARD, Mike	/			
<b>TOTAL</b>	<b>4</b>	<b>0</b>	<b>0</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:            Original    Yellow    Pink File with Committee Report    Clerk's Office    Drafting Agency				

\*Only one measure per Record of Votes