
A BILL FOR AN ACT

RELATING TO PUBLIC HIGHWAYS.

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

1 SECTION 1. The legislature finds that transportation on
2 Hawaii's public highways is increasingly frustrating and often
3 dangerous due to the lack of systematic maintenance and repair.
4 While potholes in particular have been blamed on heavy and
5 frequent rains, they may also appear and reappear due to poor
6 quality construction and substandard materials.

7 The legislature further finds that maintenance and repair
8 standards vary widely. Canada, for example, uses a system of a
9 concrete road base, or sub-base, and then asphalt on the top, or
10 wear surface. With proper installation and compaction, water is
11 redirected and doesn't run underneath, which contributes to
12 potholes.

13 A Honolulu Advertiser article on December 12, 2007,
14 reported a pothole on Punchbowl street that appeared overnight
15 and swallowed the left front wheel of a pickup truck, cracking
16 the rim and costing more than \$1,000 in repairs. The Advertiser
17 also reported that through early December 2007, the city and



1 county of Honolulu had repaired 61,195 potholes, compared with
2 68,586 potholes in 2006, which dotted the 1,100-plus miles of
3 mostly residential county roads.

4 The purpose of this Act to require more proactive
5 maintenance and repair of Hawaii's public highways, including
6 the development of minimum standards for construction and
7 materials, and enhanced pothole repair and maintenance of
8 repairs.

9 SECTION 2. Section 248-9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§248-9 State highway fund.** (a) Moneys in the state
12 highway fund may be expended for the following purposes:

13 (1) To pay the costs of operation, maintenance, and repair
14 of the state highway system, including without
15 limitation, the cost of equipment and general
16 administrative overhead;

17 (2) To pay the costs of acquisition (including real
18 property and interests therein), planning, designing,
19 construction, and reconstruction of the state highway
20 system and bikeways, including, without limitation,
21 the cost of equipment and general administrative
22 overhead;



1 (3) To reimburse the general fund for interest on and
2 principal of general obligation bonds issued to
3 finance highway projects where the bonds are
4 designated to be reimbursable out of the state highway
5 fund; and

6 (4) To pay the costs of construction, maintenance, and
7 repair of county roads; provided that none of the
8 funds expended on a county road or program shall be
9 federal funds when such expenditure would cause a
10 violation of federal law or a federal grant agreement.

11 (b) At any time, the director of transportation may
12 transfer from the state highway fund all or any portion of
13 available moneys determined by the director of transportation to
14 exceed one hundred thirty-five per cent of the requirements for
15 the ensuing twelve months for the state highway fund as
16 permitted by and in accordance with section 37-53. For purposes
17 of the determination, the director of transportation shall take
18 into consideration:

19 (1) The amount of federal funds and bond funds on deposit
20 in, and budgeted to be expended from, the state
21 highway fund during the period;



1 (2) Amounts on deposit in the state highway fund that are
2 encumbered or otherwise obligated;

3 (3) Budgeted amounts payable from the state highway fund
4 during the period;

5 (4) Revenues anticipated to be received by and
6 expenditures to be made from the state highway fund
7 during the period based on existing agreements and
8 other information for the ensuing twelve months; and

9 (5) Any other factors as the director of transportation
10 shall deem appropriate.

11 (c) In determining expenditures to be made from the state
12 highway fund pursuant to subsection (a), the director of
13 transportation shall:

14 (1) Expend _____ per cent annually to pay the costs of
15 maintenance and repair of the state highway system and
16 county roads;

17 (2) Annually, determine the ten most critical public
18 highways in need of maintenance and repair, and
19 complete all necessary maintenance and repair to these
20 public highways;

21 (3) Annually, determine the ten most critical public
22 highways in resort destination areas in need of



- 1 maintenance and repair, and complete all necessary
- 2 maintenance and repair to these public highways;
- 3 (4) Determine and adhere to minimum quality standards for
- 4 materials and construction methods for maintenance and
- 5 repair of public highways;
- 6 (5) Determine and adhere to a formula for pothole repair
- 7 and maintenance of previous pothole repairs on public
- 8 highways; and
- 9 (6) Determine and adhere to a reasonable time period for
- 10 the use of temporary plates when maintenance and
- 11 repair require extensive road patching of public
- 12 highways;

13 provided that failure to meet the requirements of this
 14 subsection shall result in a penalty of _____.

15 For the purposes of this subsection, "public highway" shall
 16 have the same meaning as defined in section 264-1."

17 SECTION 3. New statutory material is underscored.

18 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Barbara Marumoto*
 JAN 23 2008



Report Title:

Public Highways; Maintenance and Repair

Description:

Requires the DOT to expend an unspecified percentage of moneys in the state highway fund annually for maintenance and repair of the state highway system and county roads; to annually determine and repair the ten most critical public highways and the ten most critical public highways in resort destination areas; to determine and adhere to minimum quality standards for materials and construction methods, a formula for pothole repair and maintenance of previous pothole repairs, and a reasonable time period for the use of temporary plates when maintenance and repair require extensive road patching; establishes unspecified penalty for failure to meet requirements.

