
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Section 264-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All roads, alleys, streets, ways, lanes, bikeways,
4 [and] bridges, and all other real property highway-related
5 interests in the State, opened, laid out, [~~or~~] subdivided,
6 consolidated, acquired, and built by the government are declared
7 to be public highways. Public highways are of two types:

8 (1) State highways, which are those lands, interests, or
9 other real property rights, as defined above, having an
10 alignment or possession of a real property highway-
11 related interest as established by law, subdivided and
12 acquired in accordance with policies and procedures of
13 the department of transportation, separate and exempt
14 from any county subdivision ordinances, and all those
15 under the jurisdiction of the department of
16 transportation; and

17 (2) County highways, which are all other public highways."



1 SECTION 2. Section 264-23, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§264-23 Duties of director. The director of
4 transportation shall:

5 (1) Select, designate, acquire, or lay out, in compliance
6 with the requirements of the Federal Highway Act, a
7 system or systems of highways in the [~~State~~] state,
8 upon which federal-aid funds may or are to be
9 expended, together with state or county funds, or
10 both~~[-]~~;

11 (2) Alter, modify, [~~or~~] revise, or acquire new or
12 additional real property interests in support of the
13 system or systems or any portion or portions thereof,
14 to such extent as may be required by the administrator
15 under the Federal Highway Act~~[-]~~; provided the
16 alteration, modification, [~~or~~] revision, or
17 acquisition of new or additional real property
18 interests is not forbidden by the laws of the State~~[-]~~
19 and exempt from any county subdivision ordinances;

20 (3) Prepare, or cause to be prepared, and submit for
21 approval to the administrator, [~~conformably to~~] in
22 conformity with the Federal Highway Act, project



1 statements setting forth proposed construction or
2 reconstruction of any highway or portion thereof upon
3 which federal-aid funds are proposed or desired to be
4 expended in connection with local funds; and upon
5 approval of any of [~~such~~] the project statements,
6 [~~conformably to~~] in conformity with the Federal
7 Highway Act, prepare or cause to be prepared, and
8 submit for approval to the administrator, [~~such~~] the
9 surveys, plans, specifications, and estimates for the
10 project embraced by [~~such~~] the statement, or any
11 portion thereof, [~~as~~] that the administrator may
12 require[-];

13 (4) Subject to the approval of the administrator, and
14 [~~conformably to~~] in conformity with the Federal
15 Highway Act, on behalf of the State, undertake, and
16 enter into contracts for, the construction of the
17 federal-aid projects, and the expenditure of federal-
18 aid funds, together with local funds, upon the
19 projects, and supervise the construction of the
20 projects[-]; and

21 (5) Undertake and perform any and all acts [~~which shall~~
22 be] that are necessary or proper for the purpose of



1 complying with the Federal Highway Act and securing
2 the benefits of federal-aid for highways which the
3 State is eligible to receive under the Federal Highway
4 Act.

5 The director may designate in writing a qualified
6 subordinate who may sign vouchers, make routine reports, and
7 perform [~~such~~] any other routine duties [~~as~~] that the director
8 may deem necessary to delegate. All acts of the subordinate
9 shall be performed under the direction of the director, who
10 shall be responsible therefor."

11 SECTION 3. Section 264-29, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§264-29 Council's authority.** The council of a county
14 [~~may~~], by resolution adopted in the manner required by law
15 relating to resolutions involving the expenditure of public
16 money, may place under the control and at the disposal of the
17 director of transportation any funds of the county expendable
18 for construction or reconstruction of highways within the county
19 for the purpose of securing or attempting to secure federal aid
20 for the construction or reconstruction, as a federal-aid
21 project, of any highway or portion thereof eligible for federal
22 aid within the county. The council [~~shall~~], whenever an



1 appropriation for the construction of any highway or portion
 2 thereof lying within the system or systems of highways eligible
 3 for federal aid, as designated from time to time by the governor
 4 and the administrator under the provisions of the Federal
 5 Highway Act, as amended, is made by it, by resolution shall
 6 place [~~such~~] the appropriation under the control of the director
 7 for the purpose of constructing [~~such~~] the highway or portion
 8 thereof as a federal-aid project.

9 The council, by resolution, shall also grant the director of
 10 transportation exemptions from county subdivision requirements in
 11 order to expedite and make efficient the expenditure of public
 12 money."

13 SECTION 4. Section 264-43, Hawaii Revised Statutes, is
 14 amended to read as follows:

15 "**§264-43 Responsibility.** The department of transportation
 16 shall acquire, subdivide, consolidate, construct, maintain, and
 17 administer all highways comprising the state highway system[-]
 18 in accordance with all state and federal laws and exempt from
 19 county subdivision ordinances."

20 SECTION 5. Statutory material to be repealed is bracketed
 21 and stricken. New statutory material is underscored.

22 SECTION 6. This Act shall take effect upon its approval.



Report Title:

State Highways; County Subdivision Ordinances; Exemption

Description:

Exempts state highways projects from county subdivision approvals regarding highway projects that involve acquisitions.
(SB2441 HD1)

