
A BILL FOR AN ACT

RELATING TO TRANSFER OF STATE HIGHWAYS.

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

1 SECTION 1. The legislature finds that the State's current
2 fiscal crisis necessitates an abolition of duplicative state and
3 county functions. The state department of transportation and
4 the Maui department of public works share overlapping functions
5 for the maintenance of highways. The legislature further finds
6 that counties are more economically efficient at providing
7 highway functions inasmuch as the highways are inherently a
8 county function in Hawaii which does not have an interstate
9 highway system similar to mainland states.

10 The purpose of this Act is to establish a pilot project to:

11 (1) Provide for the transfer of all state highway
12 maintenance functions on Maui, Molokai, and Lanai
13 to the county of Maui; and

14 (2) Transfer applicable funding for the maintenance
15 of state highways on Maui from the State to Maui
16 county.

17 SECTION 2. Pilot project established. There is
18 established a pilot project to transfer all state highway



1 jurisdiction and functions relating to the maintenance of state
2 highways located on Maui, Molokai, and Lanai to the county of
3 Maui, and to transfer applicable funding for the maintenance of
4 state highways from the State to Maui county in accordance with
5 this Act.

6 SECTION 3. Definitions. For purposes of this Act:

7 "State highways" means every highway on Maui island,
8 Molokai island, and Lanai island that is under the jurisdiction
9 of the state department of transportation, highways division, as
10 of July 1, 2010, including but not limited to:

11 (1) Maui district:

12 (A) Route 30, Honoapiilani Highway, Intersection with
13 Kaahumanu Avenue (Route 32) in Wailuku to
14 Keawalua;

15 (B) Route 31, Piilani Highway, Intersection with
16 Mokulele Highway (Route 311) to Wailea;

17 (C) Route 32, Kaahumanu Avenue, Intersection with
18 Hana Highway (Route 36) near Kahului Harbor to
19 Wailuku;

20 (D) Route 36, Hana Highway, Kahului Harbor to
21 Intersection with Kaupakulua Road;



- 1 (E) Route 37, Haleakala Highway, Kahului Airport to
2 Intersection with Route 377 in Kula then
3 continues on as Kula Highway;
- 4 (F) Route 310, North Kihei Road, Intersection with
5 Honoapiilani Highway (Route 30) to Intersection
6 with Mokulele Highway (Route 311) and Piilani
7 Highway (Route 31);
- 8 (G) Route 311, Mokulele Highway, Intersection with
9 Kuihelani Highway (Route 380) to Intersection
10 with North Kihei Road (Route 310);
- 11 (H) Route 340, Kahekili Highway, Intersection with
12 Waiehu Beach Road to Camp Maluhia;
- 13 (I) Route 360, Hana Highway, Continuation of Hana
14 Highway Route 36 at Intersection with Kaupakulua
15 Road to Hana;
- 16 (J) Route 377, Haleakala Highway, Junction of Kula
17 Highway (Route 37) to Junction with Kekaulike
18 Avenue;
- 19 (K) Route 378, Haleakala Crater Road, Junction with
20 Kekaulike Avenue to Haleakala National Park; and



1 (L) Route 380, Kuihelani Highway, Intersection with
2 Honoapiilani Highway (Route 30) to Intersection
3 with Mokulele Highway (Route 311;

4 (2) Molokai district:

5 (A) Route 450, Kamehameha V Highway, Kaunakakai to
6 Halawa Valley;

7 (B) Route 460, Maunaloa Highway, Maunaloa Village to
8 Kaunakakai;

9 (C) Route 465, Airport Loop off of Maunaloa Highway
10 (Route 460);

11 (D) Route 470, Kalae Highway, Intersection with
12 Maunaloa Highway (Route 460) to Kalaupapa
13 Lookout; and

14 (E) Route 480, Puupeelua Avenue, Intersection with
15 Maunaloa Highway to Intersection with Farrington
16 Avenue; and

17 (3) Lanai district:

18 (A) Route 440, Kaumalapau Highway, Kaumalapau Harbor
19 to intersection with Manele Road in Lanai City
20 continuing on Manele Road to Hulopoe Beach Park.

21 SECTION 4. Transfer of functions. No later than
22 January 1, 2011, the jurisdiction, functions, powers, duties,



1 and authority heretofore exercised by the state department of
2 transportation relating to the maintenance of state highways
3 located in the county of Maui shall be transferred to and
4 conferred upon the department of public works of the county of
5 Maui by this Act.

6 The department of public works of the county of Maui shall
7 succeed to all of the rights and powers previously exercised,
8 and all the duties and obligations incurred by the state
9 department of transportation in the exercise of the functions,
10 powers, duties, and authority transferred, whether such
11 functions, powers, duties, and authority are mentioned in or
12 granted by law, contract, or other document.

13 All rules, policies, procedures, guidelines, and other
14 material adopted or developed by the state department of
15 transportation relating to the maintenance of state highways
16 located in the county of Maui shall remain in full force and
17 effect, including during the duration of the pilot project
18 established under this Act, except as provided under section 8
19 for a county administrative rule to supercede a state
20 administrative rule.

21 All deeds, leases, contracts, loans, agreements, permits,
22 or other document executed or entered into by or on behalf of



1 the state department of transportation highways division
2 pursuant to the provisions of the Hawaii Revised Statutes, shall
3 remain in full force and effect, including during the duration
4 of the pilot project established under this Act.

5 SECTION 5. Transfer of department functions, officers, and
6 employees. Concurrent with the transfer of jurisdiction over
7 the maintenance of state highways to the county of Maui, all
8 rights, powers, functions, and duties of the state department of
9 transportation with respect to the transfer of the maintenance
10 of state highways shall be transferred to the county of Maui,
11 department of public works, until this Act is repealed at which
12 time the rights, powers, functions, and duties shall revert to
13 the state department of transportation.

14 All officers and employees whose functions are transferred
15 by this Act shall be transferred with their functions and shall
16 continue to perform their regular duties upon their transfer,
17 subject to the state personnel laws and this Act, until this Act
18 is repealed, at which time the officers and employees shall be
19 transferred back to the state department of transportation.

20 No officer or employee of the State having tenure shall
21 suffer any loss of salary, seniority, prior service credit,
22 vacation, sick leave, or other employee benefit or privilege as



1 a consequence of this Act, and such officer or employee may be
2 transferred or appointed to a civil service position without the
3 necessity of examination; provided that:

4 (1) The officer or employee possesses the minimum
5 qualifications for the position to which transferred
6 or appointed; and

7 (2) Subsequent changes in status may be made pursuant to
8 applicable civil service and compensation laws.

9 An officer or employee of the State who does not have
10 tenure and who may be transferred or appointed to a civil
11 service position as a consequence of this Act shall become a
12 civil service employee without the loss of salary, seniority,
13 prior service credit, vacation, sick leave, or other employee
14 benefits or privileges and without the necessity of examination;
15 provided that such officer or employee possesses the minimum
16 qualifications for the position to which transferred or
17 appointed.

18 If an office or position held by an officer or employee
19 having tenure is abolished, the officer or employee shall not
20 thereby be separated from public employment, but shall remain in
21 the employment of the State with the same pay and classification
22 and shall be transferred to some other office or position for



1 which the officer or employee is eligible under the personnel
2 laws of the State as determined by the state director of
3 transportation or the governor.

4 SECTION 6. Transfer of records and appropriations.

5 Concurrent with the transfer of jurisdiction over the
6 maintenance of state highways to the county of Maui, all
7 appropriations, records, equipment, machines, files, supplies,
8 contracts, books, papers, documents, maps, and other personal
9 property heretofore made, used, acquired, or held by the state
10 department of transportation relating to the functions
11 transferred to the Maui department of public works shall be
12 transferred with the functions to which they relate, until this
13 Act is repealed, at which time the appropriations, records,
14 equipment, machines, files, supplies, contracts, books, papers,
15 documents, maps, and other personal property shall be
16 transferred back to the state department of transportation.

17 SECTION 7. Federal funds, administration and transfer.

18 (a) The highways division, or similar administrative division,
19 of the state department of transportation shall continue to
20 receive, transfer, or expend federal funds for state highways
21 located in the county of Maui, including during the duration of
22 the pilot project established under this Act.



1 (b) Concurrent with the transfer of jurisdiction over the
2 maintenance of state highways to the county of Maui, the state
3 director of transportation shall transfer to the county of Maui
4 all federal aid to the State that is to be used for highway
5 maintenance on state highways transferred to Maui county under
6 this Act. The state department of transportation shall do all
7 things necessary to ensure that federal aid to the State is
8 transferred to Maui county as appropriate for the use by Maui
9 county for state highways transferred to Maui county under this
10 Act, and that no federal funds are lost or jeopardized for this
11 use.

12 (c) It is the intent of this Act not to jeopardize the
13 receipt of any federal aid nor to impair the obligation of the
14 State or Maui county, or any agency respectively thereof, to the
15 holders of any bond issued by the State or by any such agency,
16 and to the extent, and only to the extent, necessary to
17 effectuate this intent, the governor or mayor of Maui, as
18 applicable, may modify the strict provisions of this Act, but
19 shall promptly report any such modification with reasons
20 therefor to the legislature at its next session thereafter for
21 review by the legislature.



1 SECTION 8. **Adoption of ordinances and rules.** The county
2 council of Maui may adopt ordinances and the Maui department of
3 public works may adopt administrative rules relating to state
4 highways, as defined in section 3 of this Act, for the period of
5 time the pilot project is in existence; provided that ordinances
6 shall be deemed to be supplemental to provisions of the Hawaii
7 Revised Statutes, and county administrative rules shall be
8 deemed to supercede state administrative rules where a county
9 rule is comprehensive so as to be intended to be exclusive. In
10 the absence of county administrative rules, state administrative
11 rules shall continue in effect.

12 SECTION 9. **Transfer of mandated programs; funding.**
13 Article VIII, section 5, of the Hawaii Constitution, relating to
14 state funding of mandated programs to the counties, shall be
15 deemed satisfied by the transfer of state appropriations and
16 federal funds from the State to the county of Maui under this
17 Act; provided that the county of Maui may request the
18 legislature to appropriate additional funds as necessary from
19 time to time to implement this Act.

20 SECTION 10. **Reports to legislature.** The state department
21 of transportation and the Maui department of public works shall
22 each report separately to the legislature on the progress,



1 problems, implementation, and other relevant issues concerning
2 the transfer of jurisdiction over the maintenance of state
3 highways located in the county of Maui to the county of Maui.
4 The reports shall be filed no later than twenty days prior to
5 the convening of the regular session immediately preceding the
6 repeal date of this Act.

7 SECTION 11. Reversion to State on sunset. On the day of
8 the sunset date of this Act or at a later date as may be
9 specified for a sunset pursuant to amendment to this Act, the
10 functions transferred by this Act to the Maui department of
11 public works shall revert back to the state department of
12 transportation, including transfer of officers and employees,
13 records and appropriations, and federal funds transfers, on the
14 same terms and conditions as specified in this Act for the
15 transfer from the state department of transportation to the Maui
16 department of public works.

17 SECTION 12. This Act shall take effect upon its approval,
18 and shall be repealed on December 31, 2016.



Report Title:

State Highways Maintenance; Transfer to Maui

Description:

Creates a pilot project to transfer jurisdiction of the maintenance of state highways in Maui county from the state department of transportation to the Maui department of public works. (HB2301 HD1)

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