
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that in this period of
2 high economic turmoil, procedural changes are necessary to
3 provide the State the ability for quick recovery and successful
4 economic stimulation.

5 The federal government has instituted an economic recovery
6 program that is based on the abilities of state agencies to
7 begin and complete construction projects. To facilitate the
8 federal program, it is necessary for the State to make changes
9 to its laws and programs that will allow state-funded
10 construction projects to move forward quickly and efficiently.

11 The legislature further finds that it is necessary to
12 provide the airports and highways division of the department of
13 transportation with the same type of county exemptions from
14 shoreline management area permits that are provided to the
15 department of transportation harbors division.

16 The legislature also finds that this exemption is necessary
17 to provide both the airports and highways divisions to progress



1 with projects that are necessary to a projects' footprint and to
2 contain escalating construction costs.

3 Senate Concurrent Resolution No. 132, S.D. 1 (2009)
4 established a task force to determine the economic contributions
5 of the construction industry in Hawaii. As directed in the
6 concurrent resolution, the task force has developed a series of
7 proposals for state actions to preserve and create new jobs in
8 the local construction industry. The intent of this Act is to
9 implement one of the task force's proposals.

10 The purpose of this Act is to extend to the airports and
11 highways division of the department of transportation the same
12 exemptions from county shoreline management area permit
13 requirements that are provided to the harbors division of the
14 department of transportation.

15 SECTION 2. Chapter 264, Hawaii Revised Statutes, is
16 amended by adding a new section to part I to be appropriately
17 designated and to read as follows:

18 "§264- Exemption from county permitting.
19 Notwithstanding any law to the contrary, all structures and
20 improvements to land to be used for state or county highway
21 purposes:



- 1 (1) May be planned, designed, and constructed by the
- 2 appropriate state or county department without the
- 3 approval of county agencies;
- 4 (2) Shall be exempt from any county permitting
- 5 requirements; and
- 6 (3) Shall be exempt from any county agencies' special
- 7 management area permitting requirements."

8 SECTION 3. Section 261-4, Hawaii Revised Statutes, is

9 amended by amending subsection (c) to read as follows:

10 "(c) Structures and improvements. ~~[All]~~ Notwithstanding

11 any law to the contrary, all structures and improvements to

12 land, to be used for airport purposes [~~7~~may]:

- 13 (1) May be planned, designed, and constructed by the
- 14 department~~[-]~~ without the approval of county agencies;
- 15 and
- 16 (2) Shall be exempt from county agencies' special
- 17 management area permitting requirements."

18 SECTION 4. Section 205A-22, Hawaii Revised Statutes, is

19 amended by amending the definition of "development" to read as

20 follows:



1 "Development" means any of the uses, activities, or
2 operations on land or in or under water within a special
3 management area that are included below:

- 4 (1) Placement or erection of any solid material or any
5 gaseous, liquid, solid, or thermal waste;
- 6 (2) Grading, removing, dredging, mining, or extraction of
7 any materials;
- 8 (3) Change in the density or intensity of use of land,
9 including but not limited to the division or
10 subdivision of land;
- 11 (4) Change in the intensity of use of water, ecology
12 related thereto, or of access thereto; and
- 13 (5) Construction, reconstruction, demolition, or
14 alteration of the size of any structure.

15 "Development" does not include the following:

- 16 (1) Construction of a single-family residence that is not
17 part of a larger development;
- 18 (2) Repair or maintenance of roads and highways within
19 existing rights-of-way;
- 20 (3) Routine maintenance dredging of existing streams,
21 channels, and drainage ways;



- 1 (4) Repair and maintenance of underground utility lines,
2 including but not limited to water, sewer, power, and
3 telephone and minor appurtenant structures such as pad
4 mounted transformers and sewer pump stations;
- 5 (5) Zoning variances, except for height, density, parking,
6 and shoreline setback;
- 7 (6) Repair, maintenance, or interior alterations to
8 existing structures;
- 9 (7) Demolition or removal of structures, except those
10 structures located on any historic site as designated
11 in national or state registers;
- 12 (8) Use of any land for the purpose of cultivating,
13 planting, growing, and harvesting plants, crops,
14 trees, and other agricultural, horticultural, or
15 forestry products or animal husbandry, or aquaculture
16 or mariculture of plants or animals, or other
17 agricultural purposes;
- 18 (9) Transfer of title to land;
- 19 (10) Creation or termination of easements, covenants, or
20 other rights in structures or land;
- 21 (11) Subdivision of land into lots greater than twenty
22 acres in size;



- 1 (12) Subdivision of a parcel of land into four or fewer
2 parcels when no associated construction activities are
3 proposed; provided that any land which is so
4 subdivided shall not thereafter qualify for this
5 exception with respect to any subsequent subdivision
6 of any of the resulting parcels;
- 7 (13) Installation of underground utility lines and
8 appurtenant aboveground fixtures less than four feet
9 in height along existing corridors;
- 10 (14) Structural and nonstructural improvements to existing
11 single-family residences, where otherwise permissible;
- 12 (15) Nonstructural improvements to existing commercial
13 structures; [and]
- 14 (16) Construction, installation, maintenance, repair, and
15 replacement of civil defense warning or signal devices
16 and sirens;
- 17 (17) Construction of airports authorized by the department
18 of transportation pursuant to section 261-4; and
- 19 (18) Construction of highways authorized by the department
20 of transportation pursuant to section 264-7;

21 provided that whenever the authority finds that any excluded
22 use, activity, or operation may have a cumulative impact, or a



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1 significant environmental or ecological effect on a special
2 management area, that use, activity, or operation shall be
3 defined as "development" for the purpose of this part."

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

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

7

INTRODUCED BY: *Calvin H. Boy*

BY REQUEST

JAN 22 2010



Report Title:

Construction Task Force; Transportation

Description:

Exempts from county approval state department of transportation development and construction of highways and airports.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

