

JAN 22 2010

S.B. NO. 2631

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# 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~~[, 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



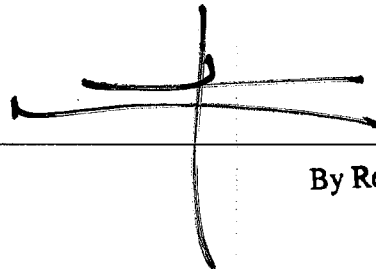
1 significant environmental or ecological effect on a special  
2 management area, that use, activity, or operation shall be  
3 defined as "development" for the purpose of this part."

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.

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INTRODUCED BY: \_\_\_\_\_

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By Request



**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.*

