
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. When residential developments are built and
2 people move into their neighborhoods, it takes far too long
3 before the crosswalks, traffic signal lights, and other
4 improvements pertaining to and contiguous with highways and
5 roads are finally installed. What delays installation of these
6 required improvements is the long wait for the issuance of a
7 report on how the improvements might affect traffic. This is
8 true even when the safety aspects of these improvements have
9 already been addressed, it was the State or county who first
10 requested the improvements, and the improvements are in
11 accordance with the specifications already first approved by the
12 requesting state or county agency.

13 Presently, no private developer who constructs highway
14 improvements qualifies for indemnification unless:

15 (1) The request for these improvements is made by a state
16 or county agency;

17 (2) Those improvements strictly conform to specifications
18 approved by the state or county agency; and



1 (3) A report on the impact of these improvements on
2 traffic is made and then accepted or approved by the
3 state or county agency.

4 Consideration must also be given regarding state and county
5 liability for delaying these improvements.

6 Since the safety considerations are mainly met by the first
7 two requirements, what this Act does is lessen the delaying
8 effect of the third requirement (a report on how the
9 improvements affect traffic). If highway improvements and the
10 resulting safer road environments are not delayed, this also
11 results in more construction jobs and roadway infrastructure to
12 further Hawaii's economic activity. Even if this report on
13 traffic impact might peripherally touch upon safety, in the
14 overall balance of things the public has more to gain by not
15 allowing this report's completion to impose such delay. It
16 should also be noted that this traffic impact report is not
17 eliminated from being done; the report is just no longer allowed
18 to delay these benefits to the public. Thus, the purpose of
19 this Act is to prevent the third requirement from delaying such
20 improvements.



1 SECTION 2. Chapter 264, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§264- Highway improvements; indemnity of private
5 developer and nonliability of state and county for provision
6 prior to warrant. (a) A private developer that constructs any
7 improvements to any state or county highway:

8 (1) At the request of a state or county agency;

9 (2) In accordance with specifications approved by the
10 state or county agency; and

11 (3) Prior to the improvements being warranted pursuant to
12 a traffic impact analysis report, approved or accepted
13 by the state or county agency,

14 shall be indemnified by the State, if the agency requesting the
15 improvements is a state agency, or by the appropriate county, if
16 the agency requesting the improvements is a county agency, from
17 any liability to any person for any injury, including wrongful
18 death, arising from, out of, or resulting from, directly or
19 indirectly, the provision of the highway improvements prior to
20 their being warranted.

21 (b) If the State or any county accepts and opens to public
22 use any improvements on any state or county highway and the



1 improvements were not determined to be warranted by a traffic
 2 impact analysis report that was accepted by the State or
 3 appropriate county, then neither the State nor the appropriate
 4 county shall be deemed to have extended any assurances that the
 5 unwarranted improvements are safe for any purpose and shall not
 6 be held liable to any person for any injury, including wrongful
 7 death, or damage to person or property, arising from, out of, or
 8 resulting from, directly or indirectly, the unwarranted
 9 improvements to the state or county highway."

10 SECTION 3. New statutory material is underscored.

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

12

INTRODUCED BY:

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

JAN 25 2011



Report Title:

Highways; Indemnification; Non-Liability for State and Counties

Description:

Indemnifies any private developer and holds State and counties not liable for injuries due to any highway improvements accepted by the State or county and made available for public use prior to the improvements being warranted by a traffic impact analysis report.

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

