

JAN 21 2011

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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. Senate Concurrent Resolution No. 132, S.D. 1  
2 (2009), established a task force to determine the economic  
3 contributions of the construction industry in Hawaii and to  
4 develop a series of proposals for state actions to preserve and  
5 create new jobs in the local construction industry. This Act  
6 implements one of the task force's proposals in conjunction with  
7 the Abercrombie administration's support for state actions to  
8 create new jobs in Hawaii's construction industry.

9           In addition, in 2010, the senate committee on economic  
10 development and technology and the house committee on economic  
11 revitalization, business, and military affairs convened an  
12 informal small business discussion group to address the most  
13 critical issues facing the small business sectors within  
14 Hawaii's economy. Representatives from the Chamber of Commerce  
15 of Hawaii, construction and trades industries, community  
16 nonprofits, the agricultural sector, food and restaurant  
17 industries, retailing, the science and technology sector, the  
18 commercial transportation industry, and interested stakeholders



1 developed a package of bills that address the most pressing  
2 problems facing Hawaii's small business community.

3 The purpose of this Act is to support the findings of the  
4 small business working group and the recommendations proposed by  
5 the construction industry task force to extend to the airports  
6 and highways divisions of the department of transportation the  
7 same exemptions from county shoreline management area permit  
8 requirements that are provided to the harbors division of the  
9 department of transportation.

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

13 "§264- Exemption from county permitting.

14 Notwithstanding any law to the contrary, all structures and  
15 improvements to land to be used for state or county highway  
16 purposes:

17 (1) May be planned, designed, and constructed by the  
18 appropriate state or county department without the  
19 approval of county agencies;

20 (2) Shall be exempt from any county permitting  
21 requirements; and



1       (3) Shall be exempt from any county agencies' special  
2             management area permitting requirements."

3       SECTION 3. Section 205A-22, Hawaii Revised Statutes, is  
4 amended by amending the definition of "development" to read as  
5 follows:

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

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

20       "Development" does not include the following:

- 21       (1) Construction of a single-family residence that is not  
22            part of a larger development;



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



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



1        (18) Construction of highways authorized by the department  
2                    of transportation pursuant to section 264-7;  
3 provided that whenever the authority finds that any excluded  
4 use, activity, or operation may have a cumulative impact, or a  
5 significant environmental or ecological effect on a special  
6 management area, that use, activity, or operation shall be  
7 defined as "development" for the purpose of this part."

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

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

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[Signature]



**Report Title:**

Construction Task Force (2010); Transportation; County Approval Exemptions

**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.*

