



GOV. MSG. NO. 1321

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

July 05, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

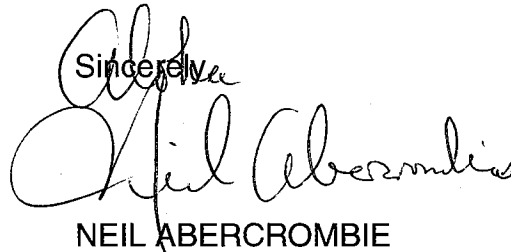
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on July 05, 2012, the following bill was signed into law:

SB3010 SD2 HD1

RELATING TO TRANSPORTATION.  
**Act 218 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

Approved by the Governor

on JUL 5 2012

THE SENATE  
TWENTY-SIXTH LEGISLATURE, 2012  
STATE OF HAWAII

ACT 218

S.B. NO. 3010  
S.D. 2  
H.D. 1

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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 the department of  
2 transportation is charged with the implementation of the bridge  
3 rehabilitation and replacement program for bridges with a  
4 sufficiency rating of less than eighty to be designed and  
5 constructed. There are currently seven hundred fifty-six state-  
6 owned bridges, of which two hundred fifty-six are functionally  
7 obsolete and thirty-nine are structurally deficient.  
8 Functionally obsolete bridges are defined as bridges with  
9 geometric deficiencies such as being too narrow. Structurally  
10 deficient bridges are defined as bridges with a poor assessment  
11 of the structural condition of the bridge, including the  
12 waterway opening adequacy.

13 There are currently thirty bridges under the jurisdiction  
14 of the department of transportation that are either functionally  
15 obsolete or structurally deficient and that are in the design  
16 phase that are planned for rehabilitation and replacement, in  
17 addition to the Hana highway bridge preservation plan, which  
18 needs to move forward for construction.

SB3010 HD1 HMS 2012-3444



1           The purpose of this Act is to expedite construction  
2 projects for the bridge rehabilitation and replacement program  
3 by providing temporary exemptions from certain state and county  
4 requirements.

5           SECTION 2. Beginning July 1, 2012, and ending June 30,  
6 2017, the department of transportation and any of its  
7 contractors shall be exempt from state requirements under the  
8 following, but only to the extent necessary to expedite the  
9 projects enumerated under section 3 of this Act:

- 10           (1) Chapter 6E, Hawaii Revised Statutes, historic  
11           preservation;
- 12           (2) Part II of chapter 171, Hawaii Revised Statutes,  
13           public lands;
- 14           (3) Chapter 174C, Hawaii Revised Statutes, state water  
15           code;
- 16           (4) Chapter 180, Hawaii Revised Statutes, soil and water  
17           conservation districts;
- 18           (5) Chapter 180C, Hawaii Revised Statutes, soil erosion  
19           and sediment control;
- 20           (6) Chapter 183, Hawaii Revised Statutes, forest reserves,  
21           water development, and zoning;
- 22           (7) Chapter 183D, Hawaii Revised Statutes, wildlife;



- 1 (8) Chapter 184, Hawaii Revised Statutes, state parks and  
2 recreation areas;
- 3 (9) Chapter 195, Hawaii Revised Statutes, natural area  
4 reserves system;
- 5 (10) Chapter 195D, Hawaii Revised Statutes, conservation of  
6 aquatic life, wildlife, and land plants;
- 7 (11) Chapter 198D, Hawaii Revised Statutes, Hawaii  
8 statewide trail and access system;
- 9 (12) Chapter 205, Hawaii Revised Statutes, land use  
10 commission;
- 11 (13) Chapter 205A, Hawaii Revised Statutes, coastal zone  
12 management;
- 13 (14) Chapter 341, Hawaii Revised Statutes, environmental  
14 quality control;
- 15 (15) Chapter 342B, Hawaii Revised Statutes, air pollution;
- 16 (16) Chapter 342D, Hawaii Revised Statutes, water  
17 pollution;
- 18 (17) Chapter 342E, Hawaii Revised Statutes, nonpoint source  
19 pollution management and control;
- 20 (18) Chapter 342F, Hawaii Revised Statutes, noise  
21 pollution;

- 1 (19) Chapter 343, Hawaii Revised Statutes, environmental  
2 impact statements; and  
3 (20) Chapter 344, Hawaii Revised Statutes, state  
4 environmental policy.

5 SECTION 3. The following bridges and projects shall be  
6 exempt from the requirements specified under section 2 of this  
7 Act:

- 8 (1) Farrington highway, replacement of Maipalaoa bridge,  
9 on Oahu;  
10 (2) Farrington highway, replacement of Makaha bridges  
11 numbers 3 and 3A, on Oahu;  
12 (3) Kalaniana'ole highway, Inoaole stream bridge  
13 replacement, in Waimanalo, Oahu;  
14 (4) Kamehameha highway, Kaipapau stream bridge, on Oahu;  
15 (5) Hawaii belt road, Umauma stream bridge, on Hawaii;  
16 (6) Waiehu beach road, Iao stream bridge rehabilitation,  
17 vicinity of Wailuku, on Maui;  
18 (7) Kaunualii highway, Omao bridge rehabilitation, on  
19 Kauai;  
20 (8) Kuhio highway, Kapaia bridge replacement, on Kauai;  
21 (9) Kamehameha highway, south Kahana stream bridge  
22 replacement, on Oahu;



- 1 (10) Hana highway bridge preservation plan and projects, on  
2 Maui; and  
3 (11) Kamehameha Highway, Franklin D. Roosevelt Bridge  
4 rehabilitation, on Oahu.

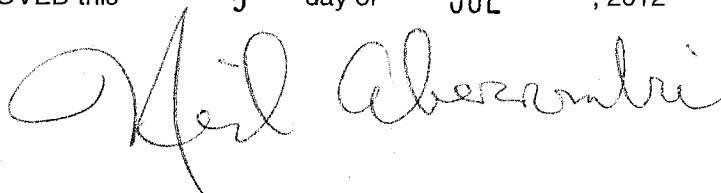
5 SECTION 4. If the construction of a project granted an  
6 exemption under this Act is not completed by June 30, 2017, the  
7 governor may authorize in writing before that date the  
8 continuation of construction of the project until completion.  
9 If so authorized, the project shall continue to be exempt as  
10 provided under this Act.

11 SECTION 5. If any part of this Act is found to be in  
12 conflict with federal requirements that are a prescribed  
13 condition for the allocation of federal funds to the State, the  
14 conflicting part of this Act is inoperative solely to the extent  
15 of the conflict and with respect to the agencies directly  
16 affected, and this finding shall not affect the operation of the  
17 remainder of this Act in its application to the agencies  
18 concerned. The rules under this Act shall meet federal  
19 requirements that are a necessary condition to the receipt of  
20 federal funds by the State.

21 SECTION 6. This Act shall take effect on July 1, 2012.

S.B. NO. 3010  
S.D. 2  
H.D. 1

APPROVED this 5 day of JUL, 2012

A handwritten signature in cursive script, appearing to read "Neil Abernethy". The signature is written in dark ink and is positioned below the date line.

GOVERNOR OF THE STATE OF HAWAII