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# A BILL FOR AN ACT

RELATING TO RAIL TRANSIT STATION DEVELOPMENT.

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

1           SECTION 1. Chapter 46, Hawaii Revised Statutes, is amended  
2 by adding a new section to be appropriately designated and to  
3 read as follows:

4           "§46-     Transit-related development; exemption from  
5 statutes, ordinances, charter provisions, and rules. (a)  
6 Residential or commercial development located within a  
7 one-half-mile radius from a rail train station shall be exempt  
8 from all statutes, ordinances, charter provisions, and rules of  
9 any government agency relating to planning, zoning, construction  
10 standards for subdivisions, development and improvement of land,  
11 and the construction of dwelling units; provided that:

12           (1) The development project is carried out by a qualified  
13 developer as defined in subsection (b);

14           (2) All work on the development project is performed by  
15 contractors and subcontractors licensed pursuant to  
16 chapter 444;

17           (3) The county finds that the development project is  
18 consistent with the purpose and intent of the



1 long-range, comprehensive general plan prepared  
2 pursuant to section 46-4(a), and meets minimum  
3 requirements of health and safety;

4 (4) The development of the project does not contravene any  
5 safety standards, tariffs, or rates and fees approved  
6 by the public utilities commission for public  
7 utilities or of the various boards of water supply  
8 authorized under chapter 54;

9 (5) The county council of the county in which the project  
10 is to be situated shall have approved the project with  
11 or without modifications, subject to the following  
12 conditions:

13 (A) The council shall approve, approve with  
14 modification, or disapprove the project by  
15 resolution within forty-five days after the  
16 developer has submitted the preliminary plans and  
17 specifications for the project to the council.  
18 If on the forty-sixth day a project is not  
19 disapproved, it shall be deemed approved by the  
20 legislative body;

21 (B) No action shall be prosecuted or maintained  
22 against any county, its officials, or employees



1 on account of actions taken by them in reviewing,  
2 approving, modifying, or disapproving the plans  
3 and specifications; and

4 (C) The final plans and specifications for the  
5 project shall be deemed approved by the council  
6 if the final plans and specifications do not  
7 substantially deviate from the preliminary plans  
8 and specifications. The final plans and  
9 specifications for the project shall constitute  
10 the zoning, building, construction, and  
11 subdivision standards for that project. For  
12 purposes of sections 501-85 and 502-17, the  
13 qualified developer or responsible county  
14 official may certify maps and plans of lands  
15 connected with the project as having complied  
16 with applicable laws and ordinances relating to  
17 consolidation and subdivision of lands, and the  
18 maps and plans shall be accepted for registration  
19 or recordation by the land court and registrar;  
20 and

21 (6) The land use commission shall approve, approve with  
22 modification, or disapprove a boundary change within



1           forty-five days after the developer has submitted a  
2           petition to the county as provided in section 205-4.  
3           If on the forty-sixth day the petition is not  
4           disapproved, it shall be deemed approved by the  
5           commission.

6           (b) For purposes of this section, "qualified developer"  
7           means a person, corporation, organization, partnership,  
8           association, or other legal entity licensed to do business in  
9           this State and bonded in an amount to be determined by each  
10           county council that is engaged in constructing, erecting,  
11           enlarging, or altering any structure or infrastructure or any  
12           other development activity on property owned or leased by the  
13           developer and located within a one-half-mile radius of a rail  
14           transit station.

15           (c) Upon the adoption by any county of a form-based zoning  
16           code, a developer engaged in development activities pursuant to  
17           this section shall adhere to all applicable requirements of the  
18           form-based zoning code."

19           SECTION 2. New statutory material is underscored.

20           SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Counties; Rail Transit Station Development

**Description:**

Exempts developments within a half-mile radius of rail transit stations undertaken by qualified developers from generally applicable requirements. Effective 7/1/2050. (SD1)

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

