
A BILL FOR AN ACT

RELATING TO ECONOMIC DEVELOPMENT.

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

1 SECTION 1. The legislature finds that urban sprawl should
2 be curtailed by requiring state agencies involved in public
3 infrastructure projects to ensure that such projects meet smart
4 growth criteria. An investment in smart, sustainable growth is
5 an investment in the long-term fiscal, economic, and
6 environmental sustainability of the State.

7 SECTION 2. Chapter 226, Hawaii Revised Statutes, is
8 amended by adding a new part to be appropriately designated and
9 to read as follows:

10 "**PART . STATE SMART GROWTH PUBLIC INFRASTRUCTURE POLICY**

11 **§226-A Definitions.** As used in this part:

12 "Municipal centers" means:

13 (1) Areas of concentrated and mixed land uses that serve
14 as centers for various activities, including but not
15 limited to: central business districts; main streets;
16 downtown areas; brownfield opportunity areas; local
17 waterfront revitalization program areas; transit-



1 oriented development areas; environmental justice
2 areas; and hardship areas; and
3 (2) Areas adjacent to the areas described in paragraph (1)
4 that: have clearly defined borders; are designated
5 for concentrated development in the future in a
6 municipal or regional comprehensive plan; and exhibit
7 strong land-use, transportation, infrastructural, and
8 economic connections to a municipal center or areas
9 designated in a municipal or comprehensive plan and
10 appropriately zoned in a municipal zoning ordinance as
11 a future municipal center.

12 "State infrastructure agency" means the department of
13 transportation, the department of education, the department of
14 health, the University of Hawaii, the Hawaii public housing
15 authority, and the department of land and natural resources.

16 **§226-B State smart growth public infrastructure policy.**

17 It is the purpose of this part to augment the State's
18 environmental policy by declaring a fiscally prudent state
19 policy that: maximizes the social, economic, and environmental
20 benefits of public infrastructure development; minimizes the
21 unnecessary costs of urban sprawl, including environmental
22 degradation, disinvestments in urban and suburban communities,



1 and loss of open space; and restricts funding and development of
2 public infrastructure inconsistent with smart growth.

3 **§226-C State smart growth public infrastructure**

4 **requirements; criteria.** (a) In addition to meeting any other
5 criteria and requirements governing the approval, development,
6 financing, and provision of state assistance for new or expanded
7 public infrastructure or the reconstruction thereof, no state
8 infrastructure agency shall approve, undertake, support, or
9 finance a public infrastructure project, including providing
10 grants, awards, loans, or assistance programs, unless, to the
11 extent practicable, the public infrastructure project meets the
12 criteria specified in subsection (b).

13 (b) State smart growth public infrastructure criteria
14 includes:

- 15 (1) The advancement of projects for the use, maintenance,
16 or improvement of existing infrastructure;
- 17 (2) The advancement of projects located in municipal
18 centers;
- 19 (3) The advancement of projects in developed areas or
20 areas designated for concentrated infill development
21 in a municipally approved comprehensive land use plan,



- 1 local waterfront revitalization plan, or brownfield
2 opportunity area plan;
- 3 (4) The protection, preservation, and enhancement of the
4 State's resources, including agricultural land;
5 forests; surface and groundwater; air quality;
6 recreation and open spaces; scenic areas; significant
7 historic and archeological resources;
- 8 (5) The fostering of mixed land uses and compact
9 development; downtown revitalization; brownfield
10 redevelopment; enhancement of beauty in public spaces;
11 diversity and affordability of housing in proximity to
12 places of employment; and recreation and commercial
13 development;
- 14 (6) Increased transportation choices, including improved
15 public transportation and reduced dependency on
16 automobiles;
- 17 (7) Coordination between state and local government and
18 inter-municipal and regional planning;
- 19 (8) Community-based planning and collaboration;
- 20 (9) Predictability in building and land use codes; and
- 21 (10) Promotion of sustainability by: strengthening
22 existing communities and creating new communities that



1 reduce greenhouse gas emissions and do not compromise
2 the needs of future generations; encouraging broad-
3 based public involvement in developing and
4 implementing a community plan; and ensuring an
5 adequate governance structure.

6 **§226-D Smart growth impact statement.** Before making any
7 commitment, entering into any agreement, or incurring any
8 indebtedness for the purpose of acquiring, constructing, or
9 financing any public infrastructure project, the chief executive
10 officer of each state infrastructure agency shall attest in a
11 written smart growth impact statement that the project, to the
12 extent practicable, meets the criteria set forth in section
13 226-C(b). To the extent the project does not meet the criteria
14 set forth in section 226-C(b) or compliance is considered to be
15 impracticable, the chief executive officer shall state in a
16 written statement of justification the reasons why the project
17 does not meet the criteria set forth in section 226-C(b) or why
18 compliance is considered to be impracticable.

19 **§226-E Federal law; infrastructure.** Nothing in this part
20 shall contravene any federal law governing the expenditure or
21 disbursement of federal funds administered by the State.



1 **§226-F Smart growth advisory committees.** The chief
2 executive officer of each state infrastructure agency shall
3 establish a smart growth advisory committee to advise the agency
4 regarding the agency's policies, programs, projects, and
5 compliance with state smart growth public infrastructure
6 criteria. The committee shall consist of appropriate agency
7 personnel designated by the chief executive officer to conduct
8 the analysis required by section 226-D. The committee shall
9 solicit input from and consult with various representatives of
10 affected communities and organizations within those communities,
11 and shall give consideration to the local and environmental
12 interests affected by any public infrastructure projects
13 planned, approved, or financed through the agency.

14 **§226-G No private right of action.** Nothing contained in
15 this part shall be construed to create a private right of action
16 against the State or a state infrastructure agency."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. In codifying the new sections added by section
21 2 of this Act, the revisor of statutes shall substitute



1 appropriate section numbers for the letters used in designating
2 the new sections in this Act.

3 SECTION 5. This Act shall take effect on July 1, 2014.



Report Title:

Public Infrastructure; Smart Growth

Description:

Establishes the state smart growth public infrastructure policy. Requires state agencies involved in the planning, development, and financing of public infrastructure to consider smart growth criteria prior to approving or financing any public infrastructure projects. Requires the chief executive officers of each state agency involved in the planning, development, and financing of public infrastructure projects to attest that a project meets the smart growth criteria or prepare a statement of justification. Requires each state agency involved in the planning, development, and financing of public infrastructure to create a smart growth advisory committee. Precludes any private right of action. Effective July 1, 2014. (HB555 HD1)

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