

JAN 24 2013

A BILL FOR AN ACT

RELATING TO COMPLETE STREETS.

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

1 SECTION 1. The legislature finds that "complete streets"
2 that are designed not only for drivers, but also for
3 pedestrians, bicyclists, and people with disabilities, are safer
4 and more convenient. The Hawaii community development authority
5 shall therefore establish and implement community development
6 rules regarding "complete streets."

7 Because the development of "complete streets" will
8 oftentimes involve improvements to county highways and land
9 owned by the county adjacent to county highways, it is necessary
10 to establish a procedure by which the affected county will be
11 notified of the proposed improvements and given an opportunity
12 to present its position on such improvements prior to decision-
13 making by the Hawaii community development authority. The
14 decision of the Hawaii community development authority shall be
15 final and binding on the affected county.

16 Accordingly, the purpose of this Act is to authorize the
17 Hawaii community development authority to establish community
18 development rules regarding "complete streets" and to establish

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1 a procedure by which an affected county may present its position
2 on proposed improvements to county highways or land owned by the
3 county adjacent to county highways prior to the authority's
4 decision-making, which shall be final, conclusive, and binding
5 on the affected county.

6 SECTION 2. Section 206E-5.6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 " ~~[+] §206E-5.6 [±]~~ **Public hearing for decision making;**
9 **separate hearing required.** (a) When rendering a decision
10 regarding:

11 (1) An amendment to any of the authority's community
12 development rules established pursuant to chapter 91
13 and section 206E-7; or

14 (2) The acceptance of a developer's proposal to develop
15 lands under the authority's control,
16 the authority shall render its decision at a public hearing
17 separate from the hearing that the proposal under paragraph (1)
18 or (2) was presented.

19 (b) The authority shall issue a public notice in
20 accordance with section 1-28.5 and post the notice on its
21 website; provided that the decision-making hearing shall not
22 occur earlier than five business days after the notice is
23 posted. Prior to rendering a decision, the authority shall

1 provide the general public with the opportunity to testify at
2 its decision-making hearing.

3 (c) The authority shall notify the president of the senate
4 and the speaker of the house:

5 (1) Of any public hearing upon posting of the hearing
6 notice; and

7 (2) With a report detailing the public's reaction at the
8 public hearing, within one week after the hearing.

9 (d) Whenever a developer's proposal to develop lands under
10 the authority's control includes improvements to a county
11 highway, as defined in section 264-1, or any land owned by the
12 county adjacent to a county highway in accordance with the
13 complete streets rules adopted by the authority, the authority
14 shall notify the mayor of the affected county and provide the
15 affected county with an opportunity to present its position on
16 the proposed improvements at the public hearing at which the
17 proposal is presented; provided that the public hearing shall
18 not occur earlier than twenty days after the notice is given.
19 If the authority approves the proposed improvements to a county
20 highway or any land owned by the county adjacent to a county
21 highway, the authority's decision shall be final and binding on
22 the county. The county shall permit the approved improvements
23 to be constructed and once the improvements are constructed in

1 accordance with the complete streets rules adopted by the
2 authority, the county shall, without qualification, accept
3 dedication thereof."

4 SECTION 3. Section 206E-7, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "[~~§~~206E-7~~]~~ **Community development rules.** The authority
7 shall establish community development rules under chapter 91 on
8 health, safety, building, planning, zoning, [~~and~~] land use, and
9 complete streets which, upon final adoption [~~of a community~~
10 ~~development plan~~], shall supersede all other inconsistent
11 ordinances, [~~and~~] rules, and regulations relating to the use,
12 zoning, planning, and development of land and construction
13 thereon. Rules adopted under this section shall follow existing
14 law, rules, ordinances, and regulations as closely as is
15 consistent with standards meeting minimum requirements of good
16 design, pleasant amenities, health, safety, and coordinated
17 development. The authority may, in the community development
18 plan or by a community development rule, provide that lands
19 within a community development district shall not be developed
20 beyond existing uses or that improvements thereon shall not be
21 demolished or substantially reconstructed, or provide other
22 restrictions on the use of the lands."

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1 SECTION 4. Statutory material to be repealed is bracketed.

2 New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

6

BY REQUEST

7

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Report Title:

Hawaii Community Development Authority; Complete Streets

Description:

Requires the Hawaii Community Development Authority to develop and adopt complete streets design standards and street plans for the community development districts.

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

JUSTIFICATION SHEET

DEPARTMENT: Business, Economic Development, and Tourism

TITLE: A BILL FOR AN ACT RELATING TO THE HAWAII COMMUNITY DEVELOPMENT AUTHORITY.

PURPOSE: Enable the streets of community development districts to provide comfortable, safe, and convenient routes for walking, bicycling, and public transportation that encourage increased use of these modes of transportation, enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meets the needs of all users of the streets, including children, older adults, and people with disabilities.

MEANS: Amend sections 206E-5.6 and 206E-7, Hawaii Revised Statutes.

JUSTIFICATION: Promotes safe and transit friendly residential settlement of urban Honolulu and the Kakaako Community Development District versus supporting continued sprawl of our population into rural and undeveloped agricultural lands and requires that the Authority develop and establish "complete streets" within community development districts.

Where the development of complete streets involve improvements to county highways and land owned by the county adjacent to county highways, affords the county opportunity to present its position on such improvements prior to decision making by the Authority.

Impact on the public: Supports establishment of transit-oriented development and a healthier community in all community development districts designated by the State Legislature.

Impact on the department and other agencies:
None.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: BED 150 KA, BED 150 KL, BED 150 HE.

OTHER AFFECTED
AGENCIES: State Department of Transportation, City and
County of Honolulu Department of Planning
and Permitting, Department of Facility
Maintenance, and Department of
Transportation Services.

EFFECTIVE DATE: Upon approval.