

JAN 18 2013

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 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; downtown
17 areas; local waterfront revitalization program areas;



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

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

18 **§226-B State smart growth public infrastructure policy.**

19 It is the purpose of this part to augment the State's
20 environmental policy by declaring a fiscally prudent state
21 policy that: maximizes the social, economic, and environmental
22 benefits of public infrastructure development; minimizes the



1 unnecessary costs of urban sprawl, including environmental
2 degradation, disinvestments in urban and suburban communities,
3 and loss of open space; and restricts funding and development of
4 public infrastructure inconsistent with smart growth.

5 **§226-C State smart growth public infrastructure**

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

15 (b) State smart growth public infrastructure criteria
16 includes:

- 17 (1) The advancement of projects for the use, maintenance,
18 or improvement of existing infrastructure;
- 19 (2) The advancement of projects located in municipal
20 centers;
- 21 (3) The advancement of projects in developed areas or
22 areas designated for concentrated infill development



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



1 (10) Promotion of sustainability by: strengthening
2 existing communities and creating new communities that
3 reduce greenhouse gas emissions and do not compromise
4 the needs of future generations; encouraging broad-
5 based public involvement in developing and
6 implementing a community plan; and ensuring an
7 adequate governance structure.

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



1 **§226-E Federal law; infrastructure.** Nothing in this part
2 shall contravene any federal law governing the expenditure or
3 disbursement of federal funds administered by the State.

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

17 **§226-G No private right of action.** Nothing contained in
18 this part shall be construed to create a private right of action
19 against the State or a state infrastructure agency."

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 4. In codifying the new sections added by section
2 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designating
4 the new sections in this Act.

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

6

INTRODUCED BY:

[Handwritten signature]
[Handwritten signature]
[Handwritten signature]
[Handwritten signature]

S.B. NO. 707

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 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. Takes effect on July 1, 2014.

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

