

MAR 07 2014

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## SENATE RESOLUTION

A SENATE RESOLUTION URGING THE REPAIR OF STATE HIGHWAYS AND ROADS FOR THE SAFETY AND COMFORT OF DRIVERS AND URGING THE REMOVAL OF TRASH FROM STATE HIGHWAYS AND ROADS TO MINIMIZE HAZARDS AND THE FLOW OF THE TRASH THROUGH STORMWATER AND INTO THE OCEAN.

1           WHEREAS, the State of Hawaii has an urgent need to remedy  
2 the disrepair of state highways and roads; and

3  
4           WHEREAS, such repairs have cost the state approximately  
5 \$57,000 annually in tort liability claims since 2009; and

6  
7           WHEREAS, many vehicle owners do not make tort claims  
8 despite damage to their cars and tires from potholes and cracks  
9 in the roads and state highways;

10  
11           WHEREAS, as part of the effort to accomplish such repairs,  
12 taxpayer funds are appropriated for the maintenance and repair  
13 of road including for the purpose of fixing potholes, cracks,  
14 bridges, sidewalks, median barriers and guardrails;

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16           WHEREAS, many drivers swerve and steer to avoid the  
17 potholes and cracks in the road adding to the unpredictability  
18 of fellow drivers actions on the road;

19  
20           WHEREAS, many drivers drive outside the marked lanes on the  
21 highways and roads to avoid damage to their cars from the  
22 potholes and cracks in the roads and highways;

23  
24           WHEREAS, the state highways and roads that are in extreme  
25 disrepair with numerous potholes and cracks include, but are not  
26 limited to, Kamehameha Highway/Route H-99 between Honomanu St,  
27 Aiea and Pearl City; Farrington Highway through Kapolei shopping  
28 areas, Nanakuli, Maile and Waianae; Route H-750/Kunia Road and  
29 Route H-99 around Schofield Barracks;

30  
31           WHEREAS, litter and trash, small and large pieces, are seen  
32 to line highways and roads often resulting in damage to tires



1 and vehicles in addition to being an eyesore for residents and  
2 tourists alike;

3  
4 WHEREAS, the litter and trash often ends up in the  
5 stormwater systems thereby flowing into the ocean; and now,  
6 therefore,

7  
8 BE IT RESOLVED by the Senate of the Twenty-seventh  
9 Legislature of the State of Hawaii, Regular Session of 2014, the  
10 people of Hawaii demand the Governor set forth a plan with the  
11 Chief Highway Administrator at the Department of Transportation  
12 Highways Division to accomplish the mission of the department to  
13 provide a safe, efficient, and accessible highway system through  
14 the utilization of available resources in the maintenance,  
15 enhancement and support of land transportation facilities by  
16 year end of 2014 and include timelines and benchmarks to  
17 complete the work; and

18  
19 BE IT FURTHER RESOLVED the people of Hawaii demand the  
20 Governor instruct the Chief Highway Administrator at the  
21 Department of Transportation Highways Division to prioritize the  
22 repair and or replacement of the surface of above listed roads  
23 and highways in all areas where potholes are evident to provide  
24 a safe, efficient, smooth and accessible highway and road system  
25 by year end of 2016; and

26  
27 BE IT FURTHER RESOLVED the Legislature acknowledges the  
28 Governor is accountable for oversight of the actions of the  
29 Department of Transportation Highways Division, Construction and  
30 Maintenance Branch, regarding the timely repair of all potholes  
31 on, and the removal of trash from, state highways and roads; and

32  
33 BE IT FURTHER RESOLVED the Legislature urges the Governor  
34 to exercise such oversight with an intention to reduce the  
35 state's liability for vehicle damage claims related to potholes  
36 and other highway disrepair, and with the intention to ensure  
37 public safety on the state highways and roads and with an  
38 intention to reduce and remove trash, all to ensure the people  
39 of Hawaii are not exposed to hazardous driving conditions on a  
40 day-to-day basis; and

41  
42 BE IT FURTHER RESOLVED , the Governor is reminded to ensure  
43 that Hawaii Administrative Rules §19-127.1-25 is strictly  
44 implemented, and the Governor is encouraged to amend the rules



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1 specific language "Potholes...repaired as soon after they are  
2 reported" be updated to read "Potholes...repaired as soon after  
3 they are reported or observed"; and

4  
5 BE IT FURTHER RESOLVED , the Governor is reminded to ensure  
6 that Hawaii Administrative Rules §19-127.1-27 "Litter...on the  
7 roadway should be removed as soon as it is reported or observed"  
8 is strictly implemented and the Governor is urged to amend the  
9 word "should" to "shall" in this rule.

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11 BE IT FURTHER RESOLVED, the Governor is further reminded to  
12 ensure that Hawaii Administrative Rules §19-127.1-34 "All  
13 highways, major streets and roads should be swept to remove  
14 loose gravel and debris at least once a month."

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16 BE IT FURTHER RESOLVED that certified copies of this  
17 Resolution be transmitted to the Governor and the Chief Highways  
18 Administrator at the Department of Transportation Highways  
19 Division and be made available to members of the public.

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22  
OFFERED BY: \_\_\_\_\_

