

CHAPTER 51
MASS TRANSIT

Section

- 51-1 Grant of powers
- 51-2 Provision relating to purchase
- 51-3 Effect of amendment
- 51-4 Financing the acquisition, construction, etc., of mass transportation systems

" **§51-1 Grant of powers.** Every county of this State may acquire, condemn, purchase, lease, construct, extend, own, maintain, and operate mass transit systems, including, without being limited to, motor buses, street railroads, fixed rail facilities such as monorails or subways, whether surface, subsurface, or elevated, taxis, and other forms of transportation for hire for passengers and their personal baggage.

Every county shall have power to provide mass transportation service, whether directly, jointly, or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner.

The terms "mass transit" and "mass transportation" mean transportation by bus, or rail or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis. [L 1967, c 300, §1; HRS §51-1; am L 1973, c 166, §1]

" **§51-2 Provision relating to purchase.** Any franchise heretofore granted by the legislature authorizing the transportation of persons or property, or both, by motor vehicle limited to one county or a portion of a county is amended as follows with respect to the procedure for the purchase of the property of the company holding the franchise (hereinafter called the "company"):

- (1) The legislative body of the county may by ordinance authorize or provide for the purchase of the property of the company. No authorization by referendum nor any legislative act authorizing a referendum shall be required, and all references to a referendum or legislative act are deleted from the franchise.
- (2) Notice by the county to the company of the county's intention to acquire the property of the company shall not be required, and all references to the notice are hereby deleted from the franchise. [L 1967, c 300, §2; HRS §51-2]

Case Notes

On take-over of HRT system by City and County, see 54 H. 356, 507 P.2d 169; 459 F.2d 551.

" **§51-3 Effect of amendment.** The amendments provided in section 51-2 shall not be construed to amend or affect any other

provision of the franchise referred to in section 51-2. [L 1967, c 300, §3; HRS §51-3]

" **§51-4 Financing the acquisition, construction, etc., of mass transportation systems.** Any mass transportation system owned or operated or to be acquired by a county is a public improvement of the county within the meaning and purview of chapter 47, and an undertaking of the county within the meaning and purview of chapter 49. Any county may issue its general obligation bonds or notes pursuant to chapter 47, or its revenue bonds or notes pursuant to chapter 47 or 49, or both general obligation and revenue bonds or notes in order to pay the costs to the county of acquiring, constructing, reconstructing, improving, bettering, extending, equipping, or furnishing a mass transportation system or systems in the county. [L 1967, c 300, §4; HRS §51-4]