
A BILL FOR AN ACT

RELATING TO AIRPORT ZONING ACT.

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

1 SECTION 1. Section 262-1, Hawaii Revised Statutes, is
2 amended by amending the definition of "airport hazard" to read
3 as follows:

4 "Airport hazard" means any structure ~~[or]~~, tree ~~[which]~~,
5 object, or animal that obstructs the air space required for the
6 flight of aircraft in landing or taking-off at an airport, or
7 any use of land ~~[which]~~ that creates a dangerous condition,
8 including the placement of strong lights ~~[which]~~ and or
9 reflective surfaces or materials that blind pilots during such
10 operations~~[+]~~, creation or expansion of landfills, composting or
11 recycling facilities, fish farms or fish aggregating devices,
12 waste water treatment facilities, development of wetland
13 mitigation sites, development or expansion of dredge spoil
14 containment areas, or other uses or actions that may include
15 potentially hazardous wildlife attractants;"

16 SECTION 2. Section 262-3, Hawaii Revised Statutes, is
17 amended to read as follows:

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1 **"§262-3 Power to adopt airport zoning regulations.** To
2 prevent the creation or establishment of airport hazards, the
3 director of transportation may adopt, amend, repeal, administer,
4 and enforce, under the police power and in the manner and upon
5 the conditions prescribed in this chapter, airport zoning
6 regulations for an airport hazard area in the State, which
7 regulations may divide each area into zones, and, within such
8 zones, specify the land uses permitted and regulate and restrict
9 the height to which structures may be erected and trees allowed
10 to grow, subject to section 262-6. The airport hazard area
11 shall extend five statute miles from the airport operating area.
12 Airport hazard area maps shall be adopted by each county by May
13 31, 2022. State and county agencies shall consult with and
14 receive comment from the department prior to the issuance of
15 land use or building permit approvals for applications filed
16 within five statute miles of the airport operating area when a
17 proposed action may cause an airport hazard."

18 SECTION 3. Section 262-4, Hawaii Revised Statutes, is
19 amended to read as follows:

20 **"§262-4 Relation to comprehensive zoning regulations.** In
21 the event of conflict between any airport zoning regulations
22 adopted under this chapter and any ordinances or other

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1 regulations applicable to the same area, whether the conflict be
2 with respect to the height of structures or trees, the use of
3 land, or any other matter, and whether other regulations were
4 adopted by or under the authority of the State or by or under
5 the authority of a county, the more stringent limitation or
6 requirement shall govern and prevail. County general plans,
7 community plans, development plans, and or other appropriate
8 long-range planning documents shall acknowledge and map airport
9 hazard zone areas for state airports located within each county
10 and acknowledge the need for coordination with the department
11 for the prevention of airport hazards in text."

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: _____



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BY REQUEST

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Report Title:

Department of Transportation; Airports; Airport Zoning Act

Description:

Clarifies Airport Zoning Act definitions and regulations.

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: Transportation

TITLE: A BILL FOR AN ACT RELATING TO AIRPORT ZONING ACT.

PURPOSE: To clarify Airport Zoning Act definitions and regulations.

MEANS: Amend sections 262-1, 262-3, and 262-4, Hawaii Revised Statutes.

JUSTIFICATION: To ensure compliance with the State's grant assurance agreement with the Federal Aviation Administration. The Department of Transportation needs to address inconsistent developments within 5 miles from all state airports that could potentially create hazards to flight and risk to public safety.

Impact on the public: Traveler safety is enhanced when an incompatible action that may create an airport hazard is prevented.

Impact on the department and other agencies: Protecting operational safety at airports enhances and preserves economic prosperity to the State.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: TRN 195.

OTHER AFFECTED AGENCIES: Department of Business, Economic Development, and Tourism and Counties.

EFFECTIVE DATE: Upon approval.