

JAN 18 2019

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The purpose of this Act is to create a county
2 highways task force to:

- 3 (1) Provide for the transfer of all state highway
4 functions to the county in which the highway is
5 located, provided that the county has a population
6 greater than five hundred thousand;
- 7 (2) Make the impacted county responsible for highways that
8 are located in that county;
- 9 (3) Transfer funding for state highways to the impacted
10 county; and
- 11 (4) Determine if additional funding mechanisms are
12 necessary for the impacted county to properly
13 construct, operate, and maintain transferred state
14 highways and roadways under that county's
15 jurisdiction.

16 SECTION 2. (a) There is established a task force to
17 provide for the orderly transfer of functions of and funds for



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1 state highways to the county in which the highway is located,
2 provided that the county has a population greater than five
3 hundred thousand. The task force shall be attached to the
4 department of transportation for administrative purposes. The
5 governor shall convene the task force within thirty days after
6 the effective date of this Act.

7 (b) The task force shall be composed of:

- 8 (1) The director of transportation, who shall serve as
9 chair of the task force;
- 10 (2) The director of taxation, or the director's designee;
- 11 (3) The director of finance, or the director's designee;
- 12 (4) The county director with jurisdiction over
13 transportation services of any impacted county, or the
14 director's designee;
- 15 (5) The county director of budget and fiscal services of
16 any impacted county, or the director's designee;
- 17 (6) A representative to be appointed by the governor from
18 a list of three nominees submitted by the president of
19 the senate;



1 (7) A representative appointed by the governor from a list
2 of three nominees submitted by the speaker of the
3 house of representatives; and

4 (8) A representative of the transportation industry who
5 shall be appointed by the governor from a list of
6 three nominees submitted by the mayor of any impacted
7 county;

8 provided that a representative from the United States Department
9 of Transportation with knowledge of the federal-aid highway
10 program shall also be invited to be a member of the task force.

11 (c) In carrying out its duties under this section, the
12 task force may request staff assistance from the state
13 department of transportation and any other appropriate state or
14 county executive agency.

15 (d) The members of the task force shall serve without
16 compensation but shall be reimbursed for expenses, including
17 travel expenses, necessary for the performance of their duties.

18 (e) The task force shall have the following functions and
19 duties:



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- 1 (1) Oversee the process of transferring the functions and
2 funding relating to state highways to each county with
3 a population greater than five hundred thousand;
- 4 (2) Establish a timetable for the transfer of functions,
5 which shall include provisions for transferring
6 jurisdiction over highways in an impacted county, over
7 a five-year phase-in period;
- 8 (3) Monitor compliance with the established timetable;
- 9 (4) Ensure that appropriations for specific highway
10 projects are transferred to an impacted county;
- 11 (5) Provide for the transfer of all relevant contracts
12 relating to state highways to an impacted county;
- 13 (6) Ensure that all federal and state funds are fully
14 appropriately allocated in the course of the transfer;
- 15 (7) Ensure that all unexpended and unencumbered balances
16 appropriated out of the state highway fund, or out of
17 the proceeds of general obligation bonds and issued
18 for highway-related capital improvement projects, are
19 appropriately transferred to an impacted county and do
20 not lapse;



- 1 (8) Review all relevant county ordinances and state
2 statutes, including the following sections of the
3 Hawaii Revised Statutes, for possible amendment:
- 4 (A) Sections 27-31; 28-9; 36-28; 36-31(b); 39-94;
5 171-52(d); 205A-26(3)(D); 248-8; 248-9; 248-10;
6 248-12; 249-31; 249-33(b); 251-5; 279A-2(1);
7 279A-7(1); 286-5; 286-6; 286-111(b); 286-209(c);
8 286-216; 291-35; 291-37(a); and
- 9 (B) Sections 264-1 to 264-127; sections 279D-1 to
10 279D-11; and sections 291C-1 to 291C-227;
- 11 (9) Establish a formula to determine the appropriate
12 funding necessary for an impacted county to properly
13 construct, operate, and maintain state highways
14 transferred to the county's jurisdiction by this Act,
15 as well as roadways currently under the jurisdiction
16 of the county, and determine whether current highway
17 revenue sources are adequate for this purpose;
- 18 (10) Determine the necessity of granting authority to an
19 impacted county to establish additional highway
20 revenue sources for the proper construction,
21 maintenance, or operation of highways under the



1 county's jurisdiction, including state highways
2 transferred to the county by this Act, and develop any
3 necessary legislation to provide the county with this
4 additional authority;

5 (11) Resolve all other issues relating to the transfer of
6 functions and funding to an impacted county to ensure
7 the timely and efficient transfer of responsibility of
8 the state highway system; and

9 (12) Any other issue deemed necessary by the task force to
10 effectively and efficiently transfer all state highway
11 system functions and funding to an impacted county.

12 (f) The director of transportation shall submit a report
13 to the legislature of the activities, findings, and
14 recommendations of the task force, including any proposed
15 legislation. The director of transportation shall submit the
16 report to the legislature no later than twenty days prior to the
17 convening of the regular session of 2020. The legislative
18 reference bureau shall assist the task force in drafting any
19 proposed legislation necessary to implement the recommendations
20 of the task force.



1 (g) No member of the task force shall be made subject to
2 sections 84-13 and 84-17, Hawaii Revised Statutes, solely
3 because of that member's participation as a member of the task
4 force.

5 (h) For the purposes of this section, "county" means a
6 county in the State with a population greater than five hundred
7 thousand.

8 (i) The task force shall be dissolved on June 30, 2025.

9 SECTION 3. The highways division, or similar
10 administrative division, of the department of transportation
11 with jurisdiction over state highways in a county with a
12 population greater than five hundred thousand, shall assist the
13 county with receiving, transferring, or expending federal funds.

14 SECTION 4. Concurrent with the transfer of jurisdiction
15 over highways to a county with a population greater than five
16 hundred thousand, all rights, powers, functions, and duties of
17 the department of transportation with respect to the transferred
18 state highways shall be transferred to the county department
19 having jurisdiction over transportation services.

20 All officers and employees whose functions are transferred
21 by this Act shall be transferred with their functions and shall



1 continue to perform their regular duties upon their transfer,
2 subject to the state personnel laws and this Act.

3 No officer or employee of the State having tenure shall
4 suffer any loss of salary, seniority, prior service credit,
5 vacation, sick leave, or other employee benefit or privilege as
6 a consequence of this Act, and the officer or employee may be
7 transferred or appointed to a civil service position without the
8 necessity of examination; provided that the officer or employee
9 possesses the minimum qualifications for the position to which
10 transferred or appointed; and provided further that subsequent
11 changes in status may be made pursuant to applicable civil
12 service and compensation laws.

13 An officer or employee of the State who does not have
14 tenure and who may be transferred or appointed to a civil
15 service position as a consequence of this Act shall become a
16 civil service employee without the loss of salary, seniority,
17 prior service credit, vacation, sick leave, or other employee
18 benefits or privileges and without the necessity of examination;
19 provided that the officer or employee possesses the minimum
20 qualifications for the position to which transferred or
21 appointed.



1 If an office or position held by an officer or employee
2 having tenure is abolished, the officer or employee shall not
3 thereby be separated from public employment, but shall remain in
4 the employment of the State with the same pay and classification
5 and shall be transferred to some other office or position for
6 which the officer or employee is eligible under the personnel
7 laws of the State as determined by the head of the department or
8 the governor.

9 SECTION 5. Concurrent with the transfer of jurisdiction
10 over highways to a county with a population greater than five
11 hundred thousand, all appropriations, records, equipment,
12 machines, files, supplies, contracts, books, papers, documents,
13 maps, and other personal property heretofore made, used,
14 acquired, or held by the state department of transportation
15 relating to the functions transferred to the county department
16 having jurisdiction over transportation services shall be
17 transferred with the functions to which they relate.

18 SECTION 6. (a) Concurrent with the transfer of
19 jurisdiction over highways to a county with a population greater
20 than five hundred thousand, the director of transportation shall
21 transfer to the county all federal aid to the State that is to



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Report Title:

City and County of Honolulu Mayor's Package; Department of Transportation; State Highways; Jurisdiction Transfer; Counties

Description:

Establishes a task force to provide for the orderly transfer of jurisdiction over state highways to the county in which the highway is located, provided that the county has a population greater than five hundred thousand.

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