

JAN 18 2024

A BILL FOR AN ACT

RELATING TO TRAFFIC REGULATION.

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

1 SECTION 1. The legislature finds that over time and
2 through conveyance, dedication, or other means, the counties
3 have received ownership of various streets, highways,
4 thoroughfares, and roadways that were not originally constructed
5 to meet rigorous safety standards and therefore lack the
6 necessary safety standards now required for unregulated use.
7 Despite efforts undertaken by the counties to uphold the safety
8 of these streets, highways, thoroughfares, and roadways, these
9 efforts cannot wholly mitigate the inherent risks posed by their
10 non-standard designs. It is incumbent upon the State to ensure
11 the safety and well-being of its residents and visitors.

12 The legislature believes that, in instances in which the
13 counties determine that public safety hazards exist due to the
14 non-standard design of streets, highways, thoroughfares, and
15 roadways, the counties should possess the authority, with the
16 goal of ensuring public safety, to impose specific restrictions
17 on the manner of use of these streets, highways, thoroughfares,



1 and roadways. These restrictions may include requirements for
2 four-wheel drive vehicles, covered transportation, or mandatory
3 viewing of safety videos.

4 The legislature further finds that the increased
5 utilization of certain streets, highways, thoroughfares, and
6 roadways, and their surrounding areas, has resulted in an influx
7 of traffic that exceeds their original design capacity, thereby
8 endangering both travelers and the culturally significant and
9 environmentally sensitive sites that they traverse. Recognizing
10 the peril posed by increased traffic on certain roadways to
11 culturally and environmentally sensitive sites, the legislature
12 also believes that the counties should be empowered to establish
13 access limits to safeguard these sites. However, it is
14 explicitly stated that properties exclusively accessible via
15 these roadways shall remain accessible without undue impediment.

16 Accordingly, the purpose of this Act is to grant counties
17 the authority to impose restrictions on the manner of use of
18 certain streets, highways, thoroughfares, or roadways.

19 SECTION 2. Section 46-16, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§46-16 Traffic regulation and control over private
2 streets[-], hazardous roads, and roads in sensitive areas. (a)
3 Any provision of law to the contrary notwithstanding, any county
4 and its authorized personnel may impose and enforce traffic
5 regulations and place appropriate traffic control devices, and
6 may enforce chapters 249; 286; 287; 291; 291C; 291E; 431,
7 articles 10C and 10G; and 486, part III on the following
8 categories of private streets, highways, or thoroughfares,
9 except private roads used primarily for agricultural and
10 ranching purposes:

11 (1) Any private street, highway, or thoroughfare [~~which~~
12 that has been used continuously by the general public
13 for a period of not less than six months; provided
14 that the county shall not be responsible for the
15 maintenance and repair of the private street, highway,
16 or thoroughfare when it imposes or enforces traffic
17 regulations and highway safety laws or places or
18 permits to be placed appropriate traffic control
19 devices on that street, highway, or thoroughfare;
20 provided further that no adverse or prescriptive
21 rights shall accrue to the general public when the



1 county imposes or enforces traffic regulations and
2 highway safety laws or places appropriate traffic
3 control devices on that street, highway, or
4 thoroughfare; nor shall county consent to the
5 placement of traffic control signs or markings on a
6 private street be deemed to constitute control over
7 that street; and

8 (2) Any private street, highway, or thoroughfare [~~which~~
9 that is intended for dedication to the public use as
10 provided in section 264-1 and is open for public
11 travel but has not yet been accepted by the county.

12 (b) Any county, by ordinance, may regulate or restrict
13 access to a street, highway, thoroughfare, or road that:

14 (1) Is known to be hazardous or hazardous under certain
15 conditions; provided that the hazard does not arise
16 due to an act of, an omission by, or the gross
17 negligence of the county; or

18 (2) May have a negative impact on a sensitive area,
19 including a critical habitat for threatened or
20 endangered species or lands containing cultural or
21 archaeological sites or resources;



1 provided that no ordinance shall be adopted until a public
2 hearing has been conducted on the proposed ordinance; provided
3 further that the county shall consult with the department of
4 transportation and department of land and natural resources
5 prior to restricting or regulating access to a street, highway,
6 thoroughfare, or road."

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY: 
By Request



S.B. NO. 2226

Report Title:

Hawaii Association of Counties Package; Vehicular Access; Regulations; Restrictions; Ordinances

Description:

Authorizes each county to adopt ordinances to regulate or restrict access to certain streets, highways, thoroughfares, or roads.

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

