
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. Section 264-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) All roads, alleys, streets, ways, lanes, bikeways,
4 [and] bridges, and all other real property highway related
5 interests in the State, opened, laid out, [~~or~~] subdivided,
6 consolidated, and acquired and built by the government are
7 declared to be public highways. Public highways are of two
8 types:

9 (1) State highways, which are those lands, interests, or
10 other real property rights, as defined above, having an
11 alignment or possession of a real property highway
12 related interest as established by law, subdivided and
13 acquired in accordance with policies and procedures of
14 the department of transportation, separate and exempt
15 from any county subdivision ordinances, and all those
16 under the jurisdiction of the department of
17 transportation; and

18 (2) County highways, which are all other public highways."



1 SECTION 2. Section 264-23, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§264-23 Duties of director. The director of
4 transportation shall:

- 5 (1) Select, designate, acquire, or lay out, in compliance
6 with the requirements of the Federal Highway Act, a
7 system or systems of highways in the State, upon which
8 federal-aid funds may or are to be expended, together
9 with state or county funds, or both~~[]~~;
- 10 (2) Alter, modify, ~~[]~~ revise, or acquire new or
11 additional real property interests in support of the
12 system or systems or any portion or portions thereof,
13 to such extent as may be required by the administrator
14 under the Federal Highway Act~~[]~~; provided the
15 alteration, modification, ~~[]~~ revision, or
16 acquisition of new or additional real property
17 interests is not forbidden by the laws of the State~~[]~~
18 and exempt from any county subdivision ordinances;
- 19 (3) Prepare, or cause to be prepared, and submit for
20 approval to the administrator, ~~[conformably to]~~ in
21 conformity with the Federal Highway Act, project
22 statements setting forth proposed construction or



1 reconstruction of any highway or portion thereof upon
2 which federal-aid funds are proposed or desired to be
3 expended in connection with local funds; and upon
4 approval of any of [~~such~~] the project statements,
5 [~~conformably to~~] in conformity with the Federal
6 Highway Act, prepare or cause to be prepared, and
7 submit for approval to the administrator, [~~such~~] the
8 surveys, plans, specifications, and estimates for the
9 project embraced by [~~such~~] the statement, or any
10 portion thereof, [~~as~~] that the administrator may
11 require[-];

12 (4) Subject to the approval of the administrator, and
13 [~~conformably to~~] in conformity with the Federal
14 Highway Act, on behalf of the State, undertake, and
15 enter into contracts for, the construction of the
16 federal-aid projects, and the expenditure of federal-
17 aid funds, together with local funds, upon the
18 projects, and supervise the construction of the
19 projects[-]; and

20 (5) Undertake and perform any and all acts [~~which shall~~
21 ~~be~~] that are necessary or proper for the purpose of
22 complying with the Federal Highway Act and securing



1 the benefits of federal-aid for highways which the
2 State is eligible to receive under the Federal Highway
3 Act.

4 The director may designate in writing a qualified
5 subordinate who may sign vouchers, make routine reports, and
6 perform [~~such~~] any other routine duties [~~as~~] that the director
7 may deem necessary to delegate. All acts of the subordinate
8 shall be performed under the direction of the director, who
9 shall be responsible therefor."

10 SECTION 3. Section 264-29, Hawaii Revised Statutes, is
11 amended to read as follows:

12 "**§264-29 Council's authority.** The council of a county
13 [~~may~~], by resolution adopted in the manner required by law
14 relating to resolutions involving the expenditure of public
15 money, may place under the control and at the disposal of the
16 director of transportation any funds of the county expendable
17 for construction or reconstruction of highways within the county
18 for the purpose of securing or attempting to secure federal aid
19 for the construction or reconstruction, as a federal-aid
20 project, of any highway or portion thereof eligible for federal
21 aid within the county. The council [~~shall~~], whenever an
22 appropriation for the construction of any highway or portion



1 thereof lying within the system or systems of highways eligible
2 for federal aid, as designated from time to time by the governor
3 and the administrator under the provisions of the Federal
4 Highway Act, as amended, is made by it, by resolution shall
5 place [~~such~~] the appropriation under the control of the director
6 for the purpose of constructing [~~such~~] the highway or portion
7 thereof as a federal-aid project.

8 The council, by the resolution, shall also grant the
9 director of transportation exemptions from county subdivision
10 requirements in order to expedite and make efficient the
11 expenditure of public money."

12 SECTION 4. Section 264-43, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§264-43 Responsibility.** The department of transportation
15 shall acquire, subdivide, consolidate, construct, maintain, and
16 administer all highways comprising the state highway system[~~-~~]
17 in accordance with all state and federal laws and exempt from
18 county subdivision ordinances."

19 SECTION 5. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: *Bob Nicholson*

JAN 17 2008



Report Title:

State Highways; County Subdivision Ordinances; Exemption

Description:

Exempts state highways projects from county subdivision approvals regarding highway projects that involve acquisitions.

