

JAN 19 2007

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# A BILL FOR AN ACT

RELATING TO PUBLIC ACCESS.

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

1           SECTION 1. The purpose of this Act is to amend the laws  
2 that affect public access to coastal and inland areas. First,  
3 the Act provides more protection to the public's right to have  
4 access to coastal and inland recreational areas and requires  
5 state and county agencies to ensure that a public right-of-way  
6 is available before approving a development project, subdivision  
7 project, or zoning initiative that may affect public access.  
8 Second, the Act clarifies the definition of inland public  
9 recreational areas and provides specific prohibitions for  
10 obstructing public access in coastal and inland areas.

11           SECTION 2. Chapter 115, Hawaii Revised Statutes, is  
12 amended by adding a new section to be appropriately designated  
13 and to read as follows:

14           "§115-       Permits; zoning; development and subdivision  
15 projects. Prior to granting or renewing a permit for or  
16 approving a development project, subdivision project, or zoning  
17 initiative that may affect public access to the sea, the



1 shoreline, or any coastal or inland public recreational area, an  
2 agency shall ensure that a public right-of-way is available to  
3 access the public beach, shore, park, trail, or other public  
4 recreational area.

5 As used in this section:

6 "Agency" means any board, commission, council, department,  
7 district, or office of the State, or any of the counties, with  
8 the authority to issue a permit, license, or approval for a  
9 development project, subdivision project, or zoning initiative.

10 "Public recreational area" means a public trail and public  
11 lands or bodies of water opened to the public for recreational  
12 use.

13 "Public right-of-way" means an easement or way over which  
14 the public has the right to travel and which is used by or  
15 intended for use by the public, primarily to access a public  
16 beach, shore, park, trail, or other public recreational area,  
17 including a lateral easement along the shoreline, coastline, or  
18 beach."

19 SECTION 3. Section 115-9, Hawaii Revised Statutes, is  
20 amended as follows:

21 1. By amending subsection (a) to read:



1           "(a) A person commits the offense of obstructing access to  
2 public property if the person, by action or by having installed  
3 a physical impediment, intentionally prevents a member of the  
4 public from traversing:

- 5           (1) A public right-of-way;
- 6           (2) A transit area; or
- 7           (3) A public transit corridor;

8 and thereby obstructs the right-of-way, area, or corridor  
9 itself, or access to the sea, or access to or along the  
10 shoreline, or access to any inland public recreational area[-],  
11 or access to any government road."

12           2. By amending subsection (e) to read:

13           "(e) As used in this section:

14           "Person" means a natural person or a legal entity.

15           "Public recreational area" means a public trail and public  
16 lands or bodies of water opened to the public for recreational  
17 use."

18           SECTION 4. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

*[Handwritten signature: Gary L. Hoover]*  
*[Handwritten signature: David L. ...]*  
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S.B. NO. **730**

*Shianne Chun Oakland*



**Report Title:**

Public Access

**Description:**

Clarifies that obstructing access to the sea, to or along the shoreline, to inland public recreational areas, or to government roads is prohibited and that inland public recreational areas include public trails. Requires agencies to protect public rights of way to coastal or inland recreational areas.

