



GOV. MSG. NO. **819**

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

June 6, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on June 6, 2007, the following bill was signed into law:

HB1608 SD3 CD1

A BILL FOR AN ACT RELATING TO
TRANSPORTATION.
(ACT 141)

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Chapter 264, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:
4 "§264- Emergency powers; traffic emergency zones. (a)
5 Notwithstanding any law to the contrary, if the governor or
6 state director of transportation, in the case of a state
7 highway, or the mayor of a county or the county director of
8 transportation, in the case of a county highway, determines that
9 substantial endangerment to public health and safety is or is
10 highly likely to be caused by the temporary closure of, or the
11 lack of adequate access to an area by, a county highway or a
12 state highway as defined under section 264-1(a), which requires
13 immediate action, the governor or state director of
14 transportation, in the case of a state highway, or a mayor of a
15 county or the county director of transportation, in the case of
16 a county highway, without a public hearing, may designate the
17 area to be a traffic emergency zone, and may take any action
18 that may be necessary until access to the designated area has



1 been established. The designation shall fix a place and time,
2 not later than twenty-four hours after the designation, for a
3 hearing to be held before the state director of transportation,
4 or the county director of transportation.

5 (b) Upon designation of an area as a traffic emergency
6 zone by the governor or the state director of transportation, or
7 the mayor of a county or the county director of transportation:

8 (1) State or county highway or street improvements,
9 including but not limited to new construction,
10 reconstruction, preservation, resurfacing,
11 restoration, or rehabilitation of any county or state
12 highway may be undertaken without regard to chapter
13 103D;

14 (2) All structures and improvements to land to be used for
15 state or county highway purposes:

16 (A) May be planned, designed, and constructed by the
17 appropriate state or county department without
18 the approval of county agencies; and

19 (B) Shall be exempt from any county permitting
20 requirements;

21 and

22 (3) The state department of transportation or county
23 department of transportation may acquire and designate



1 cane haul roads as state or county highways; provided
2 that the use of cane haul roads as state or county
3 highways shall be for temporary purposes only for a
4 period of time as determined by the state or county
5 director of transportation, but for no longer than the
6 public health and safety requires.

7 (c) Any other law to the contrary notwithstanding, except
8 as otherwise provided in subsection (d), any decision under this
9 section by the governor, the department of transportation, the
10 mayor of a county, the transportation department of a county, or
11 any officers, employees, or agents of the State or a county,
12 shall not give rise to a cause of action or claim against:

13 (1) The State or any county;

14 (2) The state department of transportation;

15 (3) A county department of transportation; or

16 (4) Any officer, employee, or agent of an entity under
17 paragraphs (1) to (3).

18 (d) There shall be a qualified standard of care of the
19 common-law emergency doctrine that shall apply to a claim of
20 negligence in any design, construction, repair, and correction
21 undertaken pursuant to this section.

22 (e) Where a cane haul road is designated as a state or
23 county highway under subsection (b) (3), the State or county, as



1 the case may be, shall indemnify the owner of the cane haul road
2 from any liability that may arise out of the use of such cane
3 haul road when designated as a state highway.

4 (f) For the purposes of this section:

5 "Cane haul road" means a road that is part of an
6 agricultural system of roads or ways established to take
7 agricultural products from the fields to processing facilities
8 without using the public highways.

9 "County highway" shall have the same meaning as in section
10 264-1(a).

11 "State highway" shall have the same meaning as in section
12 264-1(a).

13 "Traffic emergency zone" means an area that is accessible
14 by a single state highway and whose accessibility would be
15 compromised by major motor vehicle accidents, fires, floods,
16 erosion, or other factors that would cause the closure of a
17 state or county highway and causes or is highly likely to cause
18 substantial endangerment to public health and safety.

19 (g) Each designation of a traffic emergency zone shall
20 expire within five years."

21 SECTION 2. New statutory material is underscored.

22 SECTION 3. This Act shall take effect upon its approval.



H.B. NO. 1608
S.D. 3
C.D. 1

APPROVED this 6 day of JUN , 2007



GOVERNOR OF THE STATE OF HAWAII