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**A BILL FOR AN ACT**

RELATING TO NOISE.

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

1           SECTION 1. Section 342F-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "off-hour roadwork" to read  
3 as follows:

4           "Off-hour roadwork" means any roadway construction between  
5 the hours of 6 p.m. and 7 a.m. [~~which would require a variancee~~  
6 ~~from the committee on noise rules in the department of health.~~]"

7           SECTION 2. Statutory material to be repealed is bracketed  
8 and stricken.

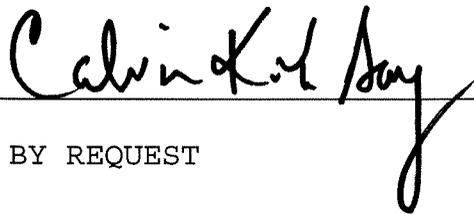
9           SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:



BY REQUEST

**JAN 22 2007**

JUSTIFICATION SHEET

DEPARTMENT: Health

TITLE: A BILL FOR AN ACT RELATING TO NOISE.

PURPOSE: To regulate nighttime and weekend construction activities with permits rather than variances.

MEANS: Amend section 342F-1, Hawaii Revised Statutes.

JUSTIFICATION: Currently, special written authorization (variance) is given by the director for off-hour roadwork with regards to excessive noise. Variances are considered exceptions to the rules and were initially limited in number. However, the number of variances issued per year has been steadily increasing. These variances no longer seem to be exceptions but rather the norm. In addition, the variance approval process is lengthy, time-consuming, and costly. The department would like to regulate off-hour roadwork under community noise permits with conditions rather than with variances.

Impact on the public: No change in actual noise effects from off-hour roadwork is anticipated with the proposed change.

The public will still be notified of off-hour roadwork projects and receive public informational meetings. Section 342F-5(h)(1), Hawaii Revised Statutes, now requires public notice of proposed variances, and DOH has been requiring applicants to hold public informational meetings for each of about 35 variances per year for at least six years. Under section 342F-4, Hawaii Revised Statutes, DOH can require reasonable conditions in permits, such as public notice and informational meetings for nighttime work.

Impact on the department and other agencies:

This bill should streamline and relieve the administrative burden for approval of off-hour roadwork projects for the DOH. There should also be cost savings to the government and applicants.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: State Department of Transportation - Highways Division, City and County of Honolulu - Department of Design and Construction, Board of Water Supply.

EFFECTIVE DATE: Upon approval.