
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

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

1 SECTION 1. The legislature finds that the department of
2 transportation is not responsible for the construction,
3 management, maintenance, or improvement of any public highway or
4 bikeway not included within the state highway system or located
5 on public lands set aside to the department of transportation.

6 SECTION 2. Chapter 264, Hawaii Revised Statutes, is
7 amended by adding two new sections to be appropriately
8 designated and to read as follows:

9 "§264-A Highway maintenance. The agency with jurisdiction
10 for a public highway may maintain that highway by public
11 employment, contract, or purchase of service from another
12 agency. When scheduling highway maintenance, the responsible
13 agency shall consider whether nighttime work is feasible and
14 appropriate to minimize traffic congestion on the state highway
15 system and disturbance to abutting property.

16 §264-B Transfer of jurisdiction. Jurisdiction for a
17 public highway may be transferred by conveyance of title,
18 executive order, or interagency agreement; provided that an



1 interagency agreement may also be used for transfer of funds or
2 for purchase of service without transfer of jurisdiction. A
3 county may, by ordinance, prescribe procedures for county
4 participation in an interagency agreement."

5 SECTION 3. Section 248-9, Hawaii Revised Statutes, is
6 amended to read as follows:

7- "**S248-9 State highway fund.** (a) Moneys in the state
8 highway fund may be expended for the following purposes:

9 (1) To pay the costs of management, operation,
10 maintenance, and repair of highways and bikeways
11 within the state highway system~~[7]~~ including, without
12 limitation, the cost of equipment and general
13 administrative overhead;

14 (2) To pay the costs of maintenance and repair of a
15 highway or bikeway under federal jurisdiction which
16 the director of transportation has proposed for
17 inclusion in the state highway system under section
18 264-42;

19 [~~2~~] (3) To pay the costs of acquisition (including real
20 property and interests therein), planning, designing,
21 construction, and reconstruction of highways and
22 bikeways within the state highway system [~~and~~



1 ~~bikeways,~~] including, without limitation, the cost of
2 equipment and general administrative overhead;
3 provided that [~~the director of transportation shall~~
4 ~~allot and expend~~] two per cent of federally eligible
5 moneys in the state highway fund shall be expended for
6 state bikeways; [and]

7 [~~3~~] (4) To reimburse the general fund for interest on
8 and principal of general obligation bonds issued to
9 finance highway and bikeway projects within the state
10 highway system where the bonds are designated to be
11 reimbursable out of the state highway fund; [~~and~~

12 ~~(4) To pay the costs of construction, maintenance, and~~
13 ~~repair of county roads; provided that none of the~~
14 ~~funds expended on a county road or program shall be~~
15 ~~federal funds when such expenditure would cause a~~
16 ~~violation of federal law or a federal grant~~
17 ~~agreement.]~~

18 (5) To pay for statewide functions and programs that
19 maintain or enhance state receipt of federal aid,
20 improve highway safety, recruit and train state
21 highway staff, or otherwise benefit the state highway
22 system; and



1 (6) To comply with the terms and conditions for use of
2 federal, county, and private moneys that the director
3 of transportation has accepted for deposit to the
4 state highway fund or another highway fund or trust
5 account.

6 (b) No agency other than the department of transportation
7 shall use the state highway fund for any purpose unless the
8 director of transportation:

9 (1) Determines that the proposed use benefits the state
10 highway system;

11 (2) Authorizes use of the state highway fund under an
12 interagency agreement; and

13 (3) Controls how much of the state highway fund may be
14 used.

15 ~~[(b)]~~ (c) At any time, as provided under section 37-53,
16 the director of transportation may transfer from the state
17 highway fund all or any portion of available moneys determined
18 by the director of transportation, in accordance with rules
19 adopted under chapter 91, to exceed one hundred [thirty-five]
20 fifty per cent of the requirements for the ensuing twelve months
21 for the state highway fund ~~[as permitted by and in accordance~~



1 ~~with section 37-53~~]. For purposes of the determination, the
2 director of transportation shall take into consideration:

- 3 (1) The amount of federal funds and bond funds on deposit
4 in, and budgeted to be expended from, the state
5 highway fund during the period;
- 6 (2) Amounts on deposit in the state highway fund that are
7 encumbered or otherwise obligated;
- 8 (3) Budgeted amounts payable from the state highway fund
9 during the period;
- 10 (4) Revenues anticipated to be received by and
11 expenditures to be made from the state highway fund
12 during the period based on existing agreements and
13 other information for the ensuing twelve months; and
- 14 (5) Any other factors as the director of transportation
15 shall deem appropriate."

16 SECTION 4. Section 264-21, Hawaii Revised Statutes, is
17 amended by amending the definition of "federal-aid project" to
18 read as follows:

19 "Federal-aid project" means any project [~~for the~~
20 ~~construction or reconstruction of any highway or portion~~
21 ~~thereof~~] upon which [~~federal-aid~~] federal-aid funds are to be,
22 are being, or have been, expended[, ~~in connection with local~~



1 ~~appropriations as in this section defined.]~~ to supplement,
2 match, or reimburse local funds. The term shall be broadly
3 construed to include any project funded entirely by expenditure
4 of local funds if that expenditure is used to satisfy Federal
5 Highway Act requirements for local participation in the cost of
6 a federal-aid project."

7 SECTION 5. Section 264-31, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§264-31 Maintenance of federal-aid [~~highways-~~] projects.**

10 [~~(a) The maintenance work on all roads upon which federal-aid~~
11 ~~funds have been expended shall be performed under the direction~~
12 ~~and supervision of the director of transportation either by~~
13 ~~public employment or by contract, or the director may have the~~
14 ~~work performed by the county road department, by public~~
15 ~~employment or by contract, upon authorization of the council of~~
16 ~~the county concerned. Expenditures for the maintenance work~~
17 ~~shall be made from the state highway fund created by section~~
18 ~~248-8.~~

19 ~~(b) All maintenance work shall consider the extent to~~
20 ~~which work undertaken will increase traffic congestion and the~~
21 ~~director shall ensure that action is taken to reasonably~~
22 ~~minimize any adverse impact. The feasibility of off-hour~~



1 ~~maintenance work shall be considered for all maintenance work~~
2 ~~that results in significant traffic congestion or delay.~~

3 ~~(c) As used in this section, "off hour maintenance work"~~
4 ~~means maintenance work performed between the hours of six~~
5 ~~o'clock p.m. and six o'clock a.m.] Any agency that undertakes a~~
6 ~~federal-aid project shall maintain that project in compliance~~
7 ~~with requirements of the Federal Highway Act. When jurisdiction~~
8 ~~for a federal-aid project or for a public facility that includes~~
9 ~~a federal-aid project is transferred, the agency that assumes~~
10 ~~jurisdiction shall maintain that project or facility in~~
11 ~~compliance with requirements of the Federal Highway Act. The~~
12 ~~director of transportation may withhold approval of further~~
13 ~~federal-aid projects, and take any other action permitted by~~
14 ~~law, to cause other agencies to comply with this section."~~

15 SECTION 6. Section 264-41, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§264-41 Establishment.** There is established a state
18 highway system [~~which~~] that shall consist of [~~federal-aid~~]
19 public highways and [~~other~~] bikeways on lands set aside by the
20 governor or otherwise acquired by the department of
21 transportation for the state highway system. The state highway
22 system shall also include public highways [~~which may be~~



1 ~~designated for inclusion in the system pursuant to]~~ and bikeways
2 for which the director of transportation has accepted
3 jurisdiction under section 264-42."

4 SECTION 7. Section 264-42, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§264-42 Authority to include [~~ether~~] **public highways in**
7 **the state highway system.** In consultation with affected public
8 agencies, recognizing constraints on state resources, the
9 director of transportation shall propose a state system of
10 connected public highways and bikeways for through traffic
11 between different regions of the state and between major federal
12 and state facilities; provided that the state highway system
13 shall not include driveways to or internal access roadways for
14 any specific property. The director of transportation, acting
15 in cooperation with appropriate federal and county agencies, as
16 provided under section 264-2 or section 264-B, may [~~designate~~
17 ~~for inclusion in the state highway system, such other public~~
18 ~~highways, including county highways, which are used primarily~~
19 ~~for through traffic and not for access to any specific property,~~
20 ~~whether residential, business, or other abutting property.]
21 accept jurisdiction for any public highway or bikeway that the
22 director has proposed for permanent inclusion in the state~~



1 highway system. Whenever feasible, the director shall transfer
2 jurisdiction to the appropriate county for any state highway or
3 bikeway that the director has not proposed for permanent
4 inclusion in the state highway system and that is no longer
5 needed to connect other parts of the state highway system."

6 SECTION 8. Section 264-43, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§264-43 Responsibility.** The department of transportation
9 shall construct, manage, and maintain [~~and administer~~] all
10 public highways and bikeways comprising the state highway
11 system. Notwithstanding section 264-1, the department of
12 transportation shall not be responsible for the construction,
13 management, maintenance, or improvement of any public highway or
14 bikeway not included within the state highway system or located
15 on public lands set aside by the governor to the department of
16 transportation."

17 SECTION 9. Section 264-44, Hawaii Revised Statutes, is
18 repealed.

19 [~~"§264-44 Maintenance of state highway system. (a) The~~
20 ~~maintenance of the state highway system may be performed either~~
21 ~~by public employment or by contract, or the director of~~
22 ~~transportation may have the maintenance performed by the county~~



1 ~~in which the highways are situated, by public employment or by~~
2 ~~contract, upon authorization of the legislative body of the~~
3 ~~county concerned.~~

4 ~~(b) All maintenance work shall consider the extent to~~
5 ~~which work undertaken will increase traffic congestion and the~~
6 ~~director shall ensure that action is taken to reasonably~~
7 ~~minimize any adverse impact. The feasibility of off-hour~~
8 ~~maintenance work shall be considered for all maintenance work~~
9 ~~that results in significant traffic congestion or delay.~~

10 ~~(c) As used in this section, "off-hour maintenance work"~~
11 ~~means maintenance work performed between the hours of six~~
12 ~~o'clock p.m. and six o'clock a.m."]~~

13 SECTION 10. Passage of this Act shall not be construed to
14 transfer jurisdiction for any highway, amend any agreement
15 proposing future transfer of highway jurisdiction, change any
16 agency's responsibilities for any highway under its
17 jurisdiction, or create any new right for private vehicular
18 access to any highway.

19 SECTION 11. This Act shall not affect responsibilities
20 that have accrued, contracts executed, or proceedings begun
21 before its effective date.



1 SECTION 12. In codifying the new sections added, by
2 section 2 of this Act, the revisor of statutes shall substitute
3 appropriate section numbers for the letters used in designatings
4 the new sections in this Act.

5 SECTION 13. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 14. This Act shall take effect upon its approval.



Report Title:

Relating to highways

Description:

Allows the DOT and other agencies to consider nighttime maintenance of our highway system and other highway maintenance improvements. (HB1425 HD1)

