
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 be appropriately
3 designated and to read as follows:
4 "§264- Emergency powers; traffic emergency zones. (a)
5 Notwithstanding any other law to the contrary, if the governor
6 or the director determines that substantial endangerment to
7 public health and safety is or will be caused by the temporary
8 closure of, or the lack of adequate access to, an area by a
9 state highway as defined under section 264-1(a), which requires
10 immediate action, the governor or director, without a public
11 hearing, may designate the area to be a traffic emergency zone,
12 and may take any and all other actions as may be necessary until
13 access to the designated area has been established. The
14 designation shall fix a place and time, not later than twenty-
15 four hours thereafter, for a hearing to be held before the
16 director.
17 (b) Upon designation of an area as a traffic emergency
18 zone by the governor or director:



- 1 (1) State highway improvements, including but not limited
2 to new construction, reconstruction, preservation,
3 resurfacing, restoration, or rehabilitation of any
4 highway, bridge, principal and minor arterial roads,
5 collector and local roads, or streets, may be
6 undertaken without regard to chapter 103D;
- 7 (2) All structures and improvements to land to be used for
8 state highway purposes:
- 9 (A) May be planned, designed, and constructed by
10 the department without the approval of
11 county agencies; and
- 12 (B) Shall be exempt from any county permitting
13 requirements;
- 14 and
- 15 (3) The department may acquire and designate cane haul
16 roads as state highways; provided that the use of cane
17 haul roads as state highways shall be for temporary
18 purposes only for a period of time as determined by
19 the director.
- 20 (c) Any other law to the contrary notwithstanding, any
21 decision by the State, the department of transportation, a
22 county, or any officers, employees, or agents of the State, the



1 department of transportation, or a county, shall not give rise
2 to a cause of action or claim against:

3 (1) The State;

4 (2) The department of transportation;

5 (3) The counties;

6 (4) Any owner of cane haul roads designated as state
7 highways under section 264- (b) (3); or

8 (5) Any officer, employee, or agent of an entity listed in
9 paragraphs (1) to (4).

10 (d) For the purposes of this section:

11 "Cane haul roads" means an agricultural system of roads or
12 ways established to take agricultural products from the fields
13 to processing facilities without using the public highways.

14 "Traffic emergency zone" means an area that is accessible
15 by a single state highway and whose accessibility would be
16 compromised by major motor vehicle accidents, fires, floods,
17 erosion, or other factors that would cause the closure of the
18 state highway."

19 SECTION 2. New statutory material is underscored.



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

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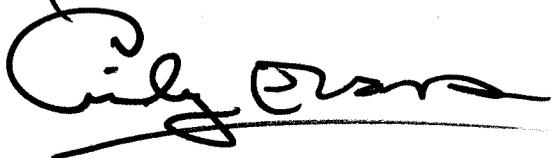
INTRODUCED BY: 

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JAN 23 2007



Report Title:

Transportation; Highways; Highway access.

Description:

Allows for the establishment of traffic emergency zones to provide highway access to designated areas.

