
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 will
10 be caused by the temporary closure of, or the lack of adequate
11 access to, an area by a county highway or a state highway as
12 defined under section 264-1(a), which requires immediate action,
13 the governor or state director of transportation, in the case of
14 a state highway, or a mayor of a county or the county director
15 of transportation, in the case of a county highway, without a
16 public hearing, may designate the area to be a traffic emergency
17 zone, and may take any action that may be necessary until access
18 to the designated area has been established. The designation



1 shall fix a place and time, not later than twenty-four hours
2 thereafter, for a hearing to be held before the state director
3 of transportation, or the county director of transportation, as
4 the case may be.

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 highway, bridge,
12 principal and minor arterial roads, collector and
13 local roads, or streets, may be undertaken without
14 regard to chapter 103D;

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

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

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

22 (3) The department of transportation or county department
23 of transportation, as the case may be, may acquire and



1 designate cane haul roads as state or county highways,
2 as applicable; provided that the use of cane haul
3 roads as state or county highways shall be for
4 temporary purposes only for a period of time as
5 determined by the state or county director of
6 transportation, as applicable.

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

13 (1) The State or counties;

14 (2) The state department of transportation;

15 (3) The county department of transportation;

16 (4) Any owner of cane haul roads designated as state

17 highways under subsection (b) (3); or

18 (5) Any officer, employee, or agent of an entity under

19 paragraphs (1) to (4).

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



1 (e) For the purposes of this section:
2 "Cane haul roads" means an agricultural system of roads or
3 ways established to take agricultural products from the fields
4 to processing facilities without using the public highways.
5 "Traffic emergency zone" means an area that is accessible
6 by a single state highway and whose accessibility would be
7 compromised by major motor vehicle accidents, fires, floods,
8 erosion, or other factors that would cause the closure of a
9 state or county highway."
10 SECTION 2. New statutory material is underscored.
11 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Transportation; Highways; Highway Access

Description:

Allows for the establishment of traffic emergency zones to provide highway access to designated areas. (SD1)

