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# A BILL FOR AN ACT

RELATING TO THE MASS TRANSIT SPECIAL FUND.

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

1       SECTION 1. Section 26-19, Hawaii Revised Statute is amended  
2 to read as follows:

3       "**§26-19 Department of transportation** shall be headed by a  
4 single executive to be known as the director of  
5 transportation. The department shall establish, maintain, and  
6 operate transportation facilities of the State, including  
7 highways, airports, harbors, and such other transportation  
8 facilities and activities as may be authorized by law.

9       The department shall plan, develop, promote, and coordinate  
10 various transportation systems management programs that shall  
11 include, but not be limited to, alternate work and school hours  
12 programs, bicycling programs, and ridesharing programs.

13       The department shall develop and promote ridesharing  
14 programs which shall include but not be limited to, carpool and  
15 vanpool programs, and may assist organizations interested in  
16 promoting similar programs, arrange for contracts with private  
17 organizations to manage and operate these programs, and assist

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1 in the formulation of ridesharing arrangements. Ridesharing  
2 programs include informal arrangements in which two or more  
3 persons ride together in a motor vehicle.

4 The department shall adopt and enforce the provisions of  
5 the Federal Transit Authority's regulations regarding safety  
6 oversight of rail fixed guideway public transportation systems  
7 in the State of Hawaii, to protect and promote safety, and  
8 welfare, including safety oversight of the aspects of the rail  
9 fixed guideway system that are not regulated by the Federal  
10 Railroad Administration.

11 The functions and authority heretofore exercised by the  
12 department of public works with respect to highways are  
13 transferred to the department of transportation established by  
14 this chapter.

15 On July 1, 1961, the Hawaii aeronautics commission, the  
16 board of harbor commissioners and the highway commission shall  
17 be abolished and their remaining functions, duties, and powers  
18 shall be transferred to the department of transportation."

19 SECTION 2. Section 248-2.7, Hawaii Revised Statutes, is  
20 amended to read as follows:

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1        "[§248-2.7] Mass transit special fund; established;

2   **distribution of funds.** (a) There is established a mass transit  
3   special fund to be administered by the department of budget and  
4   finance.

5        (b) For the period beginning on January 1, 2018, to  
6   December 31, 2030, transient accommodations tax and surcharge on  
7   state tax revenues allocated to the mass transit special fund  
8   pursuant to sections 237D-2(e) and 248-2.6 shall be deposited  
9   into the special fund. The department of transportation shall  
10   be credited \$500,000 annually. All interest earned on the  
11   moneys in the special fund shall be credited to the general  
12   fund. The mass transit special fund shall be exempt from the  
13   central service expenses deduction under section 36-27 and  
14   departmental administrative expenses deduction under section 36-  
15   30.

16        (c) Upon receiving a certification statement from the  
17   comptroller pursuant to section 40-81.5, the director of finance  
18   shall allocate and disburse moneys in the mass transit special  
19   fund to the director of finance of a county with a population  
20   greater than five hundred thousand; provided that the director  
21   of finance shall only disburse those amounts that are certified  
22   in the certification statement for that county for the purposes

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1 specified in section 46-16.8; provided further that revenues  
2 allocated from the special fund shall not be used for:

3 (1) Operating or maintenance costs of the mass transit  
4 project or any purpose not consistent with section 46-  
5 16.8(e); or

6 (2) Administrative, operating, marketing, or maintenance  
7 costs, including personnel costs, of a rapid  
8 transportation authority charged with the  
9 responsibility for constructing, operating, or  
10 maintaining the mass transit project;

11 provided further that the total amount of funds that are  
12 available, allocated, and disbursed by the director of finance  
13 pursuant to this section shall not be in excess of the total  
14 amount indicated on the certification statement. The director  
15 of finance may allocate and disburse moneys pursuant to this  
16 section on a monthly basis.

17 Any amounts allocated and disbursed pursuant to this  
18 section shall be subject to the availability of funds deposited  
19 and on balance in the special fund. The director of finance  
20 shall not allocate or disburse any amounts from the special fund  
21 that are in excess of any amounts deposited and on balance in  
22 the special fund.

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1 (d) The director of finance shall post all certification  
2 statements received from the comptroller pursuant to section 40-  
3 81.5 on the department of budget and finance's website within  
4 ten working days of payments made pursuant to this section.

5 (e) The department of budget and finance shall submit an  
6 annual report to the legislature not later than twenty days  
7 prior to the convening of each regular session on the total  
8 amount of funds allocated pursuant to this section.

9 (f) The director of finance may establish rules, exempt  
10 from chapter 91, for the purposes of this section."

11 SECTION 3. New statutory material is underscored.

12 SECTION 4. This Act shall take effect upon its approval.

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14  
15  
16 INTRODUCED BY: \_\_\_\_\_

BY REQUEST

JAN 22 2018

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**Report Title:**

Safety oversight; Mass Transit Special Fund.

**Description:**

Provides funds to the Department of Transportation for the safety oversight of rail fixed guideway system.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

HB2403

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO THE MASS  
TRANSIT SPECIAL FUND.

PURPOSE: To provide funds to the Department of  
Transportation to operate the program for the  
safety oversight of the rail fixed guideway  
system.

MEANS: Amends Sections 26-19 and 248-2.7, Hawaii  
Revised Statutes.

JUSTIFICATION: Pursuant to Executive Order No. 17-04, the  
Department of Transportation was designated  
as the State Safety Oversight Agency pursuant  
to 49 United States Code, Section 5329(e)(4).  
To remain operational, the department seeks  
\$500,000 annually to perform the operations  
of its program.

Impact on the public:  
This bill enhances the safety and welfare of  
Honolulu's rail fixed guideway system.

Impact on the department and other agencies:  
None.

GENERAL FUND: None.

OTHER FUNDS: Mass transit special fund.

PPBS PROGRAM  
DESIGNATION: TRN-\_\_\_\_

OTHER AFFECTED  
AGENCIES: Department of Budget and Finance, City and  
County of Honolulu, Hawaii State Legislature,  
Honolulu Authority on Rapid Transit

EFFECTIVE DATE: Upon approval.