

# H.B. NO. 1052

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## A BILL FOR AN ACT

RELATING TO THE AIRPORT ZONING ACT.

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

1           SECTION 1. Section 262-1, Hawaii Revised Statutes, is  
2 amended by amending the definition of "airport hazard" to read  
3 as follows:

4           ""Airport hazard" means any structure [~~or~~], tree [~~which~~],  
5 object, or animal that obstructs the air space required for the  
6 flight of aircraft in landing or taking-off at an airport, or  
7 any use of land [~~which~~] that creates a dangerous condition,  
8 including the placement of strong lights [~~which~~], or reflective  
9 surfaces or materials, or both, that blind pilots during such  
10 operations[+], or the creation or expansion of landfills,  
11 composting or recycling facilities, fish farms or fish  
12 aggregating devices, waste water treatment facilities,  
13 development of wetland mitigation sites, development or  
14 expansion of dredge spoil containment areas, or other such uses  
15 or actions that may include potentially hazardous wildlife  
16 attractants."

17           SECTION 2. Section 262-3, Hawaii Revised Statutes, is  
18 amended to read as follows:

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1           "§262-3 Power to adopt airport zoning regulations. To  
2 prevent the creation or establishment of airport hazards, the  
3 director of transportation may adopt, amend, repeal, administer,  
4 and enforce, under the police power and in the manner and upon  
5 the conditions prescribed in this chapter, airport zoning  
6 regulations for an airport hazard area in the State, which  
7 regulations may divide each area into zones, and, within such  
8 zones, specify the land uses permitted and regulate and restrict  
9 the height to which structures may be erected and trees allowed  
10 to grow, subject to section 262-6. The airport hazard area  
11 shall extend five statute miles from the airport property  
12 boundary as depicted in the airport layout plan. Airport hazard  
13 area maps shall be adopted by each county by May 31,  
14 2022. State and county agencies shall consult with and receive  
15 comment from the department prior to the issuance of land use or  
16 building permit approvals for applications filed for land, or  
17 any portion thereof, within five statute miles of the airport  
18 operating area when a proposed, land use or action may cause an  
19 airport hazard."

20           SECTION 3. Section 262-4, Hawaii Revised Statutes, is  
21 amended to read as follows:

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1           "§262-4 Relation to comprehensive zoning regulations. In  
2 the event of conflict between any airport zoning regulations  
3 adopted under this chapter and any ordinances or other  
4 regulations applicable to the same area, whether the conflict be  
5 with respect to the height of structures or trees, the use of  
6 land, or any other matter, and whether other regulations were  
7 adopted by or under the authority of the State or by or under  
8 the authority of a county, the more stringent limitation or  
9 requirement shall govern and prevail. County general plans,  
10 community plans, development plans, and or other appropriate  
11 long-range planning documents shall acknowledge and map airport  
12 hazard zone areas for state airports located within its county  
13 and in its text shall acknowledge the need for coordination with  
14 the department for the prevention of airport hazards in text."

15           SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17           SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: 

BY REQUEST  
JAN 25 2021

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**Report Title:**

Department of Transportation; Airport Hazard; Airport Zoning Act

**Description:**

Establishes a five-mile airport hazard area for prevention of potentially hazardous conditions that may be caused by certain land uses or actions. Requires state and county agencies to coordinate land uses and permit approvals with the Hawaii Department of Transportation for land located in the airport hazard area.

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

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO THE AIRPORT ZONING ACT.

PURPOSE: Prevent the creation of airport hazards by requiring state and county agencies to coordinate their land use and permit approvals with the Department of Transportation for land located within a five-mile airport hazard area.

MEANS: Amend sections 262-1, 262-3, and 262-4, Hawaii Revised Statutes.

JUSTIFICATION: To ensure compliance with the State's grant assurance agreement with the Federal Aviation Administration Order 5190.6B, which "requires airport sponsors' compliance with their federal obligations in the form of grant assurances, surplus and nonsurplus obligations, or other applicable federal law." The Department of Transportation must address inconsistent developments within 5 miles from all state airports that could potentially create hazards to flight and risks to public safety.

Impact on the public: Traveler safety is enhanced when an incompatible action that may create an airport hazard is prevented.

Impact on the department and other agencies: Protecting operational safety at airports assures airport land use compatibility, and enhances and preserves economic prosperity to the State.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: TRN-195.

OTHER AFFECTED  
AGENCIES: Department of Business, Economic Development,  
and Tourism, Department of Land and Natural  
Resources and counties.

EFFECTIVE DATE: Upon approval.