
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

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

1 SECTION 1. The legislature finds that roadways that are
2 substandard and unsafe threaten the health and safety of anyone
3 using or living adjacent to these roads. While the State and
4 county maintain certain roads within their respective
5 jurisdictions, there are many private roads that are unsafe but
6 widely used by the general public. Impact fees are a useful
7 tool in paying for capital costs associated with development,
8 however that tool is primarily used by the counties through an
9 ordinance.

10 The purpose of this Act is to allow the department of
11 transportation to assess impact fees for the repair or
12 renovation of an unsafe roadway that is used by the public that
13 is a substantial danger to public health and safety.

14 SECTION 2. Section 264-123, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~§~~264-123~~§~~ Authority to assess impact fees; needs
17 **assessment study.** (a) A county may assess, impose, levy,



1 collect, and transfer to the department impact fees for any
2 development pursuant to ordinances adopted under section 46-142
3 and this part, and the department is authorized to receive those
4 funds for state highway improvements.

5 (b) Notwithstanding subsection (a) and section 46-142, the
6 department may assess, impose, levy, and collect impact fees for
7 capital costs relating to the development of state highway
8 improvements when the department determines that a privately-
9 owned roadway, which connects to a state highway that is
10 commonly used by the public is a substantial danger to the
11 public health and safety. Once the department makes the
12 determination that a privately-owned roadway pursuant to this
13 subsection is substantially dangerous to the public, the
14 department may require the private roadway owner to address the
15 issue causing the road to be substantially dangerous to the
16 public.

17 ~~(b)~~ (c) Prior to the assessment, imposition, levy,
18 collection, or transfer to the department of impact fees
19 pursuant to this section, the director shall approve a needs
20 assessment study that shall identify the kinds of state highway



1 improvements for which the fees shall be imposed by the county
2 pursuant to part VIII of chapter 46."

3 SECTION 3. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DOT; Impact Fees; Private Roadways

Description:

Allows the department of transportation to assess impact fees for the repair or renovation of an unsafe, privately-owned roadway that connects to a state highway that is used by the public that is a substantial danger to public health and safety. Effective 7/1/2050. (SD1)

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