
A BILL FOR AN ACT

RELATING TO TRAFFIC REGULATION.

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

1 SECTION 1. The legislature finds that over time and
2 through conveyance, dedication, or other means, the counties
3 have received ownership of various streets, highways,
4 thoroughfares, and roadways that were not originally constructed
5 to meet rigorous safety standards and therefore lack the
6 necessary safety standards now required for unregulated use.
7 Despite efforts undertaken by the counties to uphold the safety
8 of these streets, highways, thoroughfares, and roadways, these
9 efforts cannot wholly mitigate the inherent risks posed by their
10 non-standard designs. It is incumbent upon the State to ensure
11 the safety and well-being of its residents and visitors.

12 The legislature believes that, in instances in which the
13 counties determine that public safety hazards exist due to the
14 non-standard design of streets, highways, thoroughfares, and
15 roadways, the counties should possess the authority to impose
16 specific restrictions on the manner of use of these streets,
17 highways, thoroughfares, and roadways. These restrictions may



1 include requirements for four-wheel drive vehicles, covered
2 transportation, or mandatory viewing of safety videos.

3 The legislature further finds that the increased
4 utilization of certain streets, highways, thoroughfares, and
5 roadways, and their surrounding areas, has resulted in an influx
6 of traffic that exceeds their original design capacity, thereby
7 endangering both travelers and the culturally significant and
8 environmentally sensitive sites that they traverse. Recognizing
9 the peril posed by increased traffic on certain roadways to
10 culturally and environmentally sensitive sites, the legislature
11 also believes that the counties should be empowered to establish
12 access limits to safeguard these sites. However, it is
13 explicitly stated that properties exclusively accessible via
14 these roadways shall remain accessible without undue impediment.

15 Accordingly, the purpose of this Act is to grant counties
16 the authority to regulate or impose restrictions on the manner
17 of use of certain streets, highways, thoroughfares, or roadways.

18 SECTION 2. Section 46-16, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "**§46-16 Traffic regulation and control over private**
21 **streets[-], hazardous roads, and roads in sensitive areas.** (a)



1 Any provision of law to the contrary notwithstanding, any county
2 and its authorized personnel may impose and enforce traffic
3 regulations and place appropriate traffic control devices, and
4 may enforce chapters 249; 286; 287; 291; 291C; 291E; 431,
5 articles 10C and 10G; and 486, part III, on the following
6 categories of private streets, highways, or thoroughfares,
7 except private roads used primarily for agricultural and
8 ranching purposes:

- 9 (1) Any private street, highway, or thoroughfare [~~which~~
10 that has been used continuously by the general public
11 for a period of [~~not~~] no less than six months;
12 provided that the county shall not be responsible for
13 the maintenance and repair of the private street,
14 highway, or thoroughfare when it imposes or enforces
15 traffic regulations and highway safety laws or places
16 or permits to be placed appropriate traffic control
17 devices on that street, highway, or thoroughfare;
18 provided further that no adverse or prescriptive
19 rights shall accrue to the general public when the
20 county imposes or enforces traffic regulations and
21 highway safety laws or places appropriate traffic



1 control devices on that street, highway, or
2 thoroughfare; nor shall county consent to the
3 placement of traffic control signs or markings on a
4 private street be deemed to constitute control over
5 that street; and

6 (2) Any private street, highway, or thoroughfare [~~which~~]
7 that is intended for dedication to the public use as
8 provided in section 264-1 and is open for public
9 travel but has not yet been accepted by the county.

10 (b) Any county, by ordinance, may regulate or restrict
11 access, except pedestrian access, to a street, highway,
12 thoroughfare, or road that:

13 (i) Is known to be hazardous or hazardous under certain
14 conditions; provided that the hazard does not arise
15 due to an act of, an omission by, or the gross
16 negligence of the county; or

17 (2) May have a negative impact on a sensitive area,
18 including a critical habitat for threatened or
19 endangered species or lands containing cultural or
20 archaeological sites or resources;



1 provided that no ordinance shall be adopted until a public
2 hearing has been conducted on the proposed ordinance; provided
3 further that the county shall consult with the department of
4 transportation and department of land and natural resources
5 before regulating or restricting access to a street, highway,
6 thoroughfare, or road; provided further that properties
7 exclusively accessible via these streets, highways,
8 thoroughfares, or roads shall remain accessible without undue
9 impediment."

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

12 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Hawaii Association of Counties Package; Vehicular Access;
Regulations; Restrictions; Ordinances

Description:

Authorizes each county to adopt ordinances to regulate or
restrict access to streets, highways, thoroughfares, or roads
under certain circumstances. Effective 7/1/3000. (HD2)

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

