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

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

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

15 (c) The department shall develop and promote ridesharing
16 programs ~~[which]~~ that shall include, but not be limited to,
17 carpool and vanpool programs, and may assist organizations



1 interested in promoting similar programs, arrange for contracts
2 with private organizations to manage and operate these programs,
3 and assist in the formulation of ridesharing arrangements.

4 Ridesharing programs include informal arrangements in which two
5 or more persons ride together in a motor vehicle.

6 (d) The functions and authority heretofore exercised by
7 the department of public works with respect to highways are
8 transferred to the department of transportation established by
9 this chapter.

10 (e) On July 1, 1961, the Hawaii aeronautics commission,
11 the board of harbor commissioners and the highway commission
12 shall be abolished and their remaining functions, duties, and
13 powers shall be transferred to the department of transportation.

14 (f) Notwithstanding any law to the contrary, the
15 department of transportation may acquire, or contract to
16 acquire, by grant or purchase any real, personal, or mixed
17 property or any interest therein for immediate or future use for
18 the purposes of this section or title 15; own, hold, improve,
19 and rehabilitate any real, personal, or mixed property acquired
20 pursuant to this subsection; and sell, assign, exchange,
21 transfer, convey, lease or otherwise dispose of, or encumber any



1 real, personal, or mixed property acquired pursuant to this
2 subsection. Upon making a finding that it is necessary to
3 acquire any real property for immediate or future use for the
4 purposes of this section or title 15, the department of
5 transportation may acquire the property by condemnation pursuant
6 to chapter 101; provided that the property shall not thereafter
7 be acquired for any other public use without the consent of the
8 department of transportation."

9 SECTION 2. Section 171-2, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§171-2 Definition of public lands.** "Public lands" means
12 all lands or interest therein in the State classed as government
13 or crown lands previous to August 15, 1895, or acquired or
14 reserved by the government upon or subsequent to that date by
15 purchase, exchange, escheat, or the exercise of the right of
16 eminent domain, or in any other manner; including lands accreted
17 after May 20, 2003, and not otherwise awarded, submerged lands,
18 and lands beneath tidal waters that are suitable for
19 reclamation, together with reclaimed lands that have been given
20 the status of public lands under this chapter, except:



- 1 (1) Lands designated in section 203 of the Hawaiian Homes
2 Commission Act, 1920, as amended;
- 3 (2) Lands set aside pursuant to law for the use of the
4 United States;
- 5 (3) Lands being used for roads and streets;
- 6 (4) Lands to which the United States relinquished the
7 absolute fee and ownership under section 91 of the
8 Hawaiian Organic Act before the admission of Hawaii as
9 a state of the United States unless subsequently
10 placed under the control of the board of land and
11 natural resources and given the status of public lands
12 in accordance with the state constitution, the
13 Hawaiian Homes Commission Act, 1920, as amended, or
14 other laws;
- 15 (5) Lands to which the University of Hawaii holds title;
- 16 (6) Non-ceded lands set aside by the governor to the
17 Hawaii housing finance and development corporation or
18 lands to which the Hawaii housing finance and
19 development corporation in its corporate capacity
20 holds title;



- 1 (7) Lands to which the Hawaii community development
2 authority in its corporate capacity holds title;
- 3 (8) Lands set aside by the governor to the Hawaii public
4 housing authority or lands to which the Hawaii public
5 housing authority in its corporate capacity holds
6 title;
- 7 (9) Lands to which the department of agriculture holds
8 title by way of foreclosure, voluntary surrender, or
9 otherwise, to recover moneys loaned or to recover
10 debts otherwise owed the department under chapter 167;
- 11 (10) Lands that are set aside by the governor to the Aloha
12 Tower development corporation, lands leased to the
13 Aloha Tower development corporation by any department
14 or agency of the State, or lands to which the Aloha
15 Tower development corporation holds title in its
16 corporate capacity;
- 17 (11) Lands that are set aside by the governor to the
18 agribusiness development corporation, lands leased to
19 the agribusiness development corporation by any
20 department or agency of the State, or lands to which



1 the agribusiness development corporation in its
2 corporate capacity holds title;
3 (12) Lands to which the Hawaii technology development
4 corporation in its corporate capacity holds title;
5 (13) Lands to which the department of education holds
6 title;
7 (14) Lands to which the stadium authority holds title;
8 [~~and~~]
9 (15) Lands to which the school facilities authority holds
10 title; and
11 (16) Lands to which the department of transportation holds
12 title;
13 provided that, except as otherwise limited under federal law and
14 except for state land used as an airport as defined in section
15 262-1, public lands shall include the air rights over any
16 portion of state land upon which a county mass transit project
17 is developed after July 11, 2005; provided further that if the
18 lands pursuant to paragraph (6) are no longer needed for housing
19 finance and development purposes, the lands shall be returned to
20 the agency from which they were obtained; provided further that
21 if the lands pursuant to paragraph (14) are no longer needed for



1 the stadium development district or related purposes, the lands
2 shall be returned to the public land trust administered by the
3 department."

4 SECTION 3. Section 171-30, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§171-30 Acquisition of real property; general.** (a) The
7 board [~~of land and natural resources~~] shall have the exclusive
8 responsibility, except as provided herein, of acquiring,
9 including by way of dedications:

10 (1) All real property or any interest therein and the
11 improvements thereon, if any, required by the State
12 for public purposes, including real property together
13 with improvements, if any, in excess of that needed
14 for [~~such~~] the public use in cases where small
15 remnants would otherwise be left or where other
16 justifiable cause necessitates the acquisition to
17 protect and preserve the contemplated improvements, or
18 public policy demands the acquisition in connection
19 with [~~such~~] the improvements[~~-~~]; and

20 (2) Encumbrances, in the form of leases, licenses, or
21 otherwise on public lands, needed by any state



1 department or agency for public purposes or for the
2 disposition for houselots or for economic development.

3 The board shall upon the request of and with the funds from
4 the state department or agency effectuate all acquisitions as
5 provided under this section.

6 The acceptance by the territorial legislature or the
7 legislature of a dedication of land in the Kakaako community
8 development district by a private owner is sufficient to convey
9 title to the State.

10 (b) Except as provided in subsection (c), the department
11 of accounting and general services shall be responsible for the
12 acquisition of any office space in a nonstate owned building for
13 use by a state department or agency.

14 (c) A state department or agency may directly acquire
15 [~~such~~] any real property for its purposes whenever the
16 acquisition by the department or agency is required to conform
17 to mandatory requirements of the United States in the case where
18 federal funds are furnished to the department or agency.

19 (d) Property [~~which~~] that may be acquired under this
20 section includes all real property together with all structures
21 and improvements thereon, franchises or appurtenances thereunto



1 belonging, water, water rights, easements, and interests in land
2 of every nature.

3 (e) The appraisal of private property to be acquired by
4 the State may be performed by [~~not~~] no more than three
5 disinterested appraisers whose services shall be contracted for
6 by the State, and no land shall be purchased for a sum greater
7 than the highest value fixed by the appraiser or appraisals;
8 provided that the State, after review of the appraisals by the
9 appraiser or appraisers or the attorney general, may purchase
10 the property at a value greater than the highest value if the
11 higher value is determined by the appraiser or appraisers or the
12 attorney general to be justified and within the range of market
13 value; provided further that this limitation shall not apply
14 where acquisition is by condemnation. After the private
15 property has been acquired or the State abandons the
16 acquisition, these appraisal reports shall be available for
17 inspection and copying by the public.

18 (f) Notwithstanding subsection (a), the department of
19 transportation may directly acquire any real property for the
20 purposes of section 26-19 or title 15."



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

3 SECTION 5. This Act shall take effect on July 1, 3000.



Report Title:

DOT; Public Lands; Real Property; Acquisition; Disposition

Description:

Authorizes the Department of Transportation to acquire, including by condemnation, any real, personal, or mixed property for immediate or future use and own, hold, improve, rehabilitate, sell, assign, exchange, transfer, convey, lease, or dispose of the property acquired. Amends the definition of "public lands" to exclude lands to which the Department of Transportation holds title. Authorizes the Department of Transportation to directly acquire any real property for its purposes. Effective 7/1/3000. (HD2)

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