
A BILL FOR AN ACT

RELATING TO ELECTRIC VEHICLE INFRASTRUCTURE.

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

- 1 SECTION 1. Section 205A-22, Hawaii Revised Statutes, is
2 amended by amending the definition of "development" to read as
3 follows:
4 ""Development":
5 (1) Means any of the uses, activities, or operations on
6 land or in or under water within a special management
7 area that are included below:
8 (A) Placement or erection of any solid material or
9 any gaseous, liquid, solid, or thermal waste;
10 (B) Grading, removing, dredging, mining, or
11 extraction of any materials;
12 (C) Change in the density or intensity of use of
13 land, including but not limited to the division
14 or subdivision of land;
15 (D) Change in the intensity of use of water, ecology
16 related thereto, or of access thereto; and



- 1 (E) Construction, reconstruction, or alteration of
- 2 the size of any structure; and
- 3 (2) Does not include the following:
- 4 (A) Construction or reconstruction of a single-family
- 5 residence that is less than seven thousand five
- 6 hundred square feet of floor area; is not
- 7 situated on a shoreline parcel or a parcel that
- 8 is impacted by waves, storm surges, high tide, or
- 9 shoreline erosion; and is not part of a larger
- 10 development;
- 11 (B) Repair or maintenance of roads and highways
- 12 within existing rights-of-way;
- 13 (C) Routine maintenance dredging of existing streams,
- 14 channels, and drainage ways;
- 15 (D) Repair and maintenance of underground utility
- 16 lines, including but not limited to water, sewer,
- 17 power, and telephone and minor appurtenant
- 18 structures including pad mounted transformers and
- 19 sewer pump stations;
- 20 (E) Zoning variances, except for height, density,
- 21 parking, and shoreline setback;



- 1 (F) Repair, maintenance, or interior alterations to
- 2 existing structures;
- 3 (G) Demolition or removal of structures, except those
- 4 structures located on any historic site as
- 5 designated in national or state registers;
- 6 (H) Use of any land for the purpose of cultivating,
- 7 planting, growing, and harvesting plants, crops,
- 8 trees, and other agricultural, horticultural, or
- 9 forestry products or animal husbandry, or
- 10 aquaculture or mariculture of plants or animals,
- 11 or other agricultural purposes, including all
- 12 traditional fishpond and traditional agricultural
- 13 practices;
- 14 (I) Transfer of title to land;
- 15 (J) Creation or termination of easements, covenants,
- 16 or other rights in structures or land;
- 17 (K) Subdivision of land into lots greater than twenty
- 18 acres in size;
- 19 (L) Subdivision of a parcel of land into four or
- 20 fewer parcels when no associated construction
- 21 activities are proposed; provided that any land



- 1 that is so subdivided shall not thereafter
2 qualify for this exception with respect to any
3 subsequent subdivision of any of the resulting
4 parcels;
- 5 (M) Installation of underground utility lines and
6 appurtenant aboveground fixtures less than four
7 feet in height along existing corridors;
- 8 (N) Structural and nonstructural improvements to
9 existing single-family residences, where
10 otherwise permissible;
- 11 (O) Nonstructural improvements to existing commercial
12 or noncommercial structures;
- 13 (P) Construction, installation, maintenance, repair,
14 and replacement of emergency management warning
15 or signal devices and sirens;
- 16 (Q) Installation, maintenance, repair, and
17 replacement of public pedestrian and bicycle
18 facilities, including sidewalks, paths, bikeways,
19 crosswalks, stairs, ramps, traffic control
20 barriers, signs, signals, and associated
21 improvements;



- 1 (R) Trash removal or invasive vegetation removal or
2 control, including incidental ground disturbance,
3 excluding the use of herbicides;
- 4 (S) Installation of fencing, including associated
5 improvements and incidental structures, for
6 invasive species control or preservation of
7 native habitats on conservation land;
- 8 (T) Installation, maintenance, repair, and
9 replacement of lighting, fixtures, and equipment
10 to establish compliance with current standards at
11 existing public facilities;
- 12 (U) Installation, maintenance, repair, and
13 replacement of security measures, including
14 fencing, to existing public facilities;
- 15 (V) Hawaiian traditional and customary practices,
16 including work conducted by traditional means
17 near, in, or related to loko i'a, traditional
18 Hawaiian fishponds; [~~and~~]
- 19 (W) Reconstruction of any lawfully constructed
20 structure that was damaged or destroyed in a
21 disaster proclaimed by the governor to constitute



1 a state of emergency pursuant to chapter 127A, or
2 a disaster declared pursuant to federal law;
3 provided that:

4 (i) The structure is not situated on a shoreline
5 parcel or a parcel that is impacted by
6 waves, storm surges, high tide, or shoreline
7 erosion;

8 (ii) Reconstruction commences within six years
9 from the date that the proclamation is
10 issued; and

11 (iii) The reconstructed structure is similar to
12 its original footprint or overall dimensions
13 that were existing or permitted and in
14 compliance with the requirements of
15 floodplain management standards; and

16 (X) Installation, maintenance, repair, and
17 replacement of an electric vehicle charging
18 system, as defined in chapter 269, including
19 electrical infrastructure and underground utility
20 lines that service the system;



1 provided that whenever the authority finds that any
2 excluded use, activity, or operation may have a
3 cumulative impact, or a significant environmental or
4 ecological effect on a special management area, that
5 use, activity, or operation shall be defined as
6 "development" for the purpose of this part."

7 SECTION 2. Section 225P-8, Hawaii Revised Statutes, is
8 amended by amending subsections (c) and (d) to read as follows:

9 "(c) The department of transportation, office of planning
10 and sustainable development, [~~and~~] Hawaii state energy office,
11 and public utilities commission shall:

- 12 (1) Develop plans in coordination with the clean ground
13 transportation working group and interisland clean
14 transportation working group to ensure that the
15 State's electric charging capacity is sufficient to
16 support the growing use of electric modes of
17 transportation by providing for an increase of the
18 State's electric charging capacity at a rate that
19 exceeds:



1 (A) The rate by which electric vehicle sales are
2 projected to replace internal combustion vehicle
3 sales; and

4 (B) The rate by which other electric transportation
5 options are projected to require charging
6 capacity;

7 (2) Allow continued access to high-occupancy vehicle lanes
8 by electric vehicles until electric vehicles
9 constitute at least forty per cent of all new vehicle
10 sales; and

11 (3) Develop and implement other options to accelerate the
12 transition to zero-emissions transportation.

13 (d) The department of transportation [~~and~~], Hawaii state
14 energy office, and public utilities commission may adopt rules
15 pursuant to chapter 91 to effectuate this section."

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

18 SECTION 4. This Act shall take effect upon its approval;
19 provided that the amendments made to the definition of
20 "development" under section 205A-22, Hawaii Revised Statutes, by
21 section 1 of this Act shall not be repealed when that section is



- 1 reenacted on July 1, 2028, pursuant to section 5 of Act 304,
- 2 Session Laws of Hawaii 2025.



Report Title:

PUC; Zero-emission Transportation Goals; Electric Vehicle
Infrastructure; Special Management Areas; Exclusion

Description:

Excludes from the definition of "development", as it applies to special management areas, the installation, maintenance, repair, and replacement of an electric vehicle charging system as a minor structure. Includes the Public Utilities Commission in the development and implementation of plans to meet the long-term goals for zero-emissions transportation in the State.
(SD1)

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