

**ACT 3**

An Act to Provide for the Planning, Designation, Establishment, Use, Regulation, Alteration, Improvement, Maintenance, and Vacation of Controlled-Access Facilities; the Acquisition of Lands Required Therefor; the Restriction of Inter-Sections and Control of Ap-

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proaches; the Establishment of Local Service Roads, the Prohibition of Certain Acts Thereon and for Other Purposes.

WHEREAS, section 11 of Article III of the Constitution of the State of Hawaii provides for the consideration and enactment in a budget session of all urgency measures deemed necessary in the public interest; and

WHEREAS, said section further provides that no urgency measure shall be considered unless a statement of facts constituting such urgency shall be set forth in a section thereof and until such section shall have been first approved by each house; and

WHEREAS, it is the intention of the legislature to enact this as an urgency measure pursuant to said section 11 of Article III; now, therefore,

*Be it Enacted by the Legislature of the State of Hawaii:*

SECTION 1. This act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

The enactment by the United States Congress of legislation to include the State of Hawaii in the 90 - 10 Interstate and Defense Highway program is imminent. Under the Federal Highway Act, Title 23, USCA, all interstate or defense highways are required to be controlled-access type highways approved by the Secretary of Commerce.

The authority of the State of Hawaii under present law, to condemn lands for the construction of controlled-access highways has already been challenged in court. To make certain that the multimillion dollar interstate program will not be obstructed unnecessarily, it becomes imperative that clear and specific authority for the State to acquire lands and construct such controlled-access highways be provided immediately.

SECTION 2. There is hereby added to chapter 111 of Title 15 of the Revised Laws of Hawaii 1955 a new part to be numbered Part IV, and to read as follows:

**"Part IV. Controlled-Access Facilities**

**Sec. 111-42. Declaration of policy.** The legislature hereby finds, determines and declares that this part is necessary for the preservation of the public peace, health, and safety, and for the promotion of the general welfare.

**Sec. 111-43. Definition of a Controlled-Access Facility.** For the purposes of this part, a controlled-access facility is defined as a public highway especially designed for through traffic, and over, from, or to which owners or occupants of abutting land or other persons have no right or easement or have only a controlled right or easement of access, light, air or view by reason of the fact that their property abuts upon such controlled-access facility or for any other reason.

**Sec. 111-44. Authority to Establish Controlled-Access Facilities.** The Director of Transportation, acting alone or in cooperation with any Federal, or local agency, is hereby authorized to plan, designate, establish, regulate, vacate, alter, realign, widen, improve, maintain, and provide

controlled-access facilities for public use whenever he is of the opinion that traffic conditions, present or future, will justify such special facilities. He may regulate, restrict, or prohibit the use of such controlled-access facilities by the various classes of vehicles or traffic by means of signs and other devices to promote the safe and efficient use of such facilities.

**Sec. 111-45. Design of controlled-access facility and regulation, restriction or prohibition of access.** The Director of Transportation is authorized to so design any controlled-access facility and to so regulate, restrict, or prohibit access as to best serve the traffic for which such facility is intended. In this connection, he is authorized to divide and separate any controlled-access facility into separate roadways by the construction of raised curbsings, central dividing sections or other physical separations, or by designating such separate roadways by signs, markers, stripes, and the proper lane for such traffic by appropriate signs, markers, stripes, and other devices.

No person shall have any right of ingress or egress to, from, or across controlled-access facilities to or from abutting lands, except at such designated points at which access may be permitted, upon such terms and conditions as may be specified by the Director of Transportation. Any person who violates this provision shall be subject to the penalty prescribed in Sec. 111-18.

**Sec. 111-46. Acquisition of Property.** For the purposes of this part, the Director of Transportation may acquire for controlled-access facilities and service roads: (a) property, as defined in chapter 8, by gift, devise, or purchase; or (b) property by eminent domain under the provisions of chapter 8.

**Sec. 111-47. New and existing facilities; grade-crossing eliminations.** The Director of Transportation may designate and establish controlled-access highways as new and additional facilities or may designate and establish an existing public highway as included within a controlled-access facility. He shall have the authority to provide for the elimination of inter-sections at grade of controlled-access facilities with existing public highways by grade separation or service road, or by closing off such highways at the right-of-way boundary line of such controlled-access facility; and after the establishment of any controlled-access facility, no highway which is not part of said facility shall intersect the same at grade. No public highway shall be opened into or connected with any such controlled-access facility without the consent and previous approval of the director of transportation. Such consent and approval shall be given only if the public interest shall be served thereby.

**Sec. 111-48. Authority to enter into agreements.** The Director of Transportation is authorized to enter into agreements with the board of supervisors or councilmen, of any county, or with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulations, or vacation of controlled-access facilities or other public highways, to facilitate the purposes of this part.

**Sec. 111-49. Local service roads.** In connection with the development of any controlled-access facility, the Director of Transportation is authorized to plan, designate, establish, use, regulate, alter, realign, widen, improve, maintain, and vacate local service roads and streets or to designate as local service roads and streets any existing public high-

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way, and to exercise jurisdiction over service roads and streets in the same manner as is authorized over controlled-access facilities under the terms of this part, if, in his opinion, such local service roads or streets are necessary or desirable. Such local service roads or streets shall be of appropriate design, and shall be separated from the controlled-access facility proper by means of all devices designated as necessary or desirable by the Director of Transportation.”

SECTION 3. If any section, provision, or clause of this act shall be declared invalid or inapplicable to any person or circumstance such invalidity or inapplicability shall not be construed to affect the portions not so held or persons or circumstances not so affected. All laws or portions of laws inconsistent with the policy and provisions of this act are hereby repealed to the extent of such inconsistency in its application to controlled-access facilities provided for in this act.

SECTION 4. This act shall take effect upon its approval.

(Approved April 21, 1960.) **S.B. 233.**

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