

A Bill for an Act Relating to State Highways.

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

SECTION 1. Section 264-7, Hawaii Revised Statutes, is amended to read:

**“Sec. 264-7 Permits, fees, etc.** (a) Any person or government agency desiring the permit required by section 264-6 shall apply for a permit on a form prescribed by the director of transportation. Any permit issued shall be conditioned upon the adherence of the applicant to the requirements of sections 264-8 and 264-9.

(b) The director, subject to Chapter 91, shall establish a fee schedule for the issuance of the permit. The fee schedule established shall be calculated to provide revenues sufficient to defray any expenses the department of transportation may incur in connection with the permit under sections 264-6 to 264-12. An applicant for a permit shall pay the applicable fee, provided that the director may waive the fee payable when he determines that the work to be done will either improve the highway or otherwise be of benefit to the State; and provided further, that no fee shall be required where the only work to be done is the setting of poles and guys to carry overhead wires.

SECTION 2. Section 264-8, Hawaii Revised Statutes, is amended to read:

**“Sec. 264-8 Specifications, standards, procedures.** Specifications, standards and procedures to be followed in the installation and construction of connections for streets, roads and driveways, concrete curbs and sidewalks, structures, drainage systems, landscaping or grading within the highway

rights-of-way, excavation and backfilling of trenches or other openings in state highways, and in the restoration, replacement, or repair of the base course, pavement surfaces, highway structures, and other highway improvements shall be prescribed by the director of transportation. At the request of an applicant for a permit, a copy of such specifications, standards and procedures, shall be furnished. In prescribing the specifications, standards and procedures, the director need not comply with the provisions of law relating to the adoption of rules and regulations."

SECTION 3. Section 264-9, Hawaii Revised Statutes, is amended to read:

**"Sec. 264-9 Backfilling, repaving, repairing, expense of permit holder.**

(a) All excess materials remaining at the site of the work done under any permit shall be removed at the expense of the permit holder. The excess material shall not be deposited or placed within any highway right-of-way except with the approval of the director of transportation or his authorized representative.

"(b) The permit holder, at his own expense and upon completion of the work for which the permit was issued, shall backfill all trenches or other openings and make all necessary repairs to or replacement of any concrete gutter, curb, sidewalk, or any other structure in public use and restore or replace any plants, landscaping, signs, markers, or other facilities or improvements that were cut or damaged by the permit holder to a condition similar to that which existed before work was begun under the permit.

"(c) Except as otherwise provided in section 264-33, the permit holder shall be responsible for all costs in the installation, construction, repair, removal, restoration, reconstruction or replacement of any improvement within the right-of-way of any state highway."

SECTION 4. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read:

**§264- Permit and paving requirements.** Notwithstanding the existence of any right of vehicle access to or from a State highway in favor of an abutting owner, the department of transportation may prohibit vehicle access via any street, road or driveway to or from abutting properties unless the owner applies for a permit and paves the highway right-of-way between the access opening and the paved portion of the highway pursuant to sections 264-6 to 264-11, Hawaii Revised Statutes. Access to or from abutting property via any street, road or driveway which is in use on the effective date of this section shall not be affected by this section."

SECTION 5. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 6. This Act shall take effect upon its approval.

(Approved April 16, 1971.)

\* Edited accordingly.