

A Bill for an Act Relating to Relocation of Public Utilities.

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

SECTION 1. Section 264-33, Hawaii Revised Statutes, is amended to read as follows:

**“§264-33 Relocation of utility facilities.** (a) Whenever, as a result of the work of construction, reconstruction, or maintenance of any state highway or state or county federal-aid highway, it is necessary to provide for or require the removal, relocation, replacement, or reconstruction of any utility facility, and the expense of removal, relocation, replacement, or reconstruction exceeds \$10,000, one-half of this excess expense shall be a proper charge against the state or county funds available for the construction or maintenance of state or county highways; provided that all of the expense of removal, relocation, replacement, or reconstruction of publicly owned utility facilities shall be a charge against the state or county funds.

(b) The work of the removal, relocation, replacement, or reconstruction may be performed in the following manner, subject to the following conditions:

- (1) The work shall be performed in accordance with standards of construction currently used by the utility; and
- (2) Such work may be performed by contract as provided in sections 103-22 and † 103-25; or after first calling for bids under such sections, the director of transportation or other officer having power to award such contract, may contract with the public utility owning the utility facility to have the work performed by it, with the use of its own employees and equipment at not to exceed actual cost or in the amount of the lowest responsible bid (if such bids have been submitted), whichever is the lowest amount, with the adjustments hereinafter provided for.
- (c) The amount to be paid out of state or county funds shall be computed as

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† In section prior to amendment, here appeared the word “to” instead of “and”.

follows:

- (1) The total cost shall first be determined.
- (2) From the total cost there shall be deducted the following items:
  - (A) Depreciation, except that this shall not be applicable to publicly owned utility facilities, and the salvage value of any materials or parts salvageable and retained by the utility;
  - (B) The amount of any betterment to the utility facility resulting from the removal, relocation, replacement, or reconstruction;
  - (C) In the case of a privately owned utility facility only, the first \$10,000 of the expense of such work;
  - (D) The balance of the cost, in the case of a privately owned utility facility only, shall be paid one-half by the owner thereof, and the remaining one-half shall be the amount payable out of state or county funds.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 26, 1981.)

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\*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.