

## ACT 12

H.B. NO. 2428

A Bill for an Act Relating to Highways.

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

SECTION 1. Section 264-1, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) All roads, alleys, streets, ways, lanes, bikeways, ~~and~~ bridges, and all other real property highway related interests in the State, opened, laid out, ~~or~~ subdivided, consolidated, and acquired and built by the government are declared to be public highways. Public highways are of two types:

- (1) State highways, which are those lands, interests, or other real property rights, as defined above, having an alignment or possession of a real property highway related interest as established by law, subdivided and acquired in accordance with policies and procedures of the department of transportation, separate and exempt from any county subdivision ordinances, and all those under the jurisdiction of the department of transportation; and
- (2) County highways, which are all other public highways.”

SECTION 2. Section 264-23, Hawaii Revised Statutes, is amended to read as follows:

“**§264-23 Duties of director.** The director of transportation shall:

- (1) Select, designate, acquire, or lay out, in compliance with the requirements of the Federal Highway Act, a system or systems of highways in the State, upon which federal-aid funds may or are to be expended, together with state or county funds, or both[-];
- (2) Alter, modify, ~~or~~ revise, or acquire new or additional real property interests in support of the system or systems or any portion or portions thereof, to such extent as may be required by the administrator under the Federal Highway Act[-]; provided the alteration, modification, ~~or~~ revision, or acquisition of new or additional real property interests is not forbidden by the laws of the State[-] and exempt from any county subdivision ordinances;
- (3) Prepare, or cause to be prepared, and submit for approval to the administrator, ~~conformably to~~ in conformity with the Federal Highway Act, project statements setting forth proposed construction or reconstruction

of any highway or portion thereof upon which federal-aid funds are proposed or desired to be expended in connection with local funds; and upon approval of any of ~~[such] the~~ project statements, ~~[conformably to]~~ in conformity with the Federal Highway Act, prepare or cause to be prepared, and submit for approval to the administrator, ~~[such] the~~ surveys, plans, specifications, and estimates for the project embraced by ~~[such] the~~ statement, or any portion thereof, ~~[as] that~~ the administrator may require~~[-]~~:

- (4) Subject to the approval of the administrator, and ~~[conformably to]~~ in conformity with the Federal Highway Act, on behalf of the State, undertake, and enter into contracts for, the construction of the federal-aid projects, and the expenditure of federal-aid funds, together with local funds, upon the projects, and supervise the construction of the projects~~[-]~~; and
- (5) Undertake and perform any and all acts ~~[which shall be]~~ that are necessary or proper for the purpose of complying with the Federal Highway Act and securing the benefits of federal-aid for highways which the State is eligible to receive under the Federal Highway Act.

The director may designate in writing a qualified subordinate who may sign vouchers, make routine reports, and perform ~~[such] any~~ other routine duties ~~[as] that~~ the director may deem necessary to delegate. All acts of the subordinate shall be performed under the direction of the director, who shall be responsible therefor.”

SECTION 3. Section 264-29, Hawaii Revised Statutes, is amended to read as follows:

**“§264-29 Council’s authority.** The council of a county ~~[may]~~, by resolution adopted in the manner required by law relating to resolutions involving the expenditure of public money, may place under the control and at the disposal of the director of transportation any funds of the county expendable for construction or reconstruction of highways within the county for the purpose of securing or attempting to secure federal aid for the construction or reconstruction, as a federal-aid project, of any highway or portion thereof eligible for federal aid within the county. The council ~~[shall]~~, whenever an appropriation for the construction of any highway or portion thereof lying within the system or systems of highways eligible for federal aid, as designated from time to time by the governor and the administrator under the provisions of the Federal Highway Act, as amended, is made by it, by resolution shall place ~~[such] the~~ appropriation under the control of the director for the purpose of constructing ~~[such] the~~ highway or portion thereof as a federal-aid project.

The council, by the resolution, shall also grant the director of transportation exemptions from county subdivision requirements in order to expedite and make efficient the expenditure of public money.”

SECTION 4. Section 264-43, Hawaii Revised Statutes, is amended to read as follows:

**“§264-43 Responsibility.** The department of transportation shall acquire, subdivide, consolidate, construct, maintain, and administer all highways comprising the state highway system~~[-]~~ in accordance with all state and federal laws and exempt from county subdivision ordinances.”

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

**SECTION 6.** This Act shall take effect upon its approval.  
(Approved April 14, 2008.)