

ACT 218

S.B. NO. 3010

A Bill for an Act Relating to Transportation.

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

SECTION 1. The legislature finds that the department of transportation is charged with the implementation of the bridge rehabilitation and replacement program for bridges with a sufficiency rating of less than eighty to be designed and constructed. There are currently seven hundred fifty-six state-owned bridges, of which two hundred fifty-six are functionally obsolete and thirty-nine are structurally deficient. Functionally obsolete bridges are defined as bridges with geometric deficiencies such as being too narrow. Structurally deficient bridges are defined as bridges with a poor assessment of the structural condition of the bridge, including the waterway opening adequacy.

There are currently thirty bridges under the jurisdiction of the department of transportation that are either functionally obsolete or structurally deficient and that are in the design phase that are planned for rehabilitation and replacement, in addition to the Hana highway bridge preservation plan, which needs to move forward for construction.

The purpose of this Act is to expedite construction projects for the bridge rehabilitation and replacement program by providing temporary exemptions from certain state and county requirements.

SECTION 2. Beginning July 1, 2012, and ending June 30, 2017, the department of transportation and any of its contractors shall be exempt from state requirements under the following, but only to the extent necessary to expedite the projects enumerated under section 3 of this Act:

- (1) Chapter 6E, Hawaii Revised Statutes, historic preservation;
- (2) Part II of chapter 171, Hawaii Revised Statutes, public lands;
- (3) Chapter 174C, Hawaii Revised Statutes, state water code;
- (4) Chapter 180, Hawaii Revised Statutes, soil and water conservation districts;
- (5) Chapter 180C, Hawaii Revised Statutes, soil erosion and sediment control;
- (6) Chapter 183, Hawaii Revised Statutes, forest reserves, water development, and zoning;
- (7) Chapter 183D, Hawaii Revised Statutes, wildlife;
- (8) Chapter 184, Hawaii Revised Statutes, state parks and recreation areas;

- (9) Chapter 195, Hawaii Revised Statutes, natural area reserves system;
- (10) Chapter 195D, Hawaii Revised Statutes, conservation of aquatic life, wildlife, and land plants;
- (11) Chapter 198D, Hawaii Revised Statutes, Hawaii statewide trail and access system;
- (12) Chapter 205, Hawaii Revised Statutes, land use commission;
- (13) Chapter 205A, Hawaii Revised Statutes, coastal zone management;
- (14) Chapter 341, Hawaii Revised Statutes, environmental quality control;
- (15) Chapter 342B, Hawaii Revised Statutes, air pollution;
- (16) Chapter 342D, Hawaii Revised Statutes, water pollution;
- (17) Chapter 342E, Hawaii Revised Statutes, nonpoint source pollution management and control;
- (18) Chapter 342F, Hawaii Revised Statutes, noise pollution;
- (19) Chapter 343, Hawaii Revised Statutes, environmental impact statements; and
- (20) Chapter 344, Hawaii Revised Statutes, state environmental policy.

SECTION 3. The following bridges and projects shall be exempt from the requirements specified under section 2 of this Act:

- (1) Farrington highway, replacement of Maipalaoa bridge, on Oahu;
- (2) Farrington highway, replacement of Makaha bridges numbers 3 and 3A, on Oahu;
- (3) Kalaniana'ole highway, Inoaole stream bridge replacement, in Waimanalo, Oahu;
- (4) Kamehameha highway, Kaipapau stream bridge, on Oahu;
- (5) Hawaii belt road, Umauma stream bridge, on Hawaii;
- (6) Waiehu beach road, Iao stream bridge rehabilitation, vicinity of Wailuku, on Maui;
- (7) Kaumualii highway, Omao bridge rehabilitation, on Kauai;
- (8) Kuhio highway, Kapaia bridge replacement, on Kauai;
- (9) Kamehameha highway, south Kahana stream bridge replacement, on Oahu;
- (10) Hana highway bridge preservation plan and projects, on Maui; and
- (11) Kamehameha Highway, Franklin D. Roosevelt Bridge rehabilitation, on Oahu.

SECTION 4. If the construction of a project granted an exemption under this Act is not completed by June 30, 2017, the governor may authorize in writing before that date the continuation of construction of the project until completion. If so authorized, the project shall continue to be exempt as provided under this Act.

SECTION 5. If any part of this Act is found to be in conflict with federal requirements that are a prescribed condition for the allocation of federal funds to the State, the conflicting part of this Act is inoperative solely to the extent of the conflict and with respect to the agencies directly affected, and this finding shall not affect the operation of the remainder of this Act in its application to the agencies concerned. The rules under this Act shall meet federal requirements that are a necessary condition to the receipt of federal funds by the State.

SECTION 6. This Act shall take effect on July 1, 2012.

(Approved July 5, 2012.)