HOUSE OF REPRESENTATIVES
TWENTY-FOURTH LEGISLATURE, 2007
STATE OF HAWAII

H.B. NO. 1608 S.D. 3

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Chapter 264, Hawaii Revised Statutes, is amended by adding a new section to part I to be appropriately designated and to read as follows:

"**§264- Emergency powers; traffic emergency zones.** (a) Notwithstanding any law to the contrary, if the governor or state director of transportation, in the case of a state highway, or the mayor of a county or the county director of transportation, in the case of a county highway, determines that substantial endangerment to public health and safety is or will be caused by the temporary closure of, or the lack of adequate access to, an area by a county highway or a state highway as defined under section 264-1(a), which requires immediate action, the governor or state director of transportation, in the case of a state highway, or a mayor of a county or the county director of transportation, in the case of a county highway, without a public hearing, may designate the area to be a traffic emergency zone, and may take any action that may be necessary until access to the designated area has been established. The designation

1 shall fix a place and time, not later than twenty-four hours
2 thereafter, for a hearing to be held before the state director
3 of transportation, or the county director of transportation, as
4 the case may be.
5 (b) Upon designation of an area as a traffic emergency
6 zone by the governor or the state director of transportation, or
7 the mayor of a county or the county director of transportation:
8 (1) State or county highway or street improvements,
9 including but not limited to new construction,
10 reconstruction, preservation, resurfacing,
11 restoration, or rehabilitation of any highway, bridge,
12 principal and minor arterial roads, collector and
13 local roads, or streets, may be undertaken without
14 regard to chapter 103D;
15 (2) All structures and improvements to land to be used for
16 state or county highway or street purposes:
17 (A) May be planned, designed, and constructed by the
18 appropriate state or county department without
19 the approval of county agencies; and
20 (B) Shall be exempt from any county permitting
21 requirements; and
22 (3) The state department of transportation or county
23 department of transportation, as the case may be, may

1 acquire and designate cane haul roads as state or
2 county highways, as applicable; provided that the use
3 of cane haul roads as state or county highways shall
4 be for temporary purposes only for a period of time as
5 determined by the state or county director of
6 transportation, as applicable but for no longer than
7 the public health and safety requires.
8 (c) Any other law to the contrary notwithstanding, any
9 decision under this section by the governor, the department of
10 transportation, the mayor of a county, the transportation
11 department of a county, or any officers, employees, or agents of
12 the State or a county, shall not give rise to a cause of action
13 or claim against:
14 (1) The State or counties;
15 (2) The state department of transportation;
16 (3) The county department of transportation; or
17 (4) Any officer, employee, or agent of an entity under
18 paragraphs (1) to (3);
19 (d) There shall be a qualified standard of care of the
20 common-law emergency doctrine that shall apply to a claim of
21 negligence in any design, construction, repair, and correction
22 undertake pursuant to this section.

1 (e) Where a cane haul road is designated as a state or
2 county highway under subsection (b)(3), the State or county, as
3 the case may be, shall indemnify the owner of the cane haul road
4 from any liability that may arise out of the use of such cane
5 haul road when designated as a state highway.
6 (f) For the purposes of this section:
7 "Cane haul roads" means an agricultural system of roads or
8 ways established to take agricultural products from the fields
9 to processing facilities without using the public highways.
10 "County highway" shall have the same meaning as in section
11 264-1(a).
12 "State highway" shall have the same meaning as in section
13 264-1(a).
14 "Traffic emergency zone" means an area that is accessible
15 by a single state highway and whose accessibility would be
16 compromised by major motor vehicle accidents, fires, floods,
17 erosion, or other factors that would cause the closure of a
18 state or county highway.
19 (g) Each designation of a traffic emergency zone shall
20 expire within five years."
21 SECTION 2. New statutory material is underscored.
22 SECTION 3. This Act shall take effect upon approval.

Report Title:
Transportation; Highways; Highway Access

Description:
Allows for the establishment of traffic emergency zones to provide highway access to designated areas. (SD3)