
A BILL FOR AN ACT

RELATING TO TRANSFER OF STATE HIGHWAYS.

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

1 SECTION 1. The legislature finds that the State's current
2 fiscal crisis necessitates an abolition of duplicative state and
3 county functions. The state department of transportation and
4 the department of public works of the county of Maui share
5 overlapping functions for the maintenance of highways. The
6 legislature further finds that counties are more economically
7 efficient at providing highway functions inasmuch as the
8 highways are inherently a county function in Hawaii, which does
9 not have an interstate highway system similar to mainland
10 states.

11 The purpose of this Act is to establish a pilot project to:

- 12 (1) Provide for the transfer of all state highway
13 maintenance functions on Maui, Molokai, and Lanai to
14 the county of Maui; and
- 15 (2) Transfer applicable funding for the maintenance of
16 state highways in the county of Maui from the State to
17 Maui county.



1 SECTION 2. **Pilot project established.** There is
2 established a pilot project to transfer all state highway
3 jurisdiction and functions relating to the maintenance of state
4 highways located on Maui, Molokai, and Lanai to the county of
5 Maui, and to transfer applicable funding for the maintenance of
6 state highways from the State to Maui county in accordance with
7 this Act.

8 SECTION 3. **Definitions.** For purposes of this Act:

9 "State highways" means every highway on Maui island,
10 Molokai island, and Lanai island that is under the jurisdiction
11 of the state department of transportation, highways division, as
12 of July 1, 2010, including but not limited to:

13 (1) Maui district:

14 (A) Route 30, Honoapiilani Highway, Intersection with
15 Kaahumanu Avenue (Route 32) in Wailuku to
16 Keawalua;

17 (B) Route 31, Piilani Highway, Intersection with
18 Mokulele Highway (Route 311) to Wailea;

19 (C) Route 32, Kaahumanu Avenue, Intersection with
20 Hana Highway (Route 36) near Kahului Harbor to
21 Wailuku;



- 1 (D) Route 36, Hana Highway, Kahului Harbor to
2 Intersection with Kaupakulua Road;
- 3 (E) Route 37, Haleakala Highway, Kahului Airport to
4 Intersection with Route 377 in Kula then
5 continuing on as Kula Highway;
- 6 (F) Route 310, North Kihei Road, Intersection with
7 Honoapiilani Highway (Route 30) to Intersection
8 with Mokulele Highway (Route 311) and Piilani
9 Highway (Route 31);
- 10 (G) Route 311, Mokulele Highway, Intersection with
11 Kuihelani Highway (Route 380) to Intersection
12 with North Kihei Road (Route 310);
- 13 (H) Route 340, Kahekili Highway, Intersection with
14 Waiehu Beach Road to Camp Maluhia;
- 15 (I) Route 360, Hana Highway, Continuation of Hana
16 Highway (Route 36) at Intersection with
17 Kaupakulua Road to Hana;
- 18 (J) Route 377, Haleakala Highway, Junction with Kula
19 Highway (Route 37) to Junction with Kekaulike
20 Avenue;
- 21 (K) Route 378, Haleakala Crater Road, Junction with
22 Kekaulike Avenue to Haleakala National Park; and



- 1 (L) Route 380, Kuihelani Highway, Intersection with
2 Honoapiilani Highway (Route 30) to Intersection
3 with Mokulele Highway (Route 311);
- 4 (2) Molokai district:
- 5 (A) Route 450, Kamehameha V Highway, Kaunakakai to
6 Halawa Valley;
- 7 (B) Route 460, Maunaloa Highway, Maunaloa Village to
8 Kaunakakai;
- 9 (C) Route 465, Airport Loop off Maunaloa Highway
10 (Route 460);
- 11 (D) Route 470, Kalae Highway, Intersection with
12 Maunaloa Highway (Route 460) to Kalaupapa
13 Lookout; and
- 14 (E) Route 480, Puupeelua Avenue, Intersection with
15 Maunaloa Highway to Intersection with Farrington
16 Avenue;
- 17 and
- 18 (3) Lanai district:
- 19 (A) Route 440, Kaumalapau Highway, Kaumalapau Harbor
20 to intersection with Manele Road in Lanai City
21 continuing on Manele Road to Hulopoe Beach Park.



1 SECTION 4. **Transfer of functions.** No later than
2 January 1, 2011, the jurisdiction, functions, powers, duties,
3 and authority heretofore exercised by the state department of
4 transportation relating to the maintenance of state highways
5 located in the county of Maui shall be transferred to and
6 conferred upon the department of public works of the county of
7 Maui by this Act until this Act is repealed at which time the
8 jurisdiction, functions, powers, duties, and authority shall
9 revert to the state department of transportation.

10 The department of public works of the county of Maui shall
11 succeed to all of the rights and powers previously exercised,
12 and all the duties and obligations incurred by the state
13 department of transportation in the exercise of the functions,
14 powers, duties, and authority transferred, whether such
15 functions, powers, duties, and authority are mentioned in or
16 granted by law, contract, or other document.

17 All rules, policies, procedures, guidelines, and other
18 material adopted or developed by the state department of
19 transportation relating to the maintenance of state highways
20 located in the county of Maui that are made applicable to the
21 department of public works of the county of Maui shall remain in
22 full force and effect, including during the duration of the



1 pilot project established under this Act, except as provided
2 under section 8. Effective July 1, , every reference to the
3 state department of transportation highways division or the
4 director of transportation shall be construed as a reference to
5 the department of public works or the director of public works
6 of the county of Maui, as appropriate.

7 All deeds, leases, contracts, loans, agreements, permits,
8 or other documents executed or entered into by or on behalf of
9 the state department of transportation highways division
10 pursuant to the provisions of the Hawaii Revised Statutes, that
11 are made applicable to the department of public works of the
12 county of Maui shall remain in full force and effect, including
13 during the duration of the pilot project established under this
14 Act.

15 SECTION 5. **Transfer of department functions, officers, and**
16 **employees.** Concurrent with the transfer of jurisdiction over
17 the maintenance of state highways to the county of Maui, all
18 rights, powers, functions, and duties of the state department of
19 transportation with respect to the transfer of the maintenance
20 of state highways shall be transferred to the department of
21 public works of the County of Maui until this Act is repealed at



1 which time the rights, powers, functions, and duties shall
2 revert to the state department of transportation.

3 All officers and employees whose functions are transferred
4 by this Act shall be transferred with their functions and shall
5 continue to perform their regular duties upon their transfer,
6 subject to the state personnel laws and this Act, until this Act
7 is repealed, at which time the officers and employees shall be
8 transferred back to the state department of transportation.

9 No officer or employee of the State having tenure shall
10 suffer any loss of salary, seniority, prior service credit,
11 vacation, sick leave, or other employee benefit or privilege as
12 a consequence of this Act, and such officer or employee may be
13 transferred or appointed to a civil service position without the
14 necessity of examination; provided that:

15 (1) The officer or employee possesses the minimum
16 qualifications for the position to which transferred
17 or appointed; and

18 (2) Subsequent changes in status may be made pursuant to
19 applicable civil service and compensation laws.

20 An officer or employee of the State who does not have
21 tenure and who may be transferred or appointed to a civil
22 service position as a consequence of this Act shall become a



1 civil service employee without the loss of salary, seniority,
2 prior service credit, vacation, sick leave, or other employee
3 benefits or privileges and without the necessity of examination;
4 provided that such officer or employee possesses the minimum
5 qualifications for the position to which transferred or
6 appointed.

7 If an office or position held by an officer or employee
8 having tenure is abolished, the officer or employee shall not
9 thereby be separated from public employment, but shall remain in
10 the employment of the State with the same pay and classification
11 and shall be transferred to some other office or position for
12 which the officer or employee is eligible under the personnel
13 laws of the State as determined by the state director of
14 transportation or the governor.

15 **SECTION 6. Transfer of records and appropriations.**

16 Concurrent with the transfer of jurisdiction over the
17 maintenance of state highways to the county of Maui, all
18 appropriations, records, equipment, machines, files, supplies,
19 contracts, books, papers, documents, maps, and other personal
20 property heretofore made, used, acquired, or held by the state
21 department of transportation relating to the functions
22 transferred to the department of public works of the county of



1 Maui shall be transferred with the functions to which they
2 relate, until this Act is repealed, at which time the
3 appropriations, records, equipment, machines, files, supplies,
4 contracts, books, papers, documents, maps, and other personal
5 property shall be transferred back to the state department of
6 transportation.

7 SECTION 7. **Federal funds, administration and transfer.**

8 (a) The highways division, or similar administrative division,
9 of the state department of transportation shall continue to
10 receive, transfer, or expend federal funds for state highways
11 located in the county of Maui, including during the duration of
12 the pilot project established under this Act.

13 (b) Concurrent with the transfer of jurisdiction over the
14 maintenance of state highways to the county of Maui, the state
15 director of transportation shall transfer to the county of Maui
16 all federal aid to the State that is to be used for highway
17 maintenance on state highways transferred to Maui county under
18 this Act. The state department of transportation shall do all
19 things necessary to ensure that federal aid to the State is
20 transferred to Maui county as appropriate for the use by Maui
21 county for state highways transferred to Maui county under this



1 Act, and that no federal funds are lost or jeopardized for this
2 use.

3 (c) It is the intent of this Act not to jeopardize the
4 receipt of any federal aid nor to impair the obligation of the
5 State or Maui county, or any agency respectively thereof, to the
6 holders of any bond issued by the State or by any such agency,
7 and to the extent, and only to the extent, necessary to
8 effectuate this intent, the governor or mayor of Maui, as
9 applicable, may modify the strict provisions of this Act, but
10 shall promptly report any such modification with reasons
11 therefor to the legislature at its next session thereafter for
12 review by the legislature.

13 SECTION 8. **Adoption of ordinances and rules.** The county
14 council of Maui may adopt ordinances and the department of
15 public works of the county of Maui may adopt administrative
16 rules relating to state highways, as defined in section 3 of
17 this Act, for the period of time the pilot project is in
18 existence; provided that ordinances shall be deemed to be
19 supplemental to provisions of the Hawaii Revised Statutes, and
20 county administrative rules shall be deemed to supersede state
21 administrative rules where a county rule is comprehensive so as
22 to be intended to be exclusive. In the absence of county



1 administrative rules, state administrative rules shall remain in
2 full force and effect.

3 **SECTION 9. Transfer of mandated programs; funding.**

4 Article VIII, section 5, of the Hawaii Constitution, relating to
5 state funding of mandated programs to the counties, shall be
6 deemed satisfied by the transfer of state appropriations and
7 federal funds from the State to the county of Maui under this
8 Act; provided that the county of Maui may request the
9 legislature to appropriate additional funds as necessary from
10 time to time to implement this Act.

11 **SECTION 10. Reports to legislature.** The state department
12 of transportation and the department of public works of the
13 county of Maui shall each report separately to the legislature
14 on the progress, problems, implementation, and other relevant
15 issues concerning the transfer of jurisdiction over the
16 maintenance of state highways to the county of Maui. The
17 reports shall be filed no later than twenty days prior to the
18 convening of the regular session immediately preceding the
19 repeal date of this Act.

20 **SECTION 11. Reversion to State on sunset.** On December 31,
21 2016, or at a later date as may be specified for a sunset
22 pursuant to amendment to this Act, the functions transferred by



1 this Act to the department of public works of the county of Maui
2 shall revert back to the state department of transportation,
3 including transfer of officers and employees, records and
4 appropriations, and federal funds transfers, on the same terms
5 and conditions as specified in this Act for the transfer from
6 the state department of transportation to the department of
7 public works of the county of Maui.

8 SECTION 12. This Act shall take effect on July 1, 2020,
9 and shall be repealed on December 31, 2016.



Report Title:

State Highways Maintenance; Transfer to Maui

Description:

Creates a pilot project to transfer jurisdiction of the maintenance of state highways in Maui county from the state Department of Transportation to the Maui County Department of Public Works. Effective July 1, 2020. (HB2301 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

