

S.B. NO. 1016

JAN 25 2017

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. Act 218, Session Laws of Hawaii 2012, is
2 amended by amending section 2 to read as follows:

3 "SECTION 2. Beginning July 1, 2012, and ending June 30,
4 [~~2017,~~] 2022, the department of transportation and any of its
5 contractors shall be exempt from state requirements under the
6 following, but only to the extent necessary to expedite the
7 projects enumerated under section 3 of this Act:

- 8 (1) Chapter 6E, Hawaii Revised Statutes, historic
9 preservation;
- 10 (2) Part II of chapter 171, Hawaii Revised Statutes,
11 public lands;
- 12 (3) Chapter 174C, Hawaii Revised Statutes, state water
13 code;
- 14 (4) Chapter 180, Hawaii Revised Statutes, soil and water
15 conservation districts;
- 16 (5) Chapter 180C, Hawaii Revised Statutes, soil erosion
17 and sediment control;

S.B. NO. 1016

- 1 (6) Chapter 183, Hawaii Revised Statutes, forest reserves,
2 water development, and zoning;
- 3 (7) Chapter 183D, Hawaii Revised Statutes, wildlife;
- 4 (8) Chapter 184, Hawaii Revised Statutes, state parks and
5 recreation areas;
- 6 (9) Chapter 195, Hawaii Revised Statutes, natural area
7 reserves system;
- 8 (10) Chapter 195D, Hawaii Revised Statutes, conservation of
9 aquatic life, wildlife, and land plants;
- 10 (11) Chapter 198D, Hawaii Revised Statutes, Hawaii
11 statewide trail and access system;
- 12 (12) Chapter 205, Hawaii Revised Statutes, land use
13 commission;
- 14 (13) Chapter 205A, Hawaii Revised Statutes, coastal zone
15 management;
- 16 (14) Chapter 341, Hawaii Revised Statutes, environmental
17 quality control;
- 18 (15) Chapter 342B, Hawaii Revised Statutes, air pollution;
- 19 (16) Chapter 342D, Hawaii Revised Statutes, water
20 pollution;
- 21 (17) Chapter 342E, Hawaii Revised Statutes, nonpoint source
22 pollution management and control;

S.B. NO. 1016

1 (18) Chapter 342F, Hawaii Revised Statutes, noise
2 pollution;

3 (19) Chapter 343, Hawaii Revised Statutes, environmental
4 impact statements; and

5 (20) Chapter 344, Hawaii Revised Statutes, state
6 environmental policy."

7 SECTION 2. Act 218, Session Laws of Hawaii 2012, is
8 amended by amending section 4 to read as follows:

9 "SECTION 4. If the construction of a project granted an
10 exemption under this Act is not completed by June 30, [~~2017,~~
11 2022, the governor may authorize in writing before that date the
12 continuation of construction of the project until
13 completion. If so authorized, the project shall continue to be
14 exempt as provided under this Act."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: 

20

BY REQUEST

S.B. NO. 1016

Report Title:

Transportation; Bridges; Exemptions

Description:

Temporarily exempts the Department of Transportation and its contractors from certain state requirements for certain bridge rehabilitation projects by extending the end date to June 30, 2022.

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

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO TRANSPORTATION.

PURPOSE: Extend the end date from June 30, 2017, to June 30, 2022, that temporarily exempts Department of Transportation and its contractors from certain state requirements for certain bridge rehabilitation projects.

MEANS: Amend Act 218, Session Laws of Hawaii 2012, sections 2 and 4 by extending the end date from June 30 2017 to June 30, 2022.

JUSTIFICATION: The Department of Transportation Highways Division is responsible for providing a safe, efficient, and effective land transportation system for the safe movement of people and goods. A critical and vital component of the land transportation system is the hundreds of bridges that span the many streams, rivers, and gulches across the islands. Because much of the islands' roadways were built decades ago on a belt system, many bridges were built to support the belt system and have become aged and obsolete. The belt system is vital to the economy of the islands and state as in many locations is the only route to, from and between communities as well as areas on opposite sides of the islands. The DOT however, has not been able to keep pace with the increasing need to upgrade and/or replace the aging bridges. The bridges will continue to deteriorate with time and as travel demands increase, and costs to reconstruct, replace, upgrade and maintain increase.

The purpose of Act 218 was to expedite construction of projects for the bridge rehabilitation and replacement program and provide temporary exemptions from certain state and county requirements. Act 218 became effective on July 1, 2012, and the exemption will expire on June 30, 2017, by

which time, construction of any bridge project using these temporary exemptions will need to be completed.

To make the most efficient use of state funding, the DOT leverages the federal aid highway program to finance the bridge rehabilitation and replacement program. As a condition to the federal aid funds, the DOT is required to comply with federal environmental regulations and requirements including the National Environmental Policy Act, section 106, section 7, and section 4(f), and is in addition to compliance with state and county environmental laws. These regulations are process oriented requirements and is time consuming.

The time extension of Act 218 will allow the DOT to continue moving forward with the listed bridge rehabilitation and replacement projects through completion of construction and provide for the most efficient manner to do so. Should the time extension not be approved, the DOT will be required to restart the design and environmental process for these projects to comply with state and county environmental regulations, which will delay the completion of construction.

Impact on the public: The extension of the bridges exemption will allow DOT to fully complete the construction and replacement of aging bridges from the various bridge rehabilitation projects and provide safer bridges for the driving public.

Impact on the department and other agencies: The extension will allow the DOT to continue moving forward with the listed bridge rehabilitation and replacement projects through completion of construction and provide for the most efficient manner to do so. In addition, the extension will prevent delays in construction schedules if the projects are not forced to start from the beginning if the extension is not granted.

GENERAL FUND: None.

OTHER FUNDS: None.

PBS PROGRAM
DESIGNATION: TRN 595.

OTHER AFFECTED
AGENCIES: None.

EFFECTIVE DATE: Upon approval.