
A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF TRANSPORTATION.

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

1 SECTION 1. The legislature finds that roadways that are
2 substandard and unsafe threaten the health and safety of anyone
3 using or living adjacent to these roads. While the State and
4 county maintain certain roads within their respective
5 jurisdictions, there are many private roads that are unsafe but
6 widely used the general public. Impact fees are a useful tool
7 in paying for capital costs associated with development, however
8 that tool is primarily used by the counties through an
9 ordinance.

10 The purpose of this Act is to allow the department of
11 transportation to assess impact fees for the repair or
12 renovation of an unsafe roadway that is used by the public that
13 is a substantial danger to public health and safety.

14 SECTION 2. Section 264-123, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "~~§~~264-123~~§~~ **Authority to assess impact fees; needs**
17 **assessment study.** (a) A county may assess, impose, levy,



1 collect, and transfer to the department impact fees for any
2 development pursuant to ordinances adopted under section 46-142
3 and this part, and the department is authorized to receive those
4 funds for state highway improvements.

5 (b) Notwithstanding subsection (a) and section 46-142, the
6 department may assess, impose, levy, and collect impact fees for
7 capital costs relating to the development of state highway
8 improvements when the department determines that a privately
9 owned roadway that connects to a state highway that is commonly
10 used by the public is a substantial danger to the public health
11 and safety. Once the department makes the determination that a
12 privately owned roadway pursuant to this subsection is
13 substantially dangerous to the public, the department may
14 require the private roadway owner to address the issue causing
15 the road to be substantially dangerous to the public.

16 ~~[(b)]~~ (c) Prior to the assessment, imposition, levy,
17 collection, or transfer to the department of impact fees
18 pursuant to this section, the director shall approve a needs
19 assessment study that shall identify the kinds of state highway
20 improvements for which the fees shall be imposed by the county
21 pursuant to part VIII of chapter 46."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2050.



Report Title:

DOT; Impact Fees; Private Roadways

Description:

Allows the department of transportation to assess impact fees for the repair or renovation of an unsafe, privately owned roadway that connects to a state highway that is used by the public that is a substantial danger to public health and safety. Effective 7/1/2050. (HD1)

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