

EXHIBIT 1

Public Law 101-510
101st Congress

An Act

To authorize appropriations for fiscal year 1991 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe personnel strengths for such fiscal year for the Armed Forces, and for other purposes.

Nov. 5, 1990
[H.R. 4739]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE

This Act may be cited as the “National Defense Authorization Act for Fiscal Year 1991”.

National
Defense
Authorization
Act for Fiscal
Year 1991.

SEC. 2. ORGANIZATION OF ACT INTO DIVISIONS; TABLE OF CONTENTS

(a) DIVISIONS.—This Act is organized into four divisions as follows:

- (1) Division A—Department of Defense Authorizations.
- (2) Division B—Military Construction Authorizations.
- (3) Division C—Department of Energy National Security Authorizations and Other Authorizations.
- (4) Division D—Economic Adjustment, Diversification, Conversion, and Stabilization.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

- Sec. 1. Short title.
Sec. 2. Organization of Act into divisions; table of contents.
Sec. 3. Congressional defense committees defined.

DIVISION A—DEPARTMENT OF DEFENSE AUTHORIZATIONS

TITLE I—PROCUREMENT

PART A—FUNDING AUTHORIZATIONS

- Sec. 101. Army.
Sec. 102. Navy and Marine Corps.
Sec. 103. Air Force.
Sec. 104. Defense Agencies.
Sec. 105. Defense Inspector General.
Sec. 106. Reserve components.
Sec. 107. Chemical demilitarization program.
Sec. 108. Multiyear authorizations.
Sec. 109. Repeal of prior milestone authorizations.

PART B—B-2 AIRCRAFT PROGRAM

- Sec. 121. Limitation on obligations.

PART C—OTHER STRATEGIC PROGRAMS

- Sec. 131. SRAM II missile program.
Sec. 132. Ground-wave emergency network.
Sec. 133. B-1B Aircraft program.
Sec. 134. Prohibition on obligation or expenditure of fiscal year 1990 funds for MX Rail Garrison procurement.
Sec. 135. Report on alternative MX missile test plans.
Sec. 136. Limitation on advance procurement of advanced cruise missile.
Sec. 137. Limitation on obligation of funds for KC-135R aircraft program.

TITLE XXV—NORTH ATLANTIC TREATY ORGANIZATION
INFRASTRUCTURE

- Sec. 2501. Authorized NATO construction and land acquisition projects.
- Sec. 2502. Authorization of appropriations, NATO.
- Sec. 2503. Study and report by the Secretary of Defense.

TITLE XXVI—GUARD AND RESERVE FORCES FACILITIES

- Sec. 2601. Authorized Guard and Reserve construction and land acquisition projects.

TITLE XXVII—EXPIRATION OF AUTHORIZATIONS

- Sec. 2701. Expiration of authorizations.

TITLE XXVIII—GENERAL PROVISIONS

PART A—CONSTRUCTION, LEASING, IMPROVEMENTS, DISPOSAL, AND UTILIZATION OF
MILITARY INSTALLATIONS AND FACILITIES

- Sec. 2801. Dual basing.
- Sec. 2802. Limitation on construction at Crotone, Italy.
- Sec. 2803. Restrictions on leasing in the national capital region.
- Sec. 2804. Operation and control of the Pentagon Reservation.
- Sec. 2805. Revenue from transfer or disposal of Department of Defense real property.
- Sec. 2806. Revenue from leasing out Department of Defense assets.
- Sec. 2807. Sense of Congress concerning a military construction moratorium.

PART B—MILITARY CONSTRUCTION PROGRAM CHANGES

- Sec. 2811. One-year extension of military housing rental guarantee program.
- Sec. 2812. Family housing improvement threshold.

PART C—LAND TRANSACTIONS

- Sec. 2821. Land conveyance, Redstone Arsenal, Alabama.
- Sec. 2822. Release and conveyance, Reserve Center at Little Rock, Arkansas.
- Sec. 2823. Land conveyance, Naval Weapons Station, Concord, California.
- Sec. 2824. Lease at Hunters Point Naval Shipyard, San Francisco, California.
- Sec. 2825. Transfer of lands, Pinon Canyon, Colorado.
- Sec. 2826. Land conveyance, Cape Henlopen, Delaware.
- Sec. 2827. Land conveyance, Eglin Air Force Base, Florida.
- Sec. 2828. Land conveyance, Naval Air Station, Cecil Field, Jacksonville, Florida.
- Sec. 2829. Land exchange, Fort Benning, Georgia.
- Sec. 2830. Land conveyance, Robins Air Force Base, Georgia.
- Sec. 2831. Land conveyance, Dillingham Military Reservation, Hawaii.
- Sec. 2832. Land conveyance, South Bend, Indiana.
- Sec. 2833. Land exchange, Lexington Park, Maryland.
- Sec. 2834. Land exchange at Marine Corps Finance Center, Kansas City, Missouri.
- Sec. 2835. Exchange of interests, Camp Withycombe, Oregon.
- Sec. 2836. Conveyance at Fort Douglas, Utah.
- Sec. 2837. Land conveyance, Naval Reserve Center, Burlington, Vermont.
- Sec. 2838. Land transfer, Arlington, Virginia.
- Sec. 2839. Land conveyance, Fort A.P. Hill Military Reservation, Virginia.
- Sec. 2840. Easement conveyance, Fort Lawton, Seattle, Washington.

PART D—DEPARTMENT OF DEFENSE ENERGY SAVINGS

- Sec. 2851. Department of Defense energy savings program.
- Sec. 2852. Technical amendments.

PART E—MISCELLANEOUS PROVISIONS

- Sec. 2861. Relocation of the Florida Solar Energy Center.
- Sec. 2862. Modification of height restriction in aviation easement.
- Sec. 2863. Henderson Hall, Arlington, Virginia.
- Sec. 2864. Additional authority for lease-purchase.
- Sec. 2865. Sale of aggregate, Naval Air Station, Miramar, California.
- Sec. 2866. Study to evaluate joint military-civilian use of military airfields.
- Sec. 2867. Negotiations for joint civilian and military use of the airfield at Wheeler Air Force Base, Hawaii.
- Sec. 2868. Extension of termination date for land conveyance at Eglin Air Force Base, Florida.

United States. The Secretary shall deposit any such amount into the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(c) **LEGAL DESCRIPTION OF LANDS.**—The exact acreages and legal descriptions of the lands to be conveyed under this section shall be determined by surveys satisfactory to the Secretary. The cost of the surveys shall be borne by the City.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the transactions authorized by this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2830. LAND CONVEYANCE, ROBINS AIR FORCE BASE, GEORGIA

(a) **IN GENERAL.**—Subject to subsections (b) through (e), the Secretary of the Air Force may sell and convey all right, title, and interest of the United States in and to a parcel of real property, including improvements thereon, consisting of a total of approximately 70 acres, and comprising a portion of Robins Air Force Base, Georgia.

(b) **COMPETITIVE BID REQUIREMENT, MINIMUM SALE PRICE.**—(1) The Secretary shall use competitive procedures for the sale of property referred to in subsection (a).

(2) In no event may any of the property referred to in subsection (a) be sold for an amount less than the fair market value, as determined by the Secretary.

(c) **USE OF PROCEEDS.**—The Secretary shall deposit proceeds received from the sale of property authorized by this section in the special account established pursuant to section 204(h) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C 485(h)).

(d) **LEGAL DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property to be conveyed under subsection (a) shall be determined by a survey that is satisfactory to the Secretary. The cost of such survey shall be borne by the purchaser.

(e) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with any transaction authorized by this section as the Secretary considers appropriate to protect the interests of the United States.

SEC. 2831. LAND CONVEYANCE, DILLINGHAM MILITARY RESERVATION, HAWAII

(a) **IN GENERAL.**—Subject to subsections (b), (c), and (d), the Secretary of the Army shall convey to the State of Hawaii, without consideration, all right, title, and interest of the United States in and to a parcel of land, together with improvements thereon, consisting of approximately 87 acres, that comprises a portion of Dillingham Military Reservation at Mokuleia, Hawaii, and which was previously ceded, without consideration, to the United States by the State of Hawaii for use by the Armed Forces of the United States.

(b) **CONDITION.**—The conveyance authorized by subsection (a) shall be made on condition that the State of Hawaii enter into an agreement with the Secretary of the Army that is acceptable to the Secretary and provides for joint civilian and military use of the property as an airfield by the State of Hawaii and the Army.

(c) **DESCRIPTION OF PROPERTY.**—The exact acreage and legal description of the property referred to in subsection (a) shall be

determined by a survey satisfactory to the Secretary. The cost of the survey shall be borne by the State of Hawaii.

(d) **ADDITIONAL TERMS AND CONDITIONS.**—The Secretary may require such additional terms and conditions in connection with the conveyance under this section as the Secretary determines appropriate to protect the interests of the United States.

SEC. 2832. LAND CONVEYANCE, SOUTH BEND, INDIANA

(a) **IN GENERAL.**—Subject to subsections (b) through (f), the Secretary of the Army shall convey to the Civic Foundation, Incorporated, a not-for-profit corporation organized and operating pursuant to the laws of the State of Indiana, or the City of South Bend, Indiana, or to both, all right, title, and interest of the United States in and to real property aggregating approximately 4.15 acres, including improvements thereon, located at 1733 East Northside Boulevard, South Bend, Indiana, and known as the Northside Army Reserve Training Center.

(b) **CONSIDERATION.**—(1) In consideration for the conveyance made under subsection (a), the Civic Foundation or the City, as the case may be, shall, in accordance with the agreement required by subsection (c), be required to—

(A) convey to the United States all right, title, and interest in and to a parcel of real property of approximately eight acres, together with improvements thereon, located at 2402 Rose Street, South Bend, Indiana, and known as the Maple Lane School;

(B) repair and rehabilitate the Maple Lane School in accordance with plans and specifications approved by the Secretary;

(C) construct an access driveway to the Maple Lane School property from Ironwood Drive; and

(D) design to Department of the Army standards and construct additional improvements on the Maple Lane School property in accordance with the requirements, and subject to the approval, of the Secretary.

(2) The cost of the repair, rehabilitation, construction work, and other improvements carried out under subparagraphs (B), (C), and (D) of paragraph (1) (including but not limited to the cost of any and all architectural, engineering design, environmental assessment and remediation, construction financing, and all legal and inspection fees for the additional improvements) shall be paid as follows:

(A) The Civic Foundation or the City, or both, shall pay a total of \$500,000. Any funds expended by the Civic Foundation or the City pursuant to obligations under paragraph (1) before the execution of the agreement required by subsection (c) shall be considered as part of this payment.

(B) After payment by the Civic Foundation or the City, or both, as provided in subparagraph (A), the Secretary of the Army shall pay any remaining amount necessary to complete the work described in subparagraphs (B), (C), and (D) of paragraph (1), out of funds available for such purpose.

(3) The amount of \$397,000 is hereby authorized to be appropriated to pay for the design and construction of improvements authorized by paragraph (1)(D).

(c) **AGREEMENT.**—In order to implement this section, the Secretary shall enter into an agreement with the Civic Foundation or the City, or both.

EXHIBIT 2

ACT 276

H.B. NO. 1679

A Bill for an Act Relating to Dillingham Airfield.

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

SECTION 1. Chapter 261, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§261- **Kawaihapai airfield.** The official name of the airfield located at Kawaihapai, formerly known as Dillingham airfield, shall be Kawaihapai airfield.”

SECTION 2. New statutory material is underscored.¹

SECTION 3. This Act shall take effect upon the completion of the transfer of the airfield back to the State by the United States Army.

(Approved June 25, 2001.)

Note

1. Edited pursuant to HRS §23G-16.5.

EXHIBIT 3

§29-15.5 Indemnification of federal agencies. (a) To receive federal aid, assistance, support, benefits, services, and interests in or rights to use federal property, a state agency may agree in writing to an indemnity provision by which the State agrees to indemnify, defend, and hold harmless a United States agency, its officers, agents, and employees when all of the following conditions are satisfied:

- (1) Federal law expressly or by clear implication requires the indemnity provision;
- (2) The governor, following a favorable review by the department of the attorney general, approves the State's proposed indemnification; and
- (3) The comptroller, pursuant to chapter 41D, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the State that reasonably may be anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the State to obtain insurance.

(b) An indemnity provision not in strict compliance with this section shall not give rise to a claim against the State under chapter 661 or otherwise waive the State's sovereign immunity.

(c) This section shall not affect sections 201H-152(b)(2), 212-7, or 523A-64. [L 1997, c 168, §1; am L 1998, c 11, §2; am L 2007, c 249, §5]

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EXHIBIT 4

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-13
Hawaii Administrative Rules
January 14, 2002

SUMMARY

1. §19-13-8.1 is amended.
2. Chapter 19-13 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 13

AIRCRAFT OPERATIONS AT PUBLIC AIRPORTS

§19-13-1	Purpose
§19-13-2	Definitions
§19-13-3	Uses and activities; prohibitions; restrictions; limitations; requirements
§19-13-3.1	Lifts used to board airline passengers with mobility impairments ("lifts")
§19-13-4	Starting, taxiing, and towing of aircraft
§19-13-5	Repealed
§19-13-5.1	Repealed
§19-13-6	Aircraft parking
§19-13-7	Helicopters
§19-13-8	Motorless aircraft
§19-13-8.1	Kapalua Airport
§19-13-9	Enforcement
§19-13-10	Penalty
§19-13-11	Severability
§19-13-12	Repeal

Historical note. This chapter is based substantially on part III of the rules and regulations pertaining to airports. [Eff 8/1/73; R 8/10/81]

§19-13-1 Purpose. The purpose of this chapter is to insure, to the general public and air carriers, safe and orderly aircraft operations at public airports in the State of Hawaii. [Eff 8/10/84; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Air carrier" means any person engaged for hire in the business of carrying passengers or cargo, or mail, by air.

"Aircraft" means any and all airplanes, airships, dirigibles, helicopters, gliders, amphibians and seaplanes and any other contrivances now or hereafter used for the navigation of or flight in air space.

"Aircraft parking and storage areas" mean any portion of a public airport, designated temporarily or permanently by the director, that may be used for the parking and storing of aircraft, for the servicing of aircraft with fuel, lubricants and other supplies and for the making of minor or emergency repairs to aircraft.

"Cargo ramp and apron areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the loading and unloading of cargo, mail and supplies on or off aircraft; for the servicing of aircraft with fuel and lubricants; for the performing of the operations commonly known as "ramp service" for the performing of inspection, minor maintenance and other services upon or in connection with aircraft incidental to performing "ramp service," and for the parking of mobile equipment when actively used in connection with such operations.

"Controlled airport" means any public airport at which there is a control tower which directs traffic movements within the operational area and in the air.

"Department" means the department of transportation of the State.

"Director" means the director of the department of transportation or his duly authorized representative.

"Enforcement officer" means the director of transportation, officers and employees of the department of transportation, and every state and county officer charged with the enforcement of state laws and ordinances.

"Jet-powered aircraft" means an aircraft powered by a jet engine. Turboprop-powered aircraft are not considered jet-powered aircraft for purposes of this chapter.

"NOTAM" means the notices to airmen disseminated by the Federal Aviation Administration.

"Operational area" means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and which is not leased or

demised to anyone for exclusive use and includes runways, taxiways, all ramps, cargo ramps and apron areas, aircraft parking and storage areas, fuel storage areas, maintenance areas, and any other area of a public airport used or intended to be used for landing, takeoff or surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Operator" means the owner, pilot or driver of an aircraft, motor vehicle or motorless vehicle or any person who has rented or otherwise has the use of such aircraft motor vehicle or motorless vehicle for the purpose of operation by himself or his agents.

"Passenger ramp and apron areas" means any portion of a public airport, designated temporarily or permanently by the director, that may be used for the loading and unloading of passengers, baggage, cargo, mail and supplies on or off aircraft; for the servicing of aircraft with fuel and lubricants; for the performing of the operations commonly known as "ramp service"; for the performing of inspection, minor maintenance and other services upon or in connection with aircraft incidental to performing "ramp service"; and for the parking of mobile equipment when actively used in connection with such operations.

"Permission," "permit," "authorization" or "authorize" means written consent granted by the director, except verbal consent that may be granted under special circumstances where the obtaining of a written consent would not be practicable.

"Person" means any individual, firm, partnership, co-partnership, corporation, trust, association, company, joint venture, or any other legal entity (including any assignee, receiver, trustee or similar representative thereof), or the United States of America or any state or political subdivision thereof, or any foreign government, or the United Nations.

"Public airport" means any area of land or water under public or governmental ownership or jurisdiction which is used, or intended for use, for the landing and taking-off of aircraft, and any appurtenant areas which are used, or intended for use, for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon; provided, that federally owned facilities shall be included in this definition only to the extent of their

use by non-military persons who hold a contract, lease, license, or other right granted by the department.

[Eff 8/10/81; am 9/18/87; am and comp 6/19/00;
comp FEB 15 2002] (Auth: HRS §262-12) (Imp: HRS §261-12)

§19-13-3 Uses and activities; prohibitions; restrictions; limitations; requirements. (a) Aircraft operations. No person shall land, taxi or fly aircraft, or conduct any aircraft operations upon or from a public airport other than in conformity with Federal Aviation Regulations and this chapter. No experimental flight shall be conducted on, above, or in the vicinity of a public airport without the permission of the director.

(b) Clearing runways. The operator of an aircraft landing at a public airport shall clear the active runway as expeditiously as possible.

(c) Aircraft maintenance. Washing, cleaning and maintenance of aircraft shall be conducted only in areas designated for these purposes by the director.

(d) Uses of designated areas. The use of any area of a public airport for any purpose other than the use designated by the director is prohibited.

(e) Abandoned or unattended aircraft. Any aircraft abandoned or left unattended in any area at a public airport or which is parked in an unauthorized manner or area, may be removed and stored by the director at the owner's risk and expense, without liability on the part of the director for damages resulting from such moving and storing. Thirty days following such removal and storage, the director shall have the right to dispose of the aircraft in accordance with Act 25, Session Laws of Hawaii, 1981.

(f) Removal of aircraft. Upon notification by the director, the operator of any aircraft parked or stored at a public airport shall move said aircraft from the place where it is parked or stored. If the operator refuses to comply with such order, the director may have the aircraft moved or cause to be moved at the owner's risk and expense and without liability for any damage which may result from such moving.

(g) Aircraft accidents. No person shall disturb or remove aircraft wreckage or records unless permission is granted by the director after the director consults with

the proper Federal authority except where necessary to give aid and assistance to persons injured or trapped in aircraft wreckage, or to protect such wreckage or records from further damage, or to protect the public from injury or death.

- (1) Disabled aircraft. Aircraft operators shall be responsible for the prompt removal of disabled aircraft and parts except as noted above. In the event of failure to comply, the director may remove the disabled aircraft, at the owner's risk and expense, at any location without liability for any damage which may result because of such removal or storage.
- (2) Accident reports. (A) The operator of any aircraft involved in an accident on or within a public airport and all persons involved in such accident shall provide their names and addresses and written report of the accident to the director as soon after the accident as possible. (B) In the event a written report of the accident is required by Federal regulations, a copy of that report may be provided to comply with this paragraph.

(h) Director's power to restrict aircraft operations. The director may close all or any portion of a public airport, prohibit or delay landings, takeoffs or any other operations or movement of aircraft at any time he deems such action is necessary in the interest of safety to persons or property. Notice and details of such action will be publicized through the control tower or through the issuance of appropriate NOTAMS. The director may deny the use of a public airport to any aircraft, operator, or pilot, violating or in violation of departmental or Federal rules and regulations.

(i) No smoking. No persons shall smoke or carry a lighted cigarette, cigar, pipe, match, or any naked flame in or upon the operational area.

(j) Non-payment of airport charges, fees, or rentals. The director may deny departure clearance to any aircraft owner or operator who has not made payment on charges incurred or owed to the State. [Eff 8/10/81; comp 6/19/00; comp **FEB 15 2002**] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-3.1 Lifts used to board airline passengers with mobility impairments ("lifts"). (a) The following lift requirements established in conformance with the Federal Aviation Act, 49 USC, Appx §1374(c), is adopted and is applicable to all public airports in the State.

- (1) All air carriers certificated under Part 121, FAR, whose aircraft are not compatible with, or whose aircraft are not utilizing ramps, loading bridges, mobile lounges or other suitable devices for the enplaning and deplaning of airline passengers with mobility impairments shall have available a lift to board passengers with mobility impairments.
- (2) Air carriers utilizing the services of the lift shall insure that personnel operating the lift shall have completed the training specified by the lift manufacturer for the safe, proper and efficient use of the lift.

(b) Air carriers operating or utilizing lifts, shall indemnify and hold harmless the department and the State from any action or claim for compensation arising out of the use of any lift at public airports.

[Eff 8/28/95; comp 6/19/00; comp FEB 15 2000]

(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-13-4 Starting, taxiing, and towing of aircraft. (a) Aircraft may be operated only by qualified persons and only at the places or areas designated for such purposes by the director.

(b) No person shall taxi or tow an aircraft on a public airport in a careless or reckless manner.

(c) No person shall start or run an engine in an aircraft on a public airport unless there is a competent and qualified person in the aircraft at the engine controls, and unless blocks have been placed in front of the wheels or the aircraft has properly operating parking brakes.

(d) No person shall operate an aircraft parked on a public airport in any manner which may cause damage to any other property or aircraft, or in any manner endanger the safety of any person on a public airport.

(e) Each person operating an aircraft on a part of a public airport that is not under the direction of air traffic control shall be subject to, and comply with the

orders, signals, and directions of the authorized representative of the director.

(f) No aircraft shall be taxied into or out of a hangar under its own power. [Eff 8/10/81; comp 6/19/00; comp FEB 10 2002 (Auth: HRS §261-12) (Imp: HRS §261-12)]

§19-13-5 Repealed. [R 2/26/93]

§19-13-5.1 Repealed. [R 2/26/93]

§19-13-6 Aircraft parking. (a) Designated parking areas. Aircraft shall be parked only in the areas designated for such purposes by the director. When parked in such areas, each aircraft shall be firmly secured to the ground by acceptable tiedowns, or otherwise properly secured or attended. The main landing wheels of every parked aircraft shall be chocked with wheel blocks or other approved devices. Aircraft stored on a public airport shall be subject to storage charges as may be prescribed by the director.

(b) Gate positions.

- (1) No person shall use an aircraft gate position on a public airport without authorization.
- (2) Except in an emergency, the loading and unloading of passengers to or from an air carrier's aircraft at a public airport shall be at the gate positions or in an area designated for that purpose by the director.

(c) Ramp and apron areas. Aircraft not engaged in the loading or unloading of passengers, cargo, baggage, or mail shall not remain on the passenger ramp, apron area or cargo ramp for more than fifteen (15) minutes. The operator of any aircraft parked beyond its allotted time shall be subject to charges as may be established by the director.

Apron parking positions adjacent to the various terminal buildings shall be restricted to passenger carrying aircraft and passenger loading and unloading activities only. Aircraft used for the transportation of cargo shall be parked and operated at apron areas designated by the director for such activity.

(d) Parking lights. Aircraft parked on a passenger ramp and apron area, or cargo ramp and apron area shall have running lights or acceptable hazard lights turned on during the hours between sunset and sunrise, and at such other times as may be required by the director or the air traffic control tower. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-7 Helicopters. (a) Operators. Only helicopter pilots certificated by the Federal Aviation Administration or those issued military licenses shall be authorized to conduct helicopter taxiing operations at a public airport.

(b) Taxiing. The operators of helicopters shall not taxi, tow or otherwise move unless there is a clear area of at least ten (10) feet from the outer tip of each rotor.

(c) Flight. There shall be no helicopter takeoffs from or landings into congested areas of the apron or ramp. All such operations shall be conducted from open taxiways and runways.

(d) Parking. When parked, helicopters shall have braking devices or rotor mooring blocks applied to the rotor blades.

(e) Kapalua Airport. As specified in section 19-13-8.1, no helicopter operations shall be permitted at Kapalua Airport. [Eff 8/10/81; am 2/21/92; am and comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-8 Motorless aircraft. Except in an emergency, motorless aircraft such as gliders and sailplanes may not land or takeoff at a public airport without first obtaining permission from the director. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-8.1 Kapalua Airport. In addition to the other applicable provisions of this chapter, the following provisions shall apply to aircraft operations at Kapalua Airport:

- (1) No person shall land, taxi or fly aircraft, or conduct any aircraft operations upon or from this airport unless he or she has received prior written permission for the operation from the director.
- (2) Landings by operators of aircraft will be restricted to those operators having a valid certificate issued by the Federal Aviation Administration under authorization of the Federal Aviation Regulations parts 121 or 135.
- (3) Aircraft operations shall be from one-half hour after sunrise to 6:30 p.m.
- (4) Daily flights to this airport shall not exceed a maximum of thirty-five aircraft with seating capacities of twenty-five passengers or less and thirty-five aircraft with seating capacities of between twenty-six and fifty passengers.
- (5) Aircraft noise. All aircraft operating at this airport shall have a current Aircraft Type or Airworthiness Certificate or its equivalent issued by the FAA certifying that such aircraft generates noise levels that do not exceed the following:
 - (A) For propeller-driven aircraft of 12,500 pounds or less maximum FAA-certificated takeoff weight only: The maximum allowable noise levels for "propeller-driven airplanes" under Appendix F of Title 14, Code of Federal Regulations ("CFR"), Part 36, "Noise Standards: Aircraft Type Airworthiness Certifications," dated January 1, 1978, as amended, with noise levels measured and corrected as provided in Appendix F, but in no event in excess of a noise level of 80dB(A) measured pursuant to Appendix F; and
 - (B) For all other aircraft: As specified in Title 14, CFR, Part 36, the "Effective Perceived Noise Levels," under conditions of "takeoff", "sideline" and "approach", in units of "EPNdB", measured as follows:
 - (i) for takeoff: 80.5 EPNdB;
 - (ii) for sideline: 84 EPNdB; and
 - (iii) for approach: 91.6 EPNdB.

- (6) The following activities shall be prohibited at Kapalua Airport:
 - (A) Helicopter or jet-powered aircraft operations;
 - (B) Practice or training flights; and
 - (C) Parking or storage of rental cars.
- (7) Parking of aircraft shall:
 - (A) Be limited to the loading and unloading of passengers and cargo; and
 - (B) Not exceed forty-five minutes.

[Eff and comp 6/19/00; am and comp FEB 15 2002] (Auth: HRS §261-12)
 (Imp: HRS §261-12)

§19-13-9 Enforcement. This chapter may be enforced by an enforcement officer or by any person deputized pursuant to §261-17, Hawaii Revised Statutes.

When, in the opinion of the person enforcing this chapter, arrest (rather than citation) is clearly indicated to be in the public interest or necessary for public safety, the person shall seek, by the most expeditious means available, the assistance of the appropriate county police department and, if possible, deliver the alleged violator into its custody.
 [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002]
 (Auth: HRS §261-12) (Imp: HRS §261-17)

§19-13-10 Penalty. Penalties for violation of this chapter shall be as set forth in §261-12, Hawaii Revised Statutes. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-21)

§19-13-11 Severability. The provisions of this chapter are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of this chapter shall not be affected.
 [Eff 8/10/81; comp 6/19/00; FEB 15 2002] (Auth: HRS §261-12) (Imp: HRS §261-12)

§19-13-12 Repeal. The rules pertaining to airports effective August 1, 1973, and all other rules in effect prior to the effective date of this chapter relating to aircraft operations at public airports are repealed. [Eff 8/10/81; comp 6/19/00; comp FEB 15 2001]
(Auth: HRS §261-12) (Imp: HRS §261-12)

DEPARTMENT OF TRANSPORTATION

Amendments to and compilation of Chapter 19-13, Hawaii Administrative Rules, on the Summary Page dated January 14, 2002, were adopted on January 14, 2002, following public hearings held on November 13 and 14, 2001, after public notice was given in the Honolulu Star-Bulletin, MidWeek, Maui News, Hawaii Tribune-Herald, West Hawaii Today and Garden Island on October 1, 2001.

These amendments to and compilation of Chapter 19-13, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.



BRIAN K. MINAAI
Director of Transportation

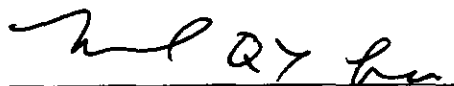
APPROVED:



BENJAMIN J. CAYETANO
Governor
State of Hawaii

Date: 2-04-02

APPROVED AS TO FORM:



Deputy Attorney General

FEB 06 2002

Filed

02 FEB -5 PM 29

LIEUTENANT GOVERNOR'S
OFFICE

EXHIBIT 5

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

Repeal of Chapter 19-17 and Adoption of
Chapter 19-17.1, Hawaii Administrative Rules
November 30, 1990

SUMMARY

1. Chapter 19-17 is repealed.
2. Chapter 19-17.1 is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 17.1

SMALL PLANE HANGAR UNITS AND TIE-DOWN SPACES

AT PUBLIC AIRPORTS

§19-17.1-1	Policy
§19-17.1-2	Definitions
§19-17.1-3	Application for space permit
§19-17.1-4	Hangar and tie-down space permits not transferable
§19-17.1-5	Subletting
§19-17.1-6	Change of hangar and tie-down space assignment
§19-17.1-7	Delinquent rental; penalty
§19-17.1-8	General liability insurance
§19-17.1-9	Electricity charges
§19-17.1-10	Locks
§19-17.1-11	Inspection
§19-17.1-12	Removal of aircraft
§19-17.1-13	Fire safety
§19-17.1-14	Flammable liquids
§19-17.1-15	Electricity
§19-17.1-16	Other safety provisions
§19-17.1-17	Signs and commercial activity
§19-17.1-18	Motor vehicles
§19-17.1-19	Enforcement
§19-17.1-20	Penalty
§19-17.1-21	Revocation of permit

Historical note. This chapter is based substantially on chapter 19-17, Hawaii Administrative Rules, entitled "Small Plane Hangar Units at Public Airports". [Eff 05/22/76; R 06/12/81]

§19-17.1-1 Policy. Small plane hangars and tie-down spaces are provided primarily for the storage and maintenance of active airworthy aircraft.

§19-17.1-2 Definitions. As used in this chapter, unless the context clearly indicates otherwise:

"Aircraft" means airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes, and other contrivance now or hereafter used for the navigation of or flight in air space.

"Airworthy aircraft" means any aircraft that is operative and is safely able to taxi, take-off, fly and land.

"Department" means the department of transportation of the State of Hawaii.

"Director" means the director of transportation or his authorized representative.

"Hangar" means (1) any building owned by the State and deemed suitable by the department for the storage of and maintenance of aircraft; or (2) hangar lot; or (3) T-hangar.

"Hangar lot" means an open paved or unpaved land area designated for the storage and maintenance of aircraft or for the construction or installation of a building to be used or for the storage and maintenance of aircraft.

"Person" means any individual, firm, partnership, corporation, trust, association, company, joint venture, or any other legal entity (including any assignee, receiver, trustee, employee, or other similar representative), or the United States of America, or any foreign government, or the United Nations.

"Public airport" means that area of land and water under governmental jurisdiction which is used for landing and taking-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"State" means the State of Hawaii.

"T Hangar" means a small plane hangar installed by the State.

"Tie-Down" means any portion of a public airport designated temporarily or permanently by the Director for the parking or storage of small aircraft.

[Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

\$19-17.1-3 Application for Space Permit. (a) Any person desiring a small plane hangar, tie-down space, or any other small aircraft space at a public airport shall submit a written application in person or by mail together with a filing fee of \$15 for each type of aircraft space desired (i.e., hangar building, T-hangar, hangar lot, tie-down, helicopter pad) to the district airport manager of the appropriate airport. The application may contain a request for more than one type of aircraft space but the \$15 filing fee for each requested space must also be tendered. The application shall contain the name, mailing address, and telephone number(s) and signature of the applicant, as well as the type, model, and Federal Aviation Administration registration number of the aircraft if the applicant has possession and ownership of an aircraft. If the applicant does not have an aircraft, the applicant shall indicate the type, model or make of the aircraft applicant is considering obtaining. The applicant is responsible for keeping all information (i.e., telephone number, mailing address, etc.) on the application current at all times.

(b) The department will date stamp each completed application conforming with subsection (a) when it is received. The filing date of the completed application shall establish the applicant's position on the respective waiting list(s) which shall be established and maintained for each public airport as needed. Each district airport shall maintain and make available to interested parties the waiting list showing the information required by this subsection and subsection (a) of this section. An application will expire one year after its filing date and will be voided and applicant name deleted from the waiting list after a 10-day grace period from date of expiration. An application may be continued for another year, without payment of \$15 filing fee provided the airport manager maintaining the application receives a written request prior to its expiration. The request for continuation shall indicate which type of aircraft space is being continued under the application.

(c) When a vacancy of a small aircraft space occurs, the airport district manager shall first notify the applicant with the earliest filing date of application for that type of space by certified mail at the address provided on the application. If the certified mail is returned unclaimed or not deliverable, the airport district manager shall delete the applicant's name from the waiting list. the

applicant's application for that space will be voided, and the available space offered to the next eligible applicant. An applicant whose name has been deleted from the waiting list pursuant to this subsection may apply and be placed at the bottom of the waiting list.

(d) Upon receiving notice, the applicant must respond in writing within fourteen (14) calendar days of receipt of the certified letter of his or her intention to accept or decline the space, if offered. If applicant does not respond within fourteen days or declines the offer, the airport district manager shall contact the next eligible applicant as prescribed in subsection (c) of this section, the applicant shall be deleted from the waiting list. If an applicant who is deleted from the waiting list submits a new application, applicant will be placed on the bottom of the wait list. Filing fee of \$15 will be assessed for each new application.

(e) If the applicant accepts the available space, the applicant must: (1) meet all of the prerequisites to be issued a lease or permit by the State in accordance with chapters 171 and 261, HRS, and the Department's rules, and (2) present evidence that the applicant is the registrant of a certificated airworthy aircraft, and (3) receive the airport manager's approval that the aircraft is appropriate for storage in the available space within fourteen (14) calendar days from the date of the applicant's acceptance. However, if the applicant's aircraft is under repair, in shipment, or under construction at that time, then the Director can grant a conditional waiver to allow the processing of a permit with the requirement that the applicant must have the aircraft certificated and airworthy within six (6) months of the effective date. If the applicant has fulfilled all of the above requirements, but due to the size, features or operational characteristics of the aircraft, the aircraft may be inappropriate for the available space, the applicant may decline the offer and still remain on the top of the waiting list for the next vacancy of the appropriate size or the Director can assign the applicant to another space pursuant to Section 19-17.1-6. An applicant that does not meet or satisfy the requirements set by this subsection will be deemed ineligible for the space and the applicant's name will be deleted from the waiting list, the applicant's application for that space will be voided and the space shall be offered to the next eligible applicant.

(f) Upon the determination by the airport district manager that the applicant is qualified and eligible for the available space, the airport district manager

shall offer the available space for rental under the terms, conditions and at the fees and rentals existing at that time. Within fourteen (14) calendar days from receipt of the offer to rent, the applicant shall furnish the airport district manager the Federal Aviation Administration's aircraft certificate of registration, certificate of airworthiness, log books or photocopy of the page in the log book that shows the latest annual inspection, administrative fee, security deposit, and sign and return any permit provided.
[Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-4 Hangar and Tie-Down Space Permits Not Transferable. Hangar and tie-down space permits shall not be transferable. A permit holder in good standing may replace one owned aircraft with another owned aircraft and retain his hangar rights provided that the permit holder shall notify the airport operator within five days. Hangar and tie-down space permits shall not pass with the ownership of an aircraft.
[Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-5 Subletting. Subletting hangar space is prohibited. A permit holder must be a registrant of an airworthy aircraft to retain his hangar or tie-down rights. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-6 Change of Hangar and Tie-Down Space Assignment. The director may change the assignment (location) of hangar space or tie-down space deemed comparable by the director, to accommodate repairs, improvements, maintenance, construction, emergencies, or when necessary during a special event. Change of assignments may also be made to improve operator's use as deemed preferred by the Director. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-7 Delinquent Rental; Penalty. If a tenant is delinquent in rent and fails, after thirty days' written notice, to comply with this chapter, the director may, after five days notice, move the aircraft and equipment to an open storage area without liability for any damage thereto. Upon said relocation, the

permit to occupy the hangar or tie-down space shall not be renewed and the aircraft owner shall continue to be liable for tie-down fees so long as the aircraft occupies public storage space. Payment of overdue fees shall not entitle the aircraft owner to return to a hangar or tie-down space. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-8 General Liability Insurance. General liability insurance in the amount of at least \$500,000 shall be maintained by the permittee and kept in force throughout the life of the permit. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS 261-7)

§19-17.1-9 Electricity Charges. The director may charge for electricity either on a pro rata basis or through the use of individual meters for tenants who are provided electrical service by the director, providing that tenants shall, if required, pay for the installation of individual meters. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-10 Locks. All locks on T-hangar doors shall conform to the master key system established by the director. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: §261-7)

§19-17.1-11 Inspection. The director may enter any hangar unit or tie-down area at any time for inspection purposes and to remove and dispose of any materials stored in violation of this chapter with no responsibility for replacement of materials. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-12 Removal of Aircraft. Aircraft which remain unairworthy or inactive (even though airworthy) for a period of six months shall be presumed to be in dead storage and may, at the discretion of the director, be removed from its space to an area that the director may designate for that purpose. The State shall not be responsible in any manner for any aircraft which is moved, pursuant to this section. (Eff FEB 11 1991) (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-13 Fire Safety. There shall be no smoking, welding, or open flame permitted within hangar buildings or within fifty feet of any aircraft.
[Eff FEB 1 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-14 Flammable Liquids. (a) No person shall keep, store, or discard any flammable liquids in or about the hangar buildings, except that (1) fuel may be kept in standard approved tanks installed in an aircraft for that purpose, and (2) paints, thinner, solvents, flammable liquids having a flash point below 73 degrees Fahrenheit and a boiling point below 100 degrees Fahrenheit, or flammable liquids having a flash point at or above 73 degrees Fahrenheit and below 100 degrees Fahrenheit, and combustible liquids degrees Fahrenheit and below 140 degrees Fahrenheit may be kept in hangars if contained in approved closed metal containers of not more than five gallons individual capacity and not exceeding a total of ten gallons.

(b) No person shall use flammable liquids in the cleaning of aircraft except in the aircraft washing area designated by the director.

(c) No person shall use gasoline for the cleaning of aircraft or aircraft parts within hangars or hangar area.

(d) No person shall drain fuel from an aircraft within a hangar or other building nor fuel any aircraft within a hangar or other building. For the purpose of fueling aircraft, only fuel servicing units operated by recognized oil companies, fixed base operators, or others having permission from the director shall be permitted within the air operations area of the airport.

(e) No person shall spray paints, dopes, solvents, primers, thinners, or similar flammable materials within a hangar.

(f) No open container of flammable liquids shall be permitted other than during a period of actual use.

(g) Waste oil and other flammable liquid waste shall not be kept in a hangar but shall be discarded in the receptacles provided for this purpose.

[Eff FEB 1 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-15 Electricity. (a) No person shall leave plugged into any power outlet of any unattended

hangar an electrical appliance other than one which requires continuous electrical service for its normal operation.

(b) No person shall operate an electrical appliance in the presence of flammable liquids or vapors.

(c) No person shall tamper with the conduits, wiring, plugs, switches, or overhead light fixtures. Alterations to the electrical circuits shall only be made as indicated in the terms and conditions of the space permit and completed work shall be subject to inspection by the director.

(d) The director may disconnect electrical power which, in the director's opinion, is being put to unsafe or undesirable use, whether or not such use is specifically prohibited in writing, and further may lock off an electrical circuit at any time its improper use creates a hazardous situation. (Eff FEB 11 1991)
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-16 Other Safety Provisions. (a) Any used rags or wipers shall be removed from hangars daily or stored in covered metal containers.

(b) Storage of items or materials shall be kept at a minimum and shall be limited only to those that are required for the operation and maintenance of the aircraft.

(c) No person shall wash aircraft in a hangar or tie-down area or on a paved community ramp or taxiway. This activity shall be conducted only in the area designated by the director.

(d) Aircraft shall be parked inside its assigned hangar or recessed sufficiently to allow the free movement of other aircraft using the paved areas serving the hangar units.

(e) No person shall start or operate any aircraft engine in a hangar or in such position that a hangar, shop, other building, other aircraft, parked automobiles, or person may be adversely affected by the propwash or rotor blade downwash. (Eff FEB 11 1991)
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-17 Signs and Commercial Activity. (a) No sign shall be permitted without the prior authorization of the director.

(b) Commercial business shall be conducted from a hangar only with the prior authorization of the director. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-18 Motor Vehicles. No motor vehicle shall be permitted in any hangar or tie-down area except upon specific permission of the director. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-19 Enforcement. Enforcement of this chapter shall be as set forth in §261-17, Hawaii Revised Statutes. Any appeal of any action taken to enforce this chapter shall be governed by Chapter 19-1, "Practice and Procedure", Hawaii Administrative Rules. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-20 Penalty. Penalties for violation of this chapter shall be as set forth in §261-21, Hawaii Revised Statutes. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-17.1-21 Revocation of Permit. Any failure by a permit holder to comply with these rules, permit terms and conditions which may be added under the department's custodial management powers, or any misrepresentation of any fact upon any form or document required by these rules shall result in the immediate revocation of the space permit. [Eff FEB 11 1991] (Auth: HRS §261-12) (Imp: HRS §261-7)

DEPARTMENT OF TRANSPORTATION

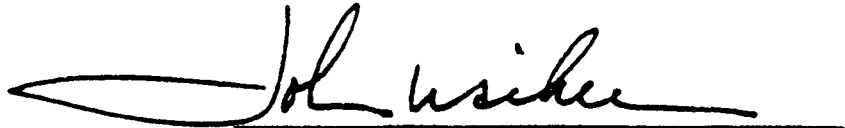
The repeal of chapter 19-17 and the adoption of chapter 19-17.1, Hawaii Administrative Rules, on the Summary Page dated November 30, 1990, following public hearings on September 19 and 20, 1990, after public notices were given in the Honolulu Star Bulletin, Honolulu Advertiser, Garden Island News, Maui News, Hawaii Tribune-Herald and West Hawaii Today on August 17, 1990.

The repeal and adoption shall take effect ten days after filing with the Office of the Lieutenant Governor.



EDWARD V. HIRATA
Director of Transportation

APPROVED:



JOHN WAIHEE
Governor
State of Hawaii

Dated: JAN 31 1991

APPROVED AS TO FORM:



Deputy Attorney General

Filed

2573E

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

CHAPTER 17

SMALL PLANE HANGAR UNITS AT PUBLIC AIRPORTS

Repealed

§19-17-1 to 19-17-21 Repealed. [FEB 11 1991]

NOTICE OF CHANGE

2/4/91

The citation of authority for §19-17.1-1, Hawaii Administrative Rules, is changed to read as follows:

[Effective 11/1/99] (Auth: HRS §261-12) (Imp: HRS §261-7)

EXHIBIT 6

DEPARTMENT OF TRANSPORTATION

Amendment and Compilations of Chapter 19-20.1,
Hawaii Administrative Rules

July 3, 2018

SUMMARY

1. §§19-20.1-2, 19-20.1-3, 19-20.1-4, 19-20.1-5, 19-20.1-6, 19-20.1-7, 19-20.1-8, 19-20.1-11, 19-20.1-55, 19-20.1-56, and 19-20.1-60, are amended.
2. A new §19-20.1-62 is added.



HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 2

AIRPORTS DIVISION

CHAPTER 20.1

COMMERCIAL SERVICES AT PUBLIC AIRPORT

Subchapter 1 General Provisions

§19-20.1-1	Applicability
§19-20.1-2	Definitions
§19-20.1-3	Permit or authorization required
§19-20.1-4	Payment of fees
§19-20.1-5	Records; audit of records; reports
§19-20.1-6	Insurance
§19-20.1-7	Entry to air operations area
§19-20.1-8	Airport activity
§19-20.1-9	Revocation of permit; termination
§19-20.1-10	Subordination to sponsor's assurance agreement
§19-20.1-11	Indemnification and hold harmless
§19-20.1-12	Severability
§19-20.1-13	Enforcement
§19-20.1-14	Penalty

Subchapter 2 Aircraft Ground Handling

§19-20.1-15	Scope
§19-20.1-16	Definitions
§19-20.1-17	Fee
§19-20.1-18	Exemption
§19-20.1-19	Statement of contracted services



Subchapter 3 Baggage Pickup and Delivery

§19-20.1-20	Scope
§19-20.1-21	Definitions
§19-20.1-22	Fees
§19-20.1-23	Restrictions

Subchapter 4 Commercial Photography

§19-20.1-24	Scope
§19-20.1-25	Definition
§19-20.1-26	Fees
§19-20.1-27	Soliciting prohibited
§19-20.1-28	News media exempt

Subchapter 5 Greeting Services for Hire

§19-20.1-29	Scope
§19-20.1-30	Definition
§19-20.1-31	Fees
§19-20.1-32	Soliciting prohibited

Subchapter 6 In-flight Catering

§19-20.1-33	Scope
§19-20.1-34	Definition
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Subchapter 7 Merchandise Delivery

§19-20.1-36	Scope
§19-20.1-37	Definitions
§19-20.1-38	Fees
§19-20.1-39	Monthly delivery report

§19-20.1-40	Controls
§19-20.1-41	Designated areas
§19-20.1-42	Identification of merchandise
§19-20.1-43	Safety and security
§19-20.1-44	Unauthorized storage

Subchapter 8 Porter Services

§19-20.1-45	Scope
§19-20.1-46	Definitions
§19-20.1-47	Requirements to obtain permit
§19-20.1-48	Fees
§19-20.1-49	Unauthorized storage
§19-20.1-50	Motorized passenger carts
§19-20.1-51	Soliciting prohibited
§19-20.1-52	Statement of contracted services
§19-20.1-53	Airline lessees

Subchapter 9 Prearranged Ground Transportation

§19-20.1-54	Scope
§19-20.1-55	Definitions
§19-20.1-56	Fees
§19-20.1-57	Exemptions
§19-20.1-58	Taxi services
§19-20.1-59	Signs
§19-20.1-60	Restrictions
§19-20.1-61	Records of off-airport rent-a-car permittees
§19-20.1-62	Vehicle identification and tracking

SUBCHAPTER 1

GENERAL PROVISIONS

§19-20.1-1 Applicability. This chapter shall apply to the following types of commercial services permitted at or in public airports:

- (1) Aircraft ground handling;
 - (2) Baggage pickup and delivery;
 - (3) Commercial photography;
 - (4) Greeting services for hire;
 - (5) In-flight catering;
 - (6) Merchandise delivery;
 - (7) Porter services; and
 - (8) Prearranged ground transportation.
- [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-2 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Aircraft" means airplanes, airships, dirigibles, helicopters, gliders, amphibians, seaplanes and any other contrivance now or hereafter used for the navigation of or flight in air space.

"Airline lessee" means any aircraft operator that has entered into a lease with the department for the use of land or facilities at a public airport.

"Air operations area" means any portion of a public airport, from which access by the public is prohibited by fences or appropriate signs, and which is not leased or demised to anyone for exclusive use and includes runways, taxiways, all ramps, cargo ramps and apron areas, aircraft parking and storage areas, fuel storage areas; maintenance areas, and any other area of a public airport used or intended to be used for landing, takeoff, or surface maneuvering of aircraft or used for embarkation or debarkation of passengers.

"Department" means the department of transportation of the State.

"Director" means the director of the department of transportation or his duly authorized representative.

"Gross receipts" includes all moneys paid or payable to the permittee or person providing or facilitating one of the commercial services, specified in section 19-20.1-1, at a public airport, regardless of whether the order, reservation or payment for the commercial service is made within or without the public airport. The term "gross receipts" excludes any general excise taxes upon a consumer or tips collected by the person providing the commercial service at a public airport. (For prearranged ground transportation services, the term "gross receipts" also excludes applicable government taxes or fees, public service company taxes, commissions to travel agents, revenues from arrival sightseeing en route to the hotel in excess of two hours or its equivalent, and receipts reportable under other commercial service permits, provided all such exclusions are segregated and identified in the accounting process of the permittee or person providing or facilitating prearranged ground transportation services at a public airport.)

"Passenger" means any person who arrives or departs from a public airport aboard an aircraft except for persons comprising the flight crew of the aircraft.

"Permittee" means any person authorized to provide or facilitate any of the commercial services, specified in section 19-20.1-1, in or at a public airport under a permit or other written authorization from the director.

"Person" means any individual, firm, partnership, corporation, trust, association, company, joint venture, or any other legal entity and collectively its respective authorized employees, contractors, assignees, receivers, trustees, agents, or other similar representative.

"Public airport" means that area of land and water under governmental jurisdiction which is used for landing and taking-off of aircraft, any appurtenant areas which are used for airport buildings or other airport facilities or rights-of-way, together with all airport buildings and facilities located thereon.

"Solicit" means to ask, implore, plead for; to endeavor to obtain by asking; to importune; to seek actively though silently; or to try to obtain.

"State" means the State of Hawaii.

[Eff 5/4/02; am and comp] (Auth: HRS §261-12) (Imp: HRS §261-7) **AUG 24 2018**

§19-20.1-3 Permit or authorization required.

Any person providing or facilitating any of the commercial services specified in section 19-20.1-1 in or at a public airport shall do so only upon receipt of a permit or other written authorization from the director which shall be issued upon payment of the applicable fees. A permit shall not be assigned or otherwise transferred. A permit shall not be issued to applicants who are in arrears in the payment of taxes, fees or other charges to state agencies.

[Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-4 Payment of fees. (a) The required fees for each type of commercial services are specified in the applicable subchapter.

(b) Time of payment.

- (1) Annual fees shall be paid annually in advance of providing or facilitating commercial services at or in public airports; and

(2) Monthly fees (including percentage fees) shall be paid on or before the twentieth day of the succeeding month.

(c) Any amount payable which is not paid when due shall bear interest at the rate of one percent per month or the maximum rate of interest allowable by law.

(d) Payments due under this chapter shall be made at or sent to the airports division, department of transportation, Daniel K. Inouye International Airport, Honolulu, Hawaii 96819; or any of its offices located at Hilo International Airport, Hilo, Hawaii 96720; Ellison Onizuka Kona International Airport at Keahole, Kailua-Kona, Hawaii 96740; Kahului Airport, Kahului, Hawaii 96732; or Lihue Airport, Lihue, Hawaii 96766. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-5 Records; audit of records; reports.

(a) This section shall apply to permittees who are required to pay percentage fees.

(b) The permittee shall maintain up-to-date records and books in accordance with a recognized system of bookkeeping and such records and books shall reflect a segregation of airport revenue in the general ledger, reconciled and supported by original source documents. Such records including original source documents shall be kept for three years in the state following the end of the permit year.

(c) The State shall be granted access, at all reasonable times, to all books, accounts, records and reports including gross income tax reports and data from a digital network or software application service, as defined in section 19-20.1-55 and as required by section 19-20.1-62, showing daily receipts; and at any reasonable time on twenty-four hours' notice the permittee will permit a complete audit to be made by the State's accountant or by a certified public accountant of the permittee's entire

business affairs and records relating to the business conducted at, from or in connection with the airport for the term of the permit. The permittee will cooperate fully in the making of any inspection, examination or audit. Should such audit by the State's accountant or by a certified public accountant disclose that fees have been underpaid by two percent or more for any period under examination, the State shall, in addition to the remedies provided in subsection (e) of this section, be entitled to reimbursement of the reasonable cost of any such audit in addition to the deficiency. If such audit by the State's accountant or by a certified public accountant shall disclose that fees have been underpaid by five percent or more for the period under examination, the state shall, in addition to the foregoing rights, have the right, upon ten days' notice, to revoke the authorization to conduct the applicable commercial service at public airports.

(d) The permittee shall, on or before the twentieth day of the succeeding month, file with the director, on forms prescribed by the director, a report of its gross receipts for the previous month certified to by a qualified representative of the permittee; the certifier shall state that it has examined the books, records, and other evidence of the gross receipts of the permittee for the period reported and that to its knowledge the statement is true and correct. The statement shall be in such form and contain such details and breakdowns as the State may require. Payment of requisite fees shall be submitted with the report. Any amount payable which shall not have been paid when due shall bear interest at the rate of one percent per month

(e) Without prejudice and in addition to any other remedies the State may have for such default, if the permittee shall fail to promptly furnish any monthly report, the State may have such report prepared by an accountant to be selected by the State, at the expense and on behalf of the permittee. The permittee shall furnish to such accountant all records requested for the purpose of preparing such reports,

and the permittee shall pay to the State all expenses incurred by the State in securing such reports. Furthermore, the State may select procedures which would produce a reasonable gross receipts expectation, and assess percentage fees based upon gross receipts so computed. In the event that records have not been prepared and kept in accordance with this chapter, the State shall, in addition to all other payments required herein, be entitled to demand and receive an additional payment of ten percent of the gross receipt fee for the periods involved. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-6 Insurance. (a) The permittee shall maintain and keep in force adequate insurance as determined by the applicable state or county insurance law, or as otherwise determined by the director at all times when a permittee is at a public airport in connection with providing a commercial service or actually providing or facilitating a commercial service. The insurance shall serve to protect both the department and the permittee against claims for public liability and property damage. The current insurance requirements shall be posted at each Airports Division district office. The following types of insurance are required, as applicable:

- (1) Automobile liability insurance. To provide coverage against all losses arising out of the person's operation of the registered vehicles, including motorized passenger carts, on airport premises and resulting in injury to persons or damage to property. (Commercial photography and greeting services for hire permittees are exempt from this requirement.)
- (2) Comprehensive general liability policy; owners, landlords and tenants or manufacturers and contractors liability

policy. To provide coverage against claims arising out of the person's operation on airport premises resulting in injury to persons or damage to property.

(b) The permittee shall provide the department with a certificate of insurance naming the permittee as the insured and the department as additional insured to the extent of liability arising out of the named insured's operations at the public airport with a thirty-day advance notice of material changes in coverage or cancellation. Upon demand by the department, the permittee or any person applying for a permit shall produce the insurance policy for inspection. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-7 Entry to air operations area. Except as may be authorized by the director, no person providing or facilitating commercial services at any public airport shall be permitted entry into the air operations area. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-8 Airport activity. (a) Each permittee's activity shall be limited to the area designated by the director. The director may change the designated areas when such action is deemed necessary and in the best interest of safety to persons or property.

(b) All permittees and persons shall:

- (1) Maintain its designated activity area in a safe and clean condition in compliance with all applicable statutes, laws, ordinances, rules and regulations;
- (2) Be liable for the fair value of any janitorial or maintenance service for cleaning or repairing airport premises necessitated by the permittee's failure to

properly and adequately maintain its designated area;

- (3) Conduct business in an orderly, courteous and businesslike manner;
- (4) Be suitably dressed or uniformed, as applicable;
- (5) Furnish service on a fair, equal and not unjustly discriminatory basis to all users thereof, and will charge fair, reasonable and not unjustly discriminatory prices for each unit of service; provided that the permittee may be allowed to make reasonable and nondiscriminatory discounts, rebates or other similar types of price reductions to volume purchasers; and
- (6) Wear the identification badge (issued under this chapter) in plain sight, while at the airport, as applicable.

(c) The following provisions shall apply to permittees who are authorized to operate vehicles at a public airport in connection with providing a commercial service authorized by this chapter:

- (1) All permittees and persons shall keep all vehicles and equipment used at any public airport in good mechanical condition, clean and suited for their designated use. The department may disapprove the use by the permittee of any vehicle or equipment which the department deems unsafe or unsuitable for its designated use.
- (2) All permittees authorized to operate a vehicle at a public airport by this chapter shall be licensed by the state public utilities commission or appropriate governmental regulatory agency, if so required, and at all times display a current safety inspection sticker and current evidence of licensing as required by the applicable regulatory agency of the government.
- (3) The department shall issue decals which shall be placed by the permittee on those



vehicles utilized at a public airport that meet the requirements of the department. No vehicle shall be used to provide commercial services authorized by this chapter at any public airport without a decal issued by the department. Prearranged ground transportation permittees shall be exempt from this requirement, but shall be subject to the requirements set forth in section 19-20.1-62.

- (4) All permittees authorized to operate a vehicle at a public airport by this chapter shall do so only for the activity authorized and only at the locations designated by the director for the specified activity. [Eff 5/4/02; am and comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-9 Revocation of permit; termination. A permit issued under this chapter may be revoked by the department for violation of this chapter, upon ten days prior written notice. The permit may be terminated without cause by the department or by the permittee upon thirty days prior written notice. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-10 Subordination to sponsor's assurance agreement. A permit shall be subordinate and subject to the terms and conditions of any sponsor's assurance agreement executed between the State and the United States of America, which is in force during the term of the permit. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-11 Indemnification and hold harmless.

The permittee shall indemnify, defend and hold harmless the department and the State from all claims for damages or compensation arising out of the use of the permit or the airport. [Eff 5/4/02; am and comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-12 Severability.

The provisions of this chapter are declared to be severable and if any portion or the application thereof is held to be invalid for any reason, the validity of the remainder of this chapter shall not be affected. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-13 Enforcement.

This chapter may be enforced by police officers or any person deputized pursuant to section 261-17, Hawaii Revised Statutes. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-14 Penalty.

Penalties for violations of this chapter shall be as set forth in section 261-21, Hawaii Revised Statutes. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 2

AIRCRAFT GROUND HANDLING

§19-20.1-15 Scope. The special provisions set forth in this subchapter shall apply to aircraft ground handling services at public airports. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-16 Definitions. Unless the context clearly indicates otherwise, as used in this chapter: "Aircraft ground handling services" shall include the following services performed for arriving or departing aircraft:

- (1) Ramp services, including but not limited to, providing passenger or crew stairs, ground power units, baggage, mail and cargo loading and unloading, air start units, aircraft pushback and towing, air conditioning or heating equipment, and fueling;
- (2) Aircraft cabin cleaning, including, but not limited to, interior cleaning service, lavatory service, and drinking water service;
- (3) Passenger services, including, but not limited to, reservations, ticketing, seat selection, passenger check-in, document processing, passenger boarding, and VIP lounge services;
- (4) Cargo handling, including, but not limited to, warehousing, document processing, cargo buildup or breakdown, loading or unloading, and transportation;
- (5) Aircraft maintenance, including, but not limited to, maintenance, and preventive maintenance; and
- (6) Aircraft flight planning and flight dispatch service.

"Aircraft ground services operators" means all persons authorized to perform aircraft ground handling services at public airports and includes permittees, airline lessees, and airport lessees.

"Airport lessee" means any person other than an airline lessee that has entered into a lease with the department for the use of land or facilities at a public airport. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-17 Fee. Any person authorized to provide aircraft ground handling services shall, in consideration of using state facilities for conducting business, pay the department an annual administrative expense fee of \$100. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-18 Exemption. Airport or airline lessees authorized by their lease to provide aircraft ground handling services for others at a public airport are exempt from the permit and fee requirements under this chapter. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-19 Statement of contracted services. The permittee shall provide to the department upon request a statement certified by the serviced airline that a contract for aircraft ground handling services presently exists. This chapter shall become a part of all such contracts to which it applies, and shall be attached to the contracts so that contracting parties are aware of the rights, duties, and responsibilities of the permittee. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 3

BAGGAGE PICKUP AND DELIVERY

§19-20.1-20 Scope. The special provisions set forth in this subchapter shall apply to baggage pickup and delivery services at public airports. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-21 Definitions. Unless the context clearly indicates otherwise, as used in this chapter: "Baggage pickup and delivery services" means (1) the prearranged pickup of unaccompanied baggage at a public airport and delivery to a destination outside the airport for the benefit of an arriving passenger, or another on behalf of the passenger or (2) the prearranged delivery of unaccompanied baggage from a location outside a public airport to a certain location at or in a public airport which is designated for that purpose by the airport manager for a departing passenger, or for another on behalf of a departing passenger, or (3) the prearranged transfer of unaccompanied baggage from public airport baggage claim areas to curbside or other areas within the public airport, or (4) the prearranged transfer of unaccompanied baggage from curbside or other areas within the public airport to check-in counters or other areas within the public airport where transfer services were arranged for in advance by the passenger or another on behalf of the passenger.

"Unaccompanied baggage" means that baggage which is unclaimed by the passenger at a public airport but for which prior arrangements have been made (1) by or on behalf of an arriving passenger for the pickup of such baggage from the public airport and delivery to a destination outside the public airport, (2) by or on behalf of a departing passenger for the delivery of

such baggage from a location outside the public airport to a certain location at or in the public airport which is designated for that purpose by the airport manager, (3) to transfer such baggage from public airport baggage claim areas to curbside or other areas within the public airport, or (4) to transfer such baggage from curbside or other areas within the public airport to check-in counters or other areas within the public airport. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-22 Fees. Any person providing baggage pickup and delivery services in or at a public airport shall, in consideration of using state airport facilities for conducting business, pay to the department the following fees:

- (1) For each public airport at which baggage pickup and delivery services are provided, an annual administrative expense fee of \$100.
- (2) A percentage fee equal to three and one-half percent of the monthly gross receipts derived by the permittee, from or in connection with providing baggage pickup and delivery services in or at any public airport. The permittee's gross receipts shall include all consideration or compensation, of any kind or nature whatsoever, paid by passengers, customers and clients to the permittee or to any person who is employed by or has a working arrangement with the permittee for providing baggage pickup and delivery services.
- (3) An annual identification badge fee of \$5 per badge.
- (4) An annual registration fee of \$50 for each vehicle in excess of five vehicles registered by a permittee at a public airport for baggage pickup and delivery

services. [Eff 5/4/02; comp **AUG 24 2018**
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-23 Restrictions. (a) The permittee shall:

- (1) Refrain from the use of profanity, boisterous or rough and disturbing behavior or actions, unsafe use of baggage carts or other equipment, and the playing of radios, prerecorded tapes or discs, or other musical instruments or devices in public areas or areas in which the sounds from such activities may intrude upon public areas;
- (2) Not provide any of the services authorized by the permit, including the placement and use of any vehicle or equipment, in such a manner as to disturb other airport tenants or users; and
- (3) Not solicit gratuities or business in the conduct of baggage pickup and delivery services at public airports.

(b) All business activities conducted by the permittee at any public airport, unless otherwise authorized by the department, shall be limited to those passengers and clients who have made prior arrangements for baggage pickup and delivery service with the permittee. The permittee shall have evidence of such prior arrangements in the form of schedules, passenger manifests, or other similar documentation which identifies the passengers and clients, available for inspection by the director at all times during the period the permittee is engaged in business activities at the public airport, including at the time of all pickups, deliveries and transfers. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 4

COMMERCIAL PHOTOGRAPHY

§19-20.1-24 Scope. The special provisions set forth in this subchapter shall apply to commercial photography services at public airports. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-25 Definition. Unless the context clearly indicates otherwise, as used in this chapter: "Commercial photography" means the taking of still or motion pictures of persons and things by a person for (1) sale for a monetary or any other valuable consideration, or (2) for any other commercial purpose. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-26 Fees. Any person providing commercial photography services in or at a public airport shall, in consideration of using state airport facilities for conducting business, pay to the department the following fees (as applicable):

- (1) For each public airport at which commercial photography services is provided, an annual administrative expense fee of \$100.
- (2) An annual identification badge fee of \$5 per badge;
- (3) A percentage fee equal to ten percent of the person's monthly gross receipts derived from providing commercial photography services at public airports;
- (4) A daily fee of \$100 in advance for persons providing commercial photography services on a short-term basis. [Eff 5/4/02;



comp **AUG 24 2018**] (Auth: HRS §261-12)
(Imp: HRS §261-7)

§19-20.1-27 Soliciting prohibited. To solicit, offer and provide commercial photography to any person other than to any person for whom commercial photography has been arranged in advance, as provided above, is prohibited. [Eff 5/4/02;
comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-28 News media exempt. Commercial photography as defined herein shall not apply to representatives of newspapers, magazines, television stations, or other news media. [Eff 5/4/02;
comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 5

GREETING SERVICES FOR HIRE

§19-20.1-29 Scope. The special provisions set forth in this subchapter shall apply to greeting services for hire at public airports. [Eff 5/4/02;
comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-30 Definition. Unless the context clearly indicates otherwise, as used in this chapter:
"Greeting services for hire" means the service of providing, on behalf of or at the request of another person, meeting, welcoming, receiving, salutation,

meeting with salutation, farewell or departure services, with or without the bestowal of leis, floral arrangements or other gifts, to airline passengers. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-31 Fees. Any person providing greeting services for hire in or at a public airport shall, in consideration of using state airport facilities for conducting business, pay to the department the following fees:

- (1) For each public airport at which greeting services for hire are provided an annual administrative expense fee of \$100;
- (2) An annual identification badge fee of \$5 per badge; and
- (3) A percentage fee equal to three percent of the person's monthly gross receipts derived from providing greeting services for hire at a public airport. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-32 Soliciting prohibited. To solicit, offer and provide greeting services for hire to any person other than to any person for whom greeting services had been arranged in advance, as provided, is prohibited. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 6

IN-FLIGHT CATERING

§19-20.1-33 Scope. The special provisions set forth in this subchapter shall apply to in-flight catering services at public airports. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-34 Definition. Unless the context clearly indicates otherwise, as used in this chapter: "In-flight catering services" means the delivery of prepared and packaged food beverages at any public airport for consumption aboard an aircraft while in flight. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-35 Fees. Except for the concessionaries and airline lessees authorized to provide in-flight catering services at public airports, any person providing in-flight catering services in or at public airports shall, in consideration of using state airport facilities for conducting business, pay to the department the following fees:

- (1) An annual administrative expense fee of \$100 in advance of providing in-flight catering services at a public airport; and
- (2) A percentage fee equal to three and one-half per cent of its monthly gross receipts derived from in-flight catering services at public airports. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 7

MERCHANDISE DELIVERY

§19-20.1-36 Scope. The special provisions set forth in this subchapter shall apply to merchandise delivery services at public airports. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-37 Definitions. Unless the context clearly indicates otherwise, as used in this chapter: "Merchandise" means items, such as fresh fruits, flowers, candies, meat products and ice cream, which are:

- (1) Sold to an airline passenger or the passenger's agent at a location other than a public airport; and
- (2) Delivered to that passenger or that passenger's agent at the airport by the seller or the seller's agent.

Duty free or in-bond goods are specifically excluded from this definition.

"Piece" means the unit in which the merchandise is packaged for an individual airline passenger.

"Time of delivery" means the time the merchandise is delivered into one of the areas designated by the director. [Eff 5/4/02; comp **AUG 24 2018**] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-38 Fees. Any person providing merchandise delivery services in or at a public airport, in consideration of using state airport facilities for conducting business, shall pay the following fees:

- (1) An annual administrative expense fee of \$100 for each public airport at which merchandise is delivered.

- (2) Except for the first vehicle, an annual fee of \$200 for each vehicle thereafter upon registration of the vehicle with the department and issuance of decal pursuant to this subchapter.
- (3) A monthly fee based on the use of public airport facilities during the month. The monthly fee shall be:
 - (A) Equal to the total number of pieces of merchandise delivered during the month times 25 cents; in other words, 25 cents for each piece of merchandise delivered during the month.
 - (B) Paid on or before the twentieth day of the succeeding month.
- (4) An annual identification badge fee of \$5 per badge. [Eff 5/4/02; comp AUG 24 2018]
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-39 Monthly delivery report. (a) The permittee shall submit, along with the payment of the monthly fee required under this subchapter, a delivery report for each calendar month, on or before the twentieth day of the succeeding month.

- (b) The monthly delivery report shall include:
 - (1) A listing of every delivery made during the month in chronological order; this listing shall provide the following information for each delivery:
 - (A) Date of delivery;
 - (B) Time of delivery; and
 - (C) Number of pieces of merchandise.
 - (2) The total number of pieces of merchandise delivered during the month.
- (c) The permittee shall be subject to penalties, including revocation of permit, if any false information is provided on the monthly delivery report. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12)
(Imp: HRS §261-7)

§19-20.1-40 Controls. (a) The department shall conduct regular inspections of permittee activities to help ensure:

- (1) Accurate reporting of the number of pieces of merchandise delivered; and
- (2) Compliance with the provisions of this chapter.
- (b) The department shall, upon reasonable notice, be given access to any of the permittee's records, books or documents to verify reports submitted by the permittee.
[Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-41 Designated areas. (a) The permittee shall deliver merchandise only to areas designated by the director.

(b) The permittee shall be allowed to keep the merchandise in the designated areas for a maximum of four hours starting from the time the merchandise is placed in the designated area. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-42 Identification of merchandise. (a) The merchandise for each delivery made at a public airport shall be clearly and conspicuously marked with the:

- (1) Permittee's name; and
- (2) Time of delivery.
- (b) The merchandise may be marked individually or as a group as long as it is readily identifiable at all times while it is at the airport.
- (c) The permittee shall have an authorized

representative, wearing the identification badge issued under this chapter, present at all times next to the merchandise, overseeing the merchandise as long as the merchandise is at the airport. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-43 Safety and security. (a) In order to help ensure the public health, safety and airport security, any merchandise shall be removed to a storage area by authorized department personnel if:

- (1) The merchandise is unclaimed after four hours from the time of delivery; or
- (2) The merchandise is left unattended for any amount of time in violation of section 19-20.1-42.

(b) Any merchandise not claimed after two days in storage may be summarily disposed of by the department without notice to the permittee.

(c) The cost of removal, storage or disposal of merchandise shall be assessed to the permittee. The proceeds, if any, from the sale or disposal of any unclaimed merchandise shall be used to offset the cost of removal, storage and disposal and the balance remaining shall be payable to the permittee or passenger upon proof of entitlement thereto. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-44 Unauthorized storage. Permittees shall not keep, place, or store hand trucks, vehicles, carts, or any other equipment or supply item in any area of a public airport except in those locations or spaces specifically prescribed for such use or activity. Any improper placement or storage shall result in an assessment of a \$10 fine for each item or article which is improperly placed or stored, or in

the seizure of the item or article at the owner's risk and expense, plus applicable storage and service fees resulting therefrom, or in both a fine and seizure. Upon seizure of any item or article, the department shall send a written notice by registered or certified mail, with return receipt, to the owner of the item or article at the address on record with the department if the owner is known. The notice shall contain a brief description of the item or article, the location of seizure, and intended disposition of the property if not claimed within ten days after the mailing of the notice. If the owner is not known or cannot be located, the item or article shall be held for forty-five days from date of seizure after which time it shall be disposed of as unclaimed lost property. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 8

PORTER SERVICES

§19-20.1-45 Scope. The special provisions set forth in this subchapter shall apply to porter services at public airports. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-46 Definitions. Unless the context clearly indicates otherwise, as used in this chapter:

"Accompanied baggage" means baggage which is claimed by a passenger at a public airport.

"Porter" means one who performs porter services.

"Porter services" means the carrying of baggage for passengers at public airports and other services

incidental to portering generally rendered by porters in and about air transportation terminals, including but not limited to:

- (1) The carrying of baggage from baggage claim areas to curbside or to other areas within the airport as requested by the passenger;
- (2) The loading of baggage aboard conveyance used by the passenger in departing the airport;
- (3) The carrying of baggage from curbside to the check-in counters or to other areas within the airport as requested by the passenger; and
- (4) The transporting of handicapped passengers by motorized carts to and from gate areas.

"Portering" with respect to porter services shall generally mean the handling of accompanied baggage whereas "portering" with respect to baggage pickup and delivery services shall generally mean the handling of unaccompanied baggage.

"Unaccompanied baggage" means baggage which is not claimed by a passenger at a public airport but for which prior arrangements have been made:

- (1) For pickup at a public airport and delivery to a destination off the airport for arriving passengers; or
- (2) For delivery to a point point at a public airport designated by the director for departing passengers. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-47 Requirements to obtain permit. To obtain the permit under this chapter, a person must:

- (1) Pay the fees prescribed by this subchapter; and
- (2) Have an existing written contract with an airline to perform porter services. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-48 Fees. Except for airline lessees authorized to provide porter services in their leases with the department, no person shall provide porter services in or at a public airport without paying the department the following fees:

- (1) For each public airport at which porter service is provided, an annual administrative expense fee of \$100; and
- (2) An annual identification badge fee of \$5 per badge. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-49 Unauthorized storage. The permittee shall not keep, place, park, or store hand trucks, baggage carts, motorized passenger carts, or any other equipment or supply item in any area of a public airport except in those locations or spaces specifically prescribed for that use or activity. Any improper placement or storage shall result in an assessment of a \$10 penalty for each item or article which is improperly placed or stored, or in the seizure of the item or article at the owner's risk and expense, plus applicable storage and service fees resulting therefrom, or in both a penalty and seizure. Upon seizure of any item or article, the department shall send a written notice by registered or certified mail, with return receipt, to the owner of the property at the address on record with the department. The notice shall contain a brief description of the item or article, the location of seizure, and intended disposition of the property if not claimed within ten days after mailing of the notice. If following reasonable attempts by the department, the owner cannot be located, the item or article shall be held for forty-five days from date of seizure after which time it shall be disposed of as unclaimed lost property. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-50 Motorized passenger carts. (a) The department shall issue decals which shall be placed on motorized passenger carts approved for use at a public airport. No carts shall be used to provide porter services at any public airport without a decal issued by the department. Carts shall be operated only on routes and locations designated by the director. Carts issued decals shall not be used on the airport for any purpose other than the transport of handicapped passengers and their escorts to and from gate areas.

(b) No motorized passenger cart shall be operated:

- (1) In a careless or negligent manner or in disregard of the rights and safety of others;
- (2) Without due caution or circumspection, or at a speed or in a manner which endangers or is likely to endanger persons or property;
- (3) While the operator thereof is under the influence of intoxicating liquor, narcotic, or habit forming drug; and
- (4) If the vehicle is so constructed, equipped, loaded or in such other condition as to endanger or be likely to endanger persons or property.

(c) The permittee shall be liable for any injury or damage to persons or property resulting from or attributed to the use of the carts at public airports.

[Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-51 Soliciting prohibited. No porter solicit tips from passengers. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-52 Statement of contracted services. The permittee shall provide to the department upon

request a statement certified by the serviced airline that a contract for porter services presently exists. This chapter shall become a part of all such contracts so that contracting parties are aware of the rights, duties, and responsibilities of the permittee. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-53 Airline lessees. (a) With the exception of sections 19-20.1-3 and 19-20.1-48, this chapter shall apply to airline lessees who provide their own porter services.

(b) Airline lessees who provide porter services to other airlines shall be subject to this chapter. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

SUBCHAPTER 9

PREARRANGED GROUND TRANSPORTATION

§19-20.1-54 Scope. The special provisions set forth in this subchapter shall apply to prearranged ground transportation services at public airports. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-55 Definitions. Unless the context clearly indicates otherwise, as used in this chapter: "Digital network" means any online-enabled application, software, website, or system offered or utilized by a prearranged ground transportation service that enables a customer's direct prearrangement of a ride with a driver and records

data that describe for each driver on the network the following:

- (1) The vehicle's registered owner, license plate number, and vehicle identification number or VIN;
- (2) Proof of insurance as required by section 19-20.1-6;
- (3) The total number, date, and time of all rides initiated at a public airport; and
- (4) The total receipts earned by each ride initiated at a public airport and an itemization of any tax, tip, and other fees included in the receipts.

"Hotel" includes motel.

"Operator" includes any person who is properly and physically qualified to operate and control any motor or other vehicle in connection with any ground transportation service provided at a public airport by a permittee under this chapter. The operator may be a permittee itself or a qualified employee, contractor, assignee, agent, or other similar representative of the permittee.

"Prearranged ground transportation services" includes the providing or facilitating for hire of a motor vehicle, including off-airport rent-a-car vehicles, at any public airport for the purpose of transporting the hirer of, or passenger in, such motor vehicle and personal property where such hire or transportation was contracted or arranged for by the hirer, passenger, or another on behalf of the hirer or passenger, in advance of the hirer or passenger's arrival at the public airport or, upon or after his arrival at the public airport, by communicating with an operator whose place of business is situated outside the public airport, for ground transportation services to be performed, at least in part, at the public airport.

Prearranged ground transportation services also include passenger transportation services, tours, and courtesy car services for customers and guests upon vehicles owned or leased by the operators even if the

services are provided gratuitously or may be an incidental part of another service.

Prearranged ground transportation services do not include the right to solicit, offer, and provide ground transportation services for hire to any person other than to persons for which ground transportation services had been arranged in advance.

"Software application service" shall have the same meaning as the term "Digital network".

"Taxi or taxicab service" includes the service of providing a motor vehicle for hire by the public at, on, or upon a public airport, which motor vehicle shall have a driver other than the hirer and be used for the purpose of transporting the hirer and incidental personal property to a destination and over a route controllable by a hirer.

"Transportation network company" or "TNC" means a person or an entity that uses a digital network or software application service to connect passengers to transportation network company drivers and uses the digital network or software application service to confirm the commercial activity and gross receipts of that activity; provided that the person or entity (1) does not own, control, operate, or manage the personal vehicles used by transportation network company drivers and (2) is not a taxicab company or a for-hire vehicle owner. [Eff 5/4/02; am and comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-56 Fees. Persons authorized to provide prearranged ground transportation services at public airports shall, in consideration of using state airport facilities for conducting business, pay the following fees as applicable:

- (1) Off-airport rent-a-car service.
 - (A) An annual administrative expense fee of \$100 in advance.
 - (B) An annual fee of \$20 for each off-airport rent-a-car vehicle in the

- permittee's fleet as of October 1 of each year.
- (C) An annual registration fee of \$250 for each courtesy vehicle used for transportation of customers to and from any public airport.
- (2) Courtesy vehicle service other than off-airport rent-a-car or hotel firms.
- (A) An annual administrative expense fee of \$250 in advance.
 - (B) An annual registration fee of \$250 for each courtesy vehicle used for transportation of customers to and from any public airport.
- (3) Taxi, bus, limousine and stretch out.
- (A) An annual administrative expense fee of \$100, in advance, per permittee providing these prearranged ground transportation services at any public airport.
 - (B) An amount equal to the following percentages of the monthly gross receipts which the operator derives from providing these prearranged ground transportation pickup services at the public airports listed below.
 - (i) Seven percent at Daniel K. Inouye International Airport in Honolulu.
 - (ii) Three percent at public airports other than Daniel K. Inouye International Airport in Honolulu.
- (4) Hotel courtesy vehicles.
- Prearranged ground transportation services between a public airport and a hotel, provided by the hotel for its guests upon vehicles owned or leased by the hotel shall be charged:
- (A) An annual administrative expense fee of \$250 in advance.
 - (B) An annual registration fee of \$250 for each courtesy vehicle used for

transportation of customers to and from any public airport.

(C) An annual fee of \$2 per sleeping room for rental by the hotel.

(5) Transportation network company.

(A) An annual administrative expense fee of \$100, in advance, per permittee providing these prearranged ground transportation services at any public airport.

(B) An amount equal to the following percentages of the monthly gross receipts which the operator derives from providing these prearranged ground transportation pickup services, consistent with the data provided by the TNC digital network or software application service, at the public airports listed below.

(i) Seven percent at Daniel K. Inouye International Airport in Honolulu.

(ii) Three percent at public airports other than Daniel K. Inouye International Airport in Honolulu.

[Eff 5/4/02; am and
comp AUG 24 2018] (Auth: HRS
§261-12) (Imp: HRS §261-7)

§19-20.1-57 Exemptions. The director may, in the public interest, exempt all persons providing ground transportation services at certain public airports from the payment of the fees required under this subchapter. [Eff 5/4/02; comp AUG 24 2018]
(Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-58 Taxi services. The director reserves the right to revoke any non-exclusive privilege of providing taxi service at any public

airport, except prearranged taxi service, and grant an exclusive taxi service concession any person in the manner prescribed by section 102-2, Hawaii Revised Statutes. [Eff 5/4/02; comp HRS §261-12) (Imp: HRS §261-7)] (Auth: AUG 24 2018

§19-20.1-59 Signs. No person shall display any sign that extends more than six inches above the roof, hood, or trunk of any motor vehicle used to provide ground transportation at public airports. Flashing lights and audible devices, other than that required by safety ordinances and regulations are prohibited. The display of any rates or fees on motor vehicles is also prohibited. [Eff 5/4/02; comp HRS §261-12) (Imp: HRS §261-7)] (Auth: AUG 24 2018

§19-20.1-60 Restrictions. (a) Permittees and operators shall not solicit passengers or fares on airport premises. Pickup shall be limited to those passengers and clients who have made prior arrangement for the ground transportation service provided or facilitated by the permittee. The permittee, and its employees, agents and operators shall have evidence of such prior arrangements in the form of schedules, passenger manifests or other similar documentation which identifies the passengers and clients, available for inspection by the director at all times during the period the permittee is engaged in business activities at the public airport, including at the time of all pickups.

(b) Permittees shall not use dispatchers, agents, customer service assistants, operators, employees or any other persons who have a working arrangement with the permittee to engage in any effort to solicit or obtain ground transportation business on any public airport premises. [Eff 5/4/02; am and comp HRS §261-12) (Imp: HRS §261-7)] (Auth: AUG 24 2018

§19-20.1-61 Records of off-airport rent-a-car permittees. Permittees who provide off-airport rent-a-car ground transportation services in or at public airports shall be obligated to maintain a record and original source documents which shall account for all of the vehicles in the permittee's fleet as of October 1 each year, segregated by airport districts. The record, including original source documents, shall be kept for three years in the State following the end of the permit year. The State shall be granted access at all reasonable times to all such records and documents and may make or cause to be made a complete audit to verify the reasonableness of the reported number of vehicles in the permittee's fleet as of October each year. In the event that records and original source documents have not been kept in accordance with this provision, the State, shall in addition to other payments required by this chapter, be entitled to demand and receive an additional payment of ten percent of the total amount payable by the off-airport rent-a-car ground transportation service permittee to the State under this subchapter. [Eff 5/4/02; comp AUG 24 2018] (Auth: HRS §261-12) (Imp: HRS §261-7)

§19-20.1-62 Vehicle identification and tracking.

(a) Each prearranged ground transportation permittee shall identify each of its vehicles that will be used at a public airport with one of the following:

- (1) A decal issued by the department; or
- (2) The permittee's logo, trade dress, or other company identifier as approved by the director.

The decal, logo, trade dress, or other company identifier shall be affixed to the vehicle at all times the permittee operates the vehicle at a public airport.

(b) If a permittee elects to use a decal issued by the department, the permittee shall be required to have a transponder or other tracking device issued and



installed in each vehicle by the department to collect data that describe the activity and movement of the permittee's vehicle while it operates at a public airport. The data may be used to confirm the accuracy of fees and percentage of gross receipts paid by the permittee pursuant to section 19-20.1-56.

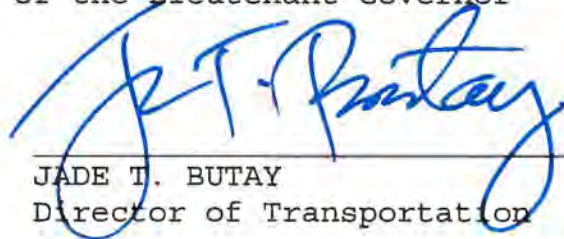
(c) If a permittee elects to use its logo, trade dress, or other company identifier, the permittee shall be required to have and use a digital network or software application service. The department shall verify the digital network or software application service meets the criteria set forth in section 19-20.1-55. The logo, trade dress, or company identifier shall be in good taste and shall not be vulgar or offensive. Any changes to the logo, trade dress, or company identifier that will be used at a public airport must also be approved by the director. [Eff 5/4/02; am and comp] (Auth: HRS §261-12) (Imp: HRS §261-7)

AUG 24 2018

DEPARTMENT OF TRANSPORTATION


Amendments to and compilation of chapter 19-20.1, Hawaii Administrative Rules, on the Summary Page dated July 3, 2018, were adopted on July 3, 2018, following a series of four public hearings held on June 25, June 26, June 28, and June 29, 2018, after public notice was given in the Honolulu Star-Advertiser, The Garden Island, The Maui News, Hawaii Tribune-Herald, and West Hawaii Today on May 26, 2018.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor




JADE T. BUTAY
Director of Transportation

APPROVED AS TO FORM:



Julia H. Verbrugge
Deputy Attorney General



DAVID Y. IGE
GOVERNOR
STATE OF HAWAII

Date: 08-14-2018

Filed

EXHIBIT 7

COMPREHENSIVE EXEMPTION LIST
FOR THE
STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
AMENDED, NOVEMBER 15, 2000

NOTE: The present list, reviewed and concurred in by the Environmental Council Docket 92-EX-01), State of Hawaii, amends and supersedes the December 16, 1992, exemption list for the Department of Transportation.

Pursuant to Section 11-200-8 (a), Hawaii Administrative Rules, the following types of actions, where they fall within the given classes of action, shall generally be exempt from requirements regarding the preparation of an environmental assessment.

EXEMPTION CLASS 1: Operations, repairs or maintenance of existing structures, facilities, equipment or topographical features, involving negligible or no expansion or change of use beyond that previously existing.

A. STRUCTURES

1. Buildings: repainting, reroofing, and repairs to and maintenance of furnishings, framework, walls, roof sheathing, flooring, floor coverage, windows, doors, electrical, plumbing, and communication systems, elevators, escalators, conveyors, heating/ventilation/air conditioning units, pedestrian bridges and underpasses.

2. Termite and pest control treatment using Environmental Protection Agency and State Department of Agriculture approved pesticides under the supervision of certified applicators.

3. Repairing and maintaining protective walls damaged by aircraft blast.

4. Grooving of existing concrete pavements, bridge decks, taxiways and runways to improve skid resistance and safety.

5. Cleaning, chipping, painting, patching of damaged concrete and replacement of structural members to existing roadway structures, including tunnels and parking structures.

6. Modification required to existing buildings and equipment to meet new codes and regulations, i.e., Occupational Safety & Health Administration, building, fire, security, Federal Aviation Administration, accessibility for the handicapped, environmental compliance, etc.

7. Repairs and modifications to sewage and water pumping stations and treatment facilities to maintain established codes and standards provided that modifications that expand the capacity or geographical service area of existing facilities shall not be exempt.

B. FACILITIES

1. Resurfacing, sealing, and/or repairing of roadways, roadway shoulders, parking areas, taxiways, runways, walkways, bikeways and harbor storage and container areas.

2. Repair or replacement of fender systems, utilities, manholes, air and water navigational aids, and pipelines, excluding underwater pipelines.

3. Repairs or improvements to hatch frames and covers, residences, loading docks and mooring facilities.

4. Repairs to rockwalls, curbing, perimeter seawalls, groins, dikes, breakwaters, loading docks, and storm drains.

5. Temporary parking on highway remnant properties.

6. Temporary storage of construction equipment and materials on highway remnant properties.

C. EQUIPMENT

1. Repair and maintenance of automobiles, trucks, maintenance and construction equipment used by the department in the performance of duty.

2. Repair and maintenance of machinery such as tools, mowers, pumps, generators, etc.

D. TOPOGRAPHICAL FEATURES

1. Planting, trimming, mowing, and irrigating State Department of Transportation airport, harbor, and highway areas.

2. Clearing and grading, for which grading permits are not required, to maintain safety and security standards for aircraft and vehicular traffic.

3. Clearing of swales and drainage conduits to maintain existing flow characteristics.

4. Clearing of shoreline areas of debris or other objectionable material such as oil and derelict craft.

5. Requests to the Department of Land and Natural Resources or General Services Administration for setting aside of State lands to the Department of Transportation.

6. Requests to the Department of Land and Natural Resources for transfer of State lands by Governor's Executive Order between the Department of Transportation and other State agencies.

7. Subdivision of lot (s) not previously subdivided into highway parcel (s) and highway remnant (s).

8. Subdivision of portion of highway due to encroachment or determined surplus.

9. Consolidation of residential-zoned highway remnant parcels into one lot (residential).

10. Leases of property for continuing aeronautical uses or complementary airport purposes.

EXEMPTION CLASS 2: Replacement or reconstruction of existing structures and facilities where the new structure will be located, generally on the same site, and will have substantially the same purpose, capacity, density, height and dimensions as the structure replaced.

A. STRUCTURES

1. Repair or replacement of frames, sidings, floors, fixtures, windows, fire protection system, roofing, roll-up doors, cattle holding pens, and minor renovations/additions/modifications not exceeding 20 percent of the floor area.

2. Replacement of existing protective structures such as walls and fences to retain necessary security to protect property or ensure public safety.

3. Replacement of bollards.

4. Replacement or reconstruction of highway structures when flood or other natural phenomena causes complete collapse or serious damage to the structures which render them unsafe for traffic use.

5. Replacement or repair of existing deteriorated and/or damaged structures to their original/better condition within areas under the jurisdiction of the Department of Transportation such as piers, mooring buoys, single story office buildings, warehouses, sheds, comfort stations, and shelters.

B. FACILITIES

1. Upgrade or replace existing roadways, bike paths and bike lanes, road intersections, roadway markings and striping, roadway shoulders and curves, walkways, airfield pavements, and air and water navigational aids to meet acceptable safety standards.

2. Upgrade or replace utility and drainage systems to maintain a consistent level of service. Drainage improvements will generally consist of installation of pipe culverts, construction of gutters where minor flooding occurs.

3. Replacement of vehicles and machinery in accordance with the Department of Accounting and General Services directives.

4. Reconstruction of an existing highway for safety purposes by widening less than one lane width, adding shoulders, and adding auxiliary lanes for localized purposes (passing, deceleration for turns, etc.) and correcting substandard curves and intersections.

5. Reconstruction of existing crossroads or railroad crossings or separations and existing stream crossings, except bridges.

6. Temporary replacement of a highway facility which is commenced immediately after the occurrence of a natural disaster or catastrophic failure to restore the highway for the health, welfare, and safety of the public.

7. Restriping of existing roadways to provide an additional lane for use of car pools and buses during peak hours.

8. Providing a contra-flow for car pools and buses during peak hours by coning the opposite direction of travel.

9. Upgrading and/or replacement of fuel lines and fuel tanks in areas under the jurisdiction of the State Department of Transportation including the installation of above-ground, dual walled, fire-rated fuel tanks whose total capacity does not exceed existing capacity.

10. Closure and/or metering of highway ramps for safety purposes or for the improvement of traffic flow along a major highway.

11. Reconstruction of highway shoulders and installation of emergency bays for the transporting of vehicular traffic during peak hours. These highway improvements, if needed to mitigate the traffic impacts of an adjacent development project, should not be exempt and should be included and discussed in the development project's environmental documents.

EXEMPTION CLASS 3: Construction and location of single, new, small facilities or structures and the alteration and modification of same and installation of new, small, equipment and facilities and the alteration and modification of same including, but not limited to:

(a) Single family residences not in conjunction with the building of two or more such units;

(b) Multi-unit structures designed for not more than four dwelling units if not in conjunction with the building of two or more such structures;

(c) Stores, offices and restaurants designed for total occupant load of twenty persons or less, if not in conjunction with the building of two or more such structures;

(d) Water, sewage, electrical, gas, telephone and other essential public utility services extensions to serve such structures or facilities; and

(e) Accessory or appurtenant structures including garages, carports, patios, swimming pools and fences.

1. Construct appropriate structures not exceeding 1,000 square feet on the Department of Transportation property and modify/alter the Department of Transportation buildings to house utility or sprinkler system components such as pumps, transformers, etc.

2. Construct/modify/alter carports, personnel (bus type) shelters, and specialty storage facilities such as paint sheds and structures not exceeding 1,000 square feet on the Department of Transportation property.

3. Installation of security and safety equipment.

4. Alterations to existing buildings such as schools, libraries, etc., to provide for noise attenuation such as the installation of louvers, acoustic filters or air conditioning.

5. Construction of facilities to accommodate the elderly or handicapped persons.

6. Installation and removal of sprinkler systems.

7. Utility service connection and installation along and across State highway or roads, and in airports and harbors.

EXEMPTION CLASS 4: Minor alteration in the conditions of land, water, or vegetation.

1. Minor ground adjustments which do not require grading permits for the purpose of eliminating hazards to vehicular traffic and aircraft operations or to compromise air navigational aids.

2. Landscaping: trimming and/or transplanting of trees; sodding of bare areas for dust and erosion control.

3. Paving of shoulder areas within existing highway rights-of-way for driveways and subdivision street connections. These shoulder pavings will provide vehicular access to the highway pavement lanes from the adjacent common property line for residential and commercial driveways and subdivision street connections. These actions will not alter the character of the highway facility.

4. Landscaping limited to installation of underground sprinkler or drip irrigation system and planting of groundcover, shrubs, and trees involving minimum or no grading on property under the jurisdiction of the Department of Transportation.

5. Paving of previously graded parking and storage yard areas under the control of the Department of Transportation.

EXEMPTION CLASS 5: Basic data collection, research, experimental management, and resource evaluation activities which do not result in a serious or major disturbance to an environmental resource.

1. Conduct topographic, sounding, wave, littoral transport and location surveys.

2. Conduct foundation surveys.

3. Conduct traffic surveys (including transit patronage surveys).

4. Conduct graves surveys.

5. Conduct noise monitoring surveys.

6. Conduct drainage studies.

7. Conduct inventories.

8. Conduct building evaluations.

9. Conduct economical analyses (master planning updates).

10. Conduct archaeological surveys, excluding excavation.

11. Conduct air quality surveys.

12. Conduct ecological surveys for which no permit is required.
13. Conduct water quality surveys.
14. Conduct ridesharing demonstrations.
15. Conduct subsurface investigations (borings) provided cultural remains are not disturbed.

EXEMPTION CLASS 6: Construction or placement of minor structures accessory to existing facilities.

1. Installation of flare screens, safety barriers, guard rails, energy attenuators and other appurtenances designed to protect the motoring public.
2. Installation of traffic signals, pavement marks, and striping for traffic safety and control.
3. Installation of directional, informational, and regulatory signs.
4. Installation of light standards.
5. Installation of screens around trash bin areas and for noise control.
6. Installation of reefer outlets.
7. Procure and install works of art.
8. Alteration or addition of improvements with associated utilities, which are incidental to existing harbor and boat ramp operations, in accordance with master plans that have met the requirements of Chapter 343, Hawaii Revised Statutes. Such improvements and associated utilities include concessions, comfort stations, pavilions, paving, rockwalls, fencings, walkways, loading docks, warehouses, piers, offices, container freight stations, cranes, fuel lines, lighting, sprinkler and drainage systems.
9. Construction of bus shelters, telephone booths and sidewalks.
10. Striping of existing paved roadways or paved shoulders to create a bikelane when no additional construction is required.

EXEMPTION CLASS 7: Interior alterations involving things such as partitions, plumbing, and electrical conveyances.

1. Installation of office partitions and electrical outlets as required.
2. Expand utilities as need dictates in existing structures.
3. Maintaining of existing utilities.

EXEMPTION CLASS 8: Demolition of structures, except those structures located on any historic site as designated in the National Register or Hawaii Register as

provided for in the National Historic Preservation Act of 1966, Public Law 89-665, or Chapter 6E, Hawaii Revised Statutes.

1. Demolition of existing structures under Department of Transportation jurisdiction except seawalls and other coastal structures and those structures located on any historic site as designated in the National Historic Preservation Act of 1966, Public Law 89-655, or Chapter 6E, Hawaii Revised Statutes.

EXEMPTION CLASS 9: Zoning variances except: use, density, height, parking requirements and shoreline setback variances.

None.

NOTE: Pursuant to Section 11-200-8 (b), Hawaii Administrative Rules, all exemptions under this list are inapplicable when the cumulative impact of planned successive actions of the same type, in the same place, over time, is significant, or when an action that is normally insignificant in its impact on the environment maybe significant in a particularly sensitive environment.