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DRAFT
ENVIRONMENTAL STATEMENT
ADMINISTRATIVE ACTION
FOR
HANA BELT ROAD, LOWER PAIA SEC.
FEDERAL AID PROJ. NO. F-036-1 (4)
Maui, Hawaii
April 1972

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DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

Prepared by

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

DRAFT

ENVIRONMENTAL STATEMENT

ADMINISTRATIVE ACTION

for

HANA BELT ROAD, LOWER PAIA SECTION

FEDERAL AID PROJECT NO. F-036-1(4)

MAUI, HAWAII

THIS HIGHWAY IMPROVEMENT IS PROPOSED FOR FUNDING UNDER TITLE 23,
U.S.C. THIS STATEMENT FOR THE IMPROVEMENT WAS DEVELOPED IN
CONSULTATION WITH THE FEDERAL HIGHWAY ADMINISTRATION AND IS
SUBMITTED PURSUANT TO:

SECTION 102(2)(C)
PUBLIC LAW 91-190

4/18/72 A. Harano
Date Chief, Highways Division
State of Hawaii

CLEARED BY FHWA FOR CIRCULATION
AND COMMENTS

4.20.72 [Signature]
Date Acting Division Engineer,
Federal Highway Administration

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ENVIRONMENTAL IMPACT STATEMENT FOR
HANA BELT ROAD, LOWER PAIA SECTION
FEDERAL AID PROJECT NO. F-036-1(4)
MAUI, HAWAII

I. Project Description and Need

The project commonly known as the "relief route" will bypass the business and residential area of Lower Paia and connect two improved portions of Hana Belt Road. (See attached Exhibit B.) This 2.8-mile section of roadway begins west of Lower Paia and about 0.30 mile east of Baldwin Park, traverses east following the southern limits of the business district of Lower Paia and crosses Baldwin Avenue approximately 800 feet south of the existing Hana Highway. From this point it runs in a northeasterly direction approximately 800 feet south and parallel to existing Hana Highway to Kuau. Beyond Kuau it curves north following the sea coast and ends east of Hookipa Park.

The proposed facility will be a 2-lane, 24-foot wide highway, with 10-foot shoulders on both sides, and partial access control along the right-of-way. The minimum right-of-way width will be 200 feet. Approximately 65 acres of agricultural land, 95,000 sq. ft. of residential lots and 15,000 sq. ft. of county roads will have to be acquired.

The present land use that this project traverses is comprised largely of agricultural land with some residential and business properties. Where construction affects the adjacent properties,

every effort will be made to minimize impact on them. The highway project has been coordinated and will be further coordinated with public and private land development plans during design to insure that the highway is in consonance with the present and master planned development of this area. The proposed land use after completion of this highway for certain land areas adjacent to the highway will be rezoned from agricultural to residential. (See Exhibit C.)

The existing Hana Highway, with alignment through Lower Paia and Kuau, consists of numerous sharp curves, narrow pavements, changes in grade, and limited sight distance. These adverse conditions resulted in 17 accidents in 1966, 13 accidents in 1967, 7 accidents in 1968, 11 accidents in 1969, and 17 accidents in 1970. The average daily traffic (ADT) between Baldwin Park and Baldwin Avenue at present is 2,970 vehicles, two years after the completion of this proposed project (1976) the ADT is estimated to be 3,580 vehicles, and for the year 1992 the ADT will be approximately 4,540 vehicles.

The existing highway at the beginning of the proposed project was first constructed in 1935 under Project No. NRS 17A and subsequently rehabilitated in 1960 to its present condition. The pavement consists of two 11.5-foot lanes with 6.5 feet of shoulders on both sides. The posted speed limit for this section of Hana Highway is 45 m.p.h.

At the end of the proposed highway project a link with Federal Aid Project No. F-036-1(1) will be made. This improved section

was constructed in 1961 and the roadway facilities consist of two 12-foot lanes with 8-foot shoulders and a design speed of 45 m.p.h.

The basic objective of this project is to provide a high quality traffic service, consistent with the existing highway at both ends of this project and to relieve traffic on the existing Hana Belt Road which will be inadequate to support future traffic safely and effectively.

The benefits gained as a result of the upgraded facility will include increased fire or emergency protection and improve defense or natural disaster emergency mobility. Another benefit is the by-passing of agricultural and industrial vehicles through the town of Paia and its Business District.

The State Highways Division developed two alternate corridor studies which were presented at a corridor public hearing on June 20, 1968 at the Kahului Library on the Island of Maui. Testimonies, both written and oral, favored the "Relief Route". An opportunity for a design public hearing was afforded to the public on July 2 and July 9, 1969. The Department did not receive any request from the public for such a design hearing.

Currently the design report is being processed by the State Highways Division and will be forwarded to the Federal Highway Administration for approval before final design is started. Tentative programming for start of right-of-way acquisition is in late 1972 and construction of this project should start in the first half of 1974.

II. Impact of Highway

This project will connect two improved segments of the Hana Belt Road and will utilize an entirely new highway right-of-way.

A. Social

1. Public Safety

The highway design has recognized public safety in all aspects and incorporates the latest design standards and safety features.

2. Religious Institutions

No religious institutions will be displaced by the highway construction.

3. Displacement of Families and Replacement Housing

The residents and business establishments affected by the "relief route" scheme is at the intersection of the proposed highway and Baldwin Avenue. There will be approximately 22 residences and 2 business establishments that will have to be relocated.

^{1.}
President indications are that housing is in relatively short supply and will present a problem for families and individuals who cannot afford the higher rates of renting or purchasing a home. Through the State's relocation assistance program the financial hardship for owners and tenants can be minimized. ^{How?} Attached is a brochure titled, "Relocation Advisory Assistance and Relocation Payments" which describes this program.

Rights-of-way acquired for the project will be acquired at "Fair Market Value" and will include land and improvements and other items such as crop damages, relocation payments, etc.

B. Economics

1. Economic Activity

There were two reports prepared on the economic impact that the relief route would have on the town of Lower Paia. One report was prepared by the business survey and research firm of John Child and Co. in 1958 and the other report by the County of Maui's Planning Commission in 1967.

The Child report states that Lower Paia is suffering from lack of parking and the intermixture of local and through traffic. The town is in need of a centralized core for shopping with convenient access to surrounding areas. This report asserts that Paia's role is changing from a shopping area for general merchandise to one of providing convenience merchandise. This is primarily due to the population shift to the Wailuku-Kahului area and the resulting development of shopping centers in Kahului. The report cites a parallel situation on the island of Hawaii where the town of Honokaa was bypassed. Four years after this highway was constructed the only noticeable decline in economic activity was in the automotive and gasoline station business. The report concludes that the relief route will allow through traffic to be re-routed, providing better local circulation and parking in the center of town, and improving the shopping possibilities. ✓

The Planning Commission report pre-supposes the bypass road construction, but while not elaborating on it, states that the overall effect of the bypass to business may be beneficial. ✓

For Paia, the declining business trend has not abated and the population decline continues. The shopping exodus is here now with or without the bypass and the bypass, if anything, should permit the re-growth of a dying town.

Can it be done?

2. Maintenance and Operating Features

The design of the project will recognize the continuing aspects of maintenance and operations. Designs will be such as to result in the lowest feasible maintenance and operating expenses.

3. Traffic Disruptions

Traffic disruptions will be minimal since this highway is a new by-pass roadway and use of the existing roadway will not be affected.

4. Estimated Project Cost for "Relief Route"

<u>Item</u>	<u>Federal Share</u>	<u>State Share</u>	<u>Total</u>
Plans	\$ 110,000	\$ 135,000	\$ 245,000
Right-of-Way	381,000	362,000	743,000
Construction	<u>835,000</u>	<u>802,000</u>	<u>1,637,000</u>
TOTAL	\$1,326,000	\$1,299,000	\$2,625,000

C. Environmental

1. Aesthetics

The recognition of aesthetics will be constantly considered during the design of the project. Cuts and fills will be landscaped for a pleasing appearance.

2. Recreation and Parks

Baldwin Park located just before the beginning of this project and Hookipa Park located at the end of the project will not be affected by this project. (See attached Exhibits B and C.)

3. Fire Protection

This section of highway will not disrupt any existing fire protection facilities for this area. Mobility of fire fighting vehicles will be increased by the construction of this highway.

4. Public Utilities

Design of this highway will be closely coordinated with utility agencies to ensure that all existing public and private utility services are maintained during construction. The design will be accomplished in close and continued liaison with the utility agencies.

5. Conservation

The project has been coordinated with the State Department of Land and Natural Resources, who has investigated the effects of the project and has found that no significant damage will result in the wildlife and general ecology of the area.

6. Natural and Historic Landmarks

There are no natural or historic landmarks located within the project area.

7. Noise, Air and Water Pollution

Trucks and high-speed through traffic and the associated noise and air pollution will be removed from the

residential and commercial districts, thereby contributing significantly to improving the public health and safety of the citizens. The lower noise level can be attributed to vehicles, especially trucks, operating at a constant speed without having to shift gears. Furthermore, the State Health Department is in the process of working out maximum allowable noise level provisions for vehicles.

The highway is not expected to have any significant impact on local air and water pollution. With respect to air pollution, pollutants are reduced whenever traffic is permitted to flow more smoothly, i.e., when congestion and stop-and-go type driving are reduced. As an example, it has been found nationally, that traffic on central business district streets add 0.42 pounds of carbon monoxide per vehicle mile, whereas traffic on freeways contributes about one-fourth that amount, 0.11 pounds per vehicle mile. The principal reason for this difference in carbon monoxide emissions is that internal combustion engines burn fuel most effectively at relatively constant speeds, but the amount of unburned fuel increases sharply when a motor vehicle is accelerated or decelerated.

Air pollution resulting from highway construction activity is also a possibility. Specific measures include, where applicable, non-burning techniques for the disposal of grubbed debris and dust collection systems for hot-mix asphalt plants and other types of plants used primarily for highway

construction. Other means of dust control, such as sprinkling and restricting area of operation, will be utilized to alleviate the dust problem.

With respect to water pollution, the water table will not be affected. The potential water hazard from erosion, especially during construction, can be minimized by scheduling of grading work during low rainfall periods, by limiting the size of area graded at one time, and the generous use of mulch or vegetation for temporary protection. Attached is a copy of our present specifications on temporary pollution control.

Grubbed debris and building debris can be trucked to disposal sites instead of being burned on-site, when appropriate.

8. Multiple Use of Space

Multiple use of project right-of-way will be limited to utilities, irrigation and cane haul crossings, and possible overlooks. Joint use of air space over the project right-of-way is not anticipated at this time, but future consideration of this matter might be a possibility.

9. Coordination with Planned Development of Low-cost Housing

The Maui Planning Commission adopted a general plan on March 15, 1968 (General Plan No. 15) which shows the preliminary relief route corridor in relation to planned land use for this community. Currently there is a housing development being constructed between the existing Hana Highway and the proposed relief route. This development, which is being co-sponsored by

the County of Maui and Hale Mahaolu, a nonprofit community organization, has been coordinated with the State's Highways Division. The location and design of the proposed highway project and the use of landscaping should mitigate any adverse impact on the community at large.

III. Adverse Environmental Effects Which Cannot Be Avoided
Should the Project be Implemented

The project area will have to be cleared and grubbed for highway construction. Also, some plant life will be destroyed and drainage patterns modified due to the highway construction. Embankment construction will be required over possibly two culvert systems where the proposed highway crosses gullies.

Measures will be taken to minimize the dust problem and temporary drainage and landscaping work will be implemented during construction to abate water pollution resulting from soil erosion.

IV. Alternatives

A. Town Route

During its corridor studies, the State examined one alternate route known as the "Town Route". This route begins at the west edge of Lower Paia near the Maui Electric Company substation. It follows the northeasterly alignment of the existing county road through Lower Paia and Kuau. Beyond Kuau, this route veers south of the existing Hana Highway and ends east of Hookipa Park, connecting with the last Federal-aid project, Maliko section.

With regard to right-of-way acquisition, this route will require approximately 12.8 acres, involving 92 parcels of land. The properties affected are comprised of 9 acres of agricultural land, 32 business properties, 51 residential lots, 3 cemeteries, and 1 church property. No schools or parks will be affected by this alignment.

Construction of the "Town Route" will cause traffic congestion, disruption of businesses since traffic will have to be routed through the work site, and a great number of residence and business establishments will have to be relocated. Also, during construction, air and noise pollution will be a major factor on the community as a whole.

B. "Do Nothing" Alternative

A third alternative which must be considered is the "Do Nothing" alternate. This alternate would ignore the immediate and future traffic needs of this island community. The existing highway would be left as is and no provision would be made to alleviate traffic congestion.

Some of the reasons for supporting the "relief route" are as follows: (1) favorable response by the community for this scheme; (2) lower total project cost; (3) this scheme is compatible with Maui Planning Commission's future plans for upgrading Paia Town; (4) this scheme allows for greater safety and serviceability; and (5) presents the least inconvenience and disruption to the public.

V. Relationship Between Short-Term Uses of Man's Environment and the Maintenance and Enhancement of Long-Term Productivity

The short term use of man's environment on this project will include noise and air pollution caused by construction equipment and grading operations. These short term adverse impacts have been experienced by the community in the past during the harvesting and planting of cane land. The change in traffic pattern and the effects on natural features will be minimal since most of the proposed alignment will be through cane land.

With the completion of the "relief route", the highway will connect two improved sections of the Hana Belt Road thus improving the travelling time and safety to Central Maui. A large measure of relief will have been provided for traffic on the existing highway with consequent reduction in noise and air pollution. The "relief route" is also compatible with Maui Planning Commission's future plans for upgrading and revitalizing Paia by providing additional land for residential expansion as well as for developing a park between the present road and the new facility. The "relief route" is not only the key to the revitalizing of Lower Paia, but would result in a vital and efficient transportation system that would meet the economic development of Haiku and points beyond.

major purpose

cost

VI. Irreversible and Irretrievable Commitments of Resources

The proposed highway project would commit land, labor, and material resources. In the event of future abandonment of the

project area, the land could be put to other use. The construction materials used in the project are probably irretrievable but might be reused for fill, reclamation of tidal lands, breakwater construction, etc. Labor utilized in the project would be wholly irretrievable.

VII. Summary

A. Administrative Action

This is a draft environmental impact statement with no 4(f) statement.

B. Project Description

Hana Belt Road, Lower Paia Section is a proposed highway project for the District of Makawao, Island of Maui, State of Hawaii. This project begins at the western edge of Paia Town and ends east of Hookipa Park. The alignment bypasses the towns of Lower Paia and Kuau and is 2.8 miles long.

C. Environmental Impacts

1. Detrimental effects on the human environment.
 - a. Displacement of residences. *22 residents
2 businesses*
 - b. Cane land converted to highway use.
 - c. Visual impacts of cuts and fills.
2. Beneficial effects on the human environment.
 - a. A safe and more efficient highway system.
 - b. Mitigate the noise and air pollution together with traffic congestion in the immediate area of residence and businesses establishments.

D. Alternatives Considered

1. Town Route - This alignment follows the existing Hana Belt Road through the towns of Lower Paia and Kuau. This alternate would have more detrimental impact upon the community and the total project cost would be higher than the "relief route" scheme.
2. A Do Nothing Alternate was also considered. — ?

E. List of Federal, State, Local agencies, and other organizations from which comments are being requested.

(See attached Mailing List.)

MAILING LIST

ENVIRONMENTAL IMPACT STATEMENT FOR
HANA BELT ROAD, LOWER PAIA SECTION
FEDERAL AID PROJECT NO. F-036-1(4)
MAUI, HAWAII

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Dr. William Aron National Oceanic and Atmospheric Administration U. S. Department of Commerce National Ocean Survey Honolulu Field Office P. O. Box 3887 Honolulu, Hawaii 96812	Soil Conservation Service U. S. Department of Agriculture Room 440, Alexander Young Building Honolulu, Hawaii 96813
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Mr. Eugene Kridler U. S. Bureau of Sport Fisheries & Wildlife 337 Uluniu Street Honolulu, Hawaii 96734	Forest Service U. S. Department of Agriculture 530 South Hotel Street Honolulu, Hawaii 96813
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The Hawaii Hochi
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Honolulu, Hawaii 96817

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1290 Ala Moana Boulevard
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148 Hekili Street
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1534 Kapiolani Boulevard
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Hawaii Industry
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Builders Report
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Hi League of Conservation Voters

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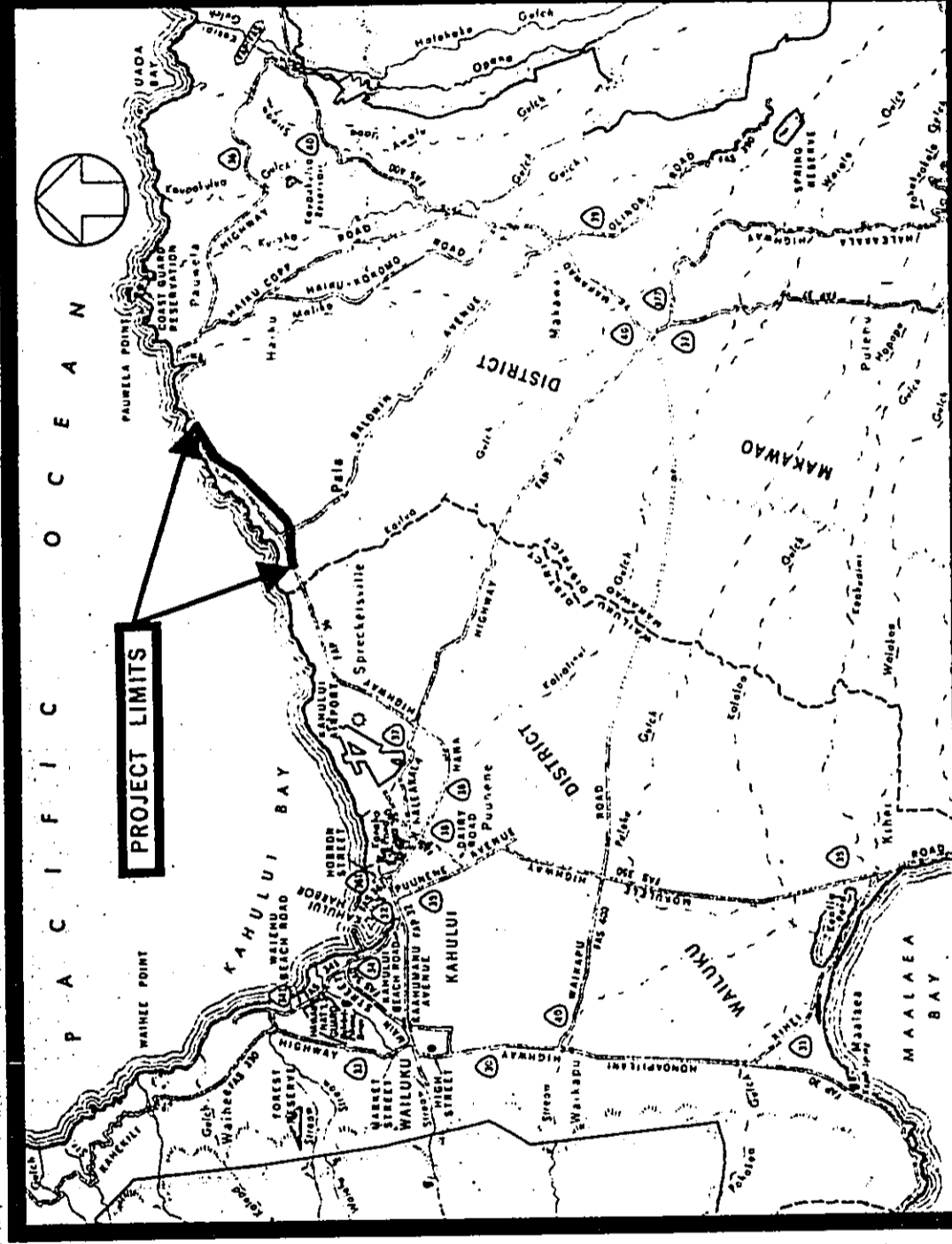
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APPENDIX

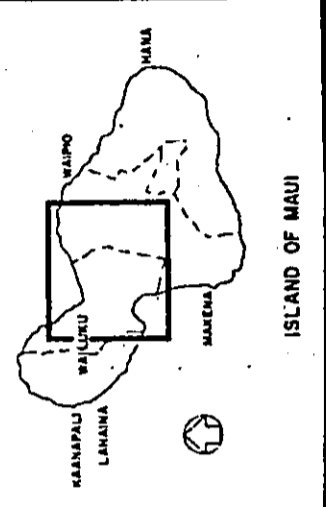
EXHIBIT A	Location Map
EXHIBIT B	Layout Plan
EXHIBIT C	General Plan

Specification for Temporary Project Water Pollution Control
(Soil Erosion)

Relocation Advisory Assistance and Relocation Payments



LOCATION MAP
HANA BELT ROAD
 Lower Paia Section
 F.A.P. PROJ. NO. F-036-1(4)
 SCALE IN MILE
 0 1 2 3
 April 1972



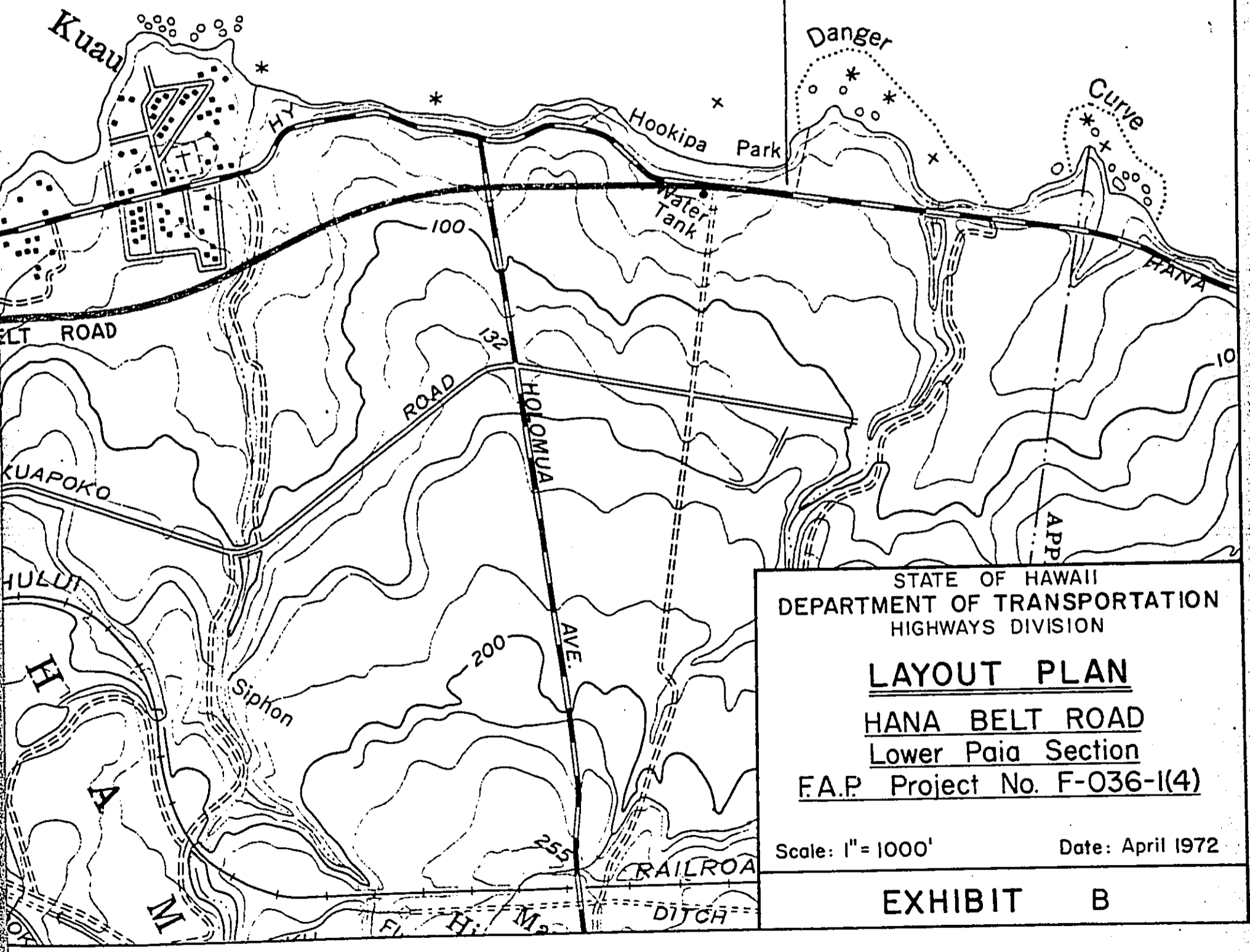
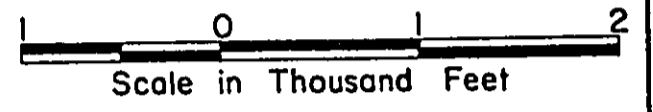
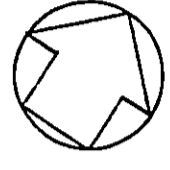
P A C I F I C O C E A N

PROJECT LIMITS

ROAD
F-036-1(4)

O C E A N

End Project



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS DIVISION

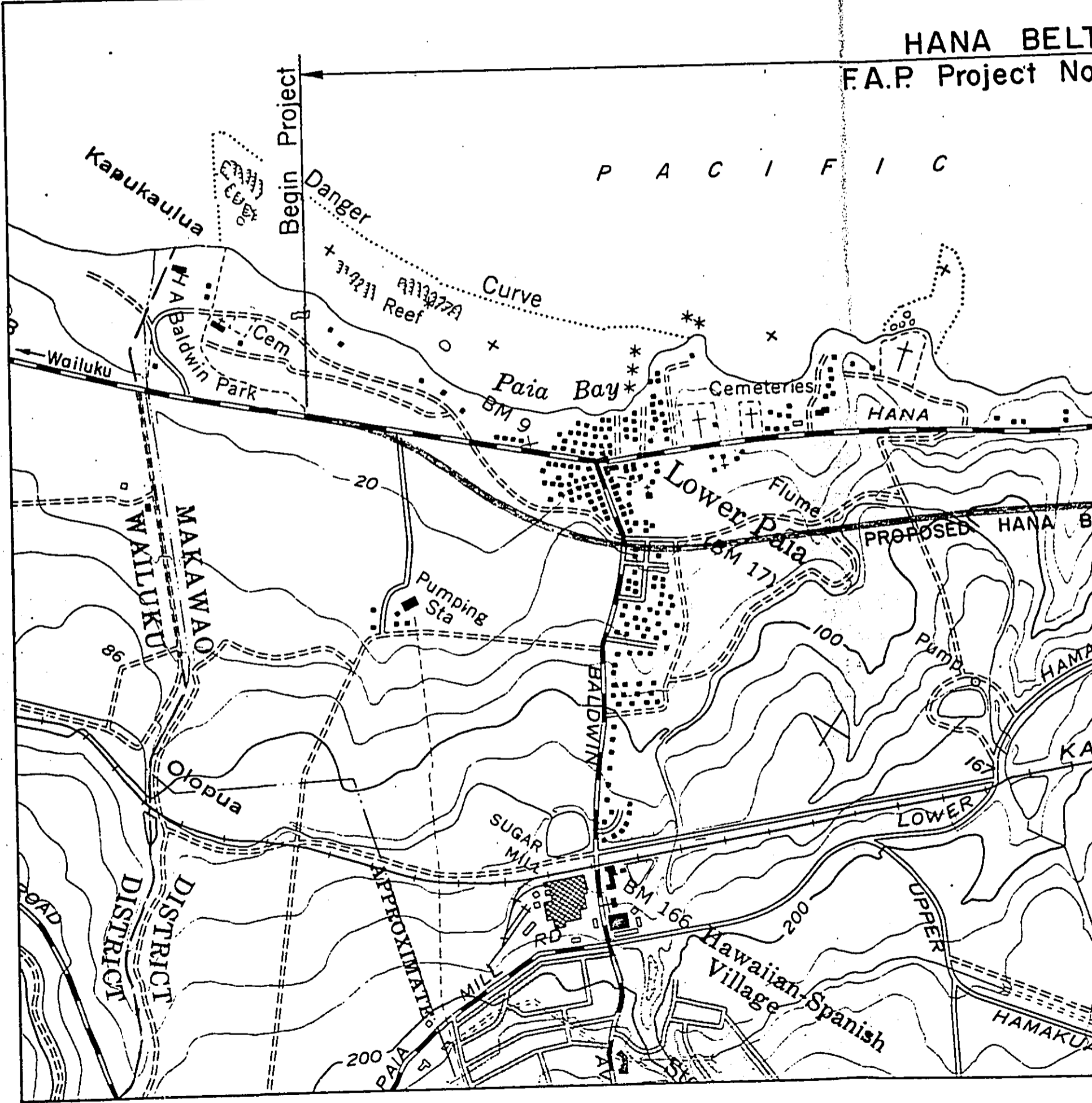
LAYOUT PLAN
HANA BELT ROAD
Lower Paia Section
F.A.P. Project No. F-036-1(4)

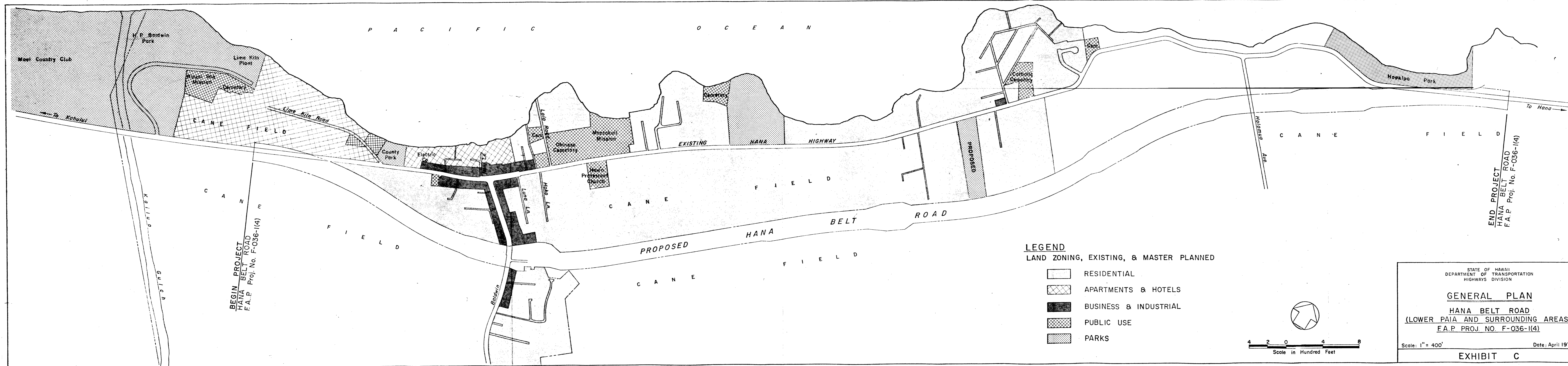
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EXHIBIT B

HANA BELT
F.A.P. Project No

P A C I F I C








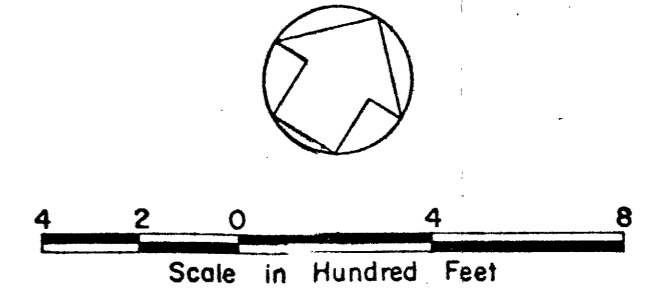


BEGIN PROJECT
 HANA BELT ROAD
 F.A.P. Proj. No. F-036-1(4)

END PROJECT
 HANA BELT ROAD
 F.A.P. Proj. No. F-036-1(4)

LEGEND
 LAND ZONING, EXISTING, & MASTER PLANNED

-  RESIDENTIAL
-  APARTMENTS & HOTELS
-  BUSINESS & INDUSTRIAL
-  PUBLIC USE
-  PARKS



STATE OF HAWAII
 DEPARTMENT OF TRANSPORTATION
 HIGHWAYS DIVISION

GENERAL PLAN
 HANA BELT ROAD
 (LOWER PAIA AND SURROUNDING AREAS)
 F.A.P. PROJ. NO. F-036-1(4)

Scale: 1" = 400' Date: April 1972

EXHIBIT C

The following Section shall be made a part of the Standard Specifications:

"SECTION 639 - TEMPORARY PROJECT WATER POLLUTION CONTROL (SOIL EROSION)"

639.01 Description. This work shall consist of temporary control measures as shown on the plans or ordered by the Engineer during the life of the contract to control water pollution, through use of berms, dikes, dams, sediment basins, fiber mats, netting, gravel, mulches, grasses, slope drains, and other erosion control devices or methods.

The temporary pollution control provisions contained herein shall be coordinated with the permanent erosion control features specified elsewhere in the contract to the extent practicable to assure economical, effective and continuous erosion control throughout the construction and postconstruction period.

639.02 Materials.

A. Mulches may be bagasse, hay, straw, fiber mats, netting, wood cellulose, bark, wood chips, or other suitable material acceptable to the Engineer and shall be reasonably clean and free of noxious weeds and deleterious materials.

B. Slope drains may be constructed of pipe, fiber mats, rubble, portland cement concrete, bituminous concrete, plastic sheets, or other material acceptable to the Engineer that will adequately control erosion.

C. Grass shall be a quick growing species (such as bermuda grass, rye grass, Italian rye grass, or cereal grasses) suitable to the area providing a temporary cover which will not later compete with the grasses sown later for permanent cover.

D. Fertilizer and soil conditioners shall be a standard commercial grade acceptable to the Engineer.

E. Others as specified by the Engineer.

639.03 Preconstruction Conference. At the preconstruction conference or prior to the start of the applicable construction, the Contractor shall submit for acceptance his schedules for accomplishment of temporary and permanent erosion control work, as are applicable for clearing and grubbing; grading; bridges and other structures at watercourses; construction; and paving. He shall also submit for acceptance his proposed method of

erosion control on haul roads and borrow pits and his plan for disposal of waste materials. No work shall be started until the erosion control schedules and methods of operations have been accepted by the Engineer.

639.04 Construction Requirements. The Engineer has the authority to limit the surface area of erodible earth material exposed by clearing and grubbing, the surface area of erodible earth material exposed by excavation, borrow and fill operations and to direct the Contractor to provide immediate permanent or temporary pollution control measures to prevent contamination of adjacent streams or other watercourses, lakes, ponds, or other areas of water impoundment. Such work may involve the construction of temporary berms, dikes, dams, sediment basins, slope drains, and use of temporary mulches, mats, seeding or other control devices or methods as necessary to control erosion. Cut slopes shall be seeded and mulched as the excavation proceeds to the extent considered desirable and practicable.

The Contractor will be required to incorporate all permanent erosion control features into the project at the earliest practicable time as outlined in his accepted schedule. Temporary pollution control measures will be used to correct conditions that develop during construction that were not foreseen during the design stage; that are needed prior to installation of permanent pollution control features; or that are needed temporarily to control erosion that develops during normal construction practices, but are not associated with permanent control features on the project.

Where erosion is likely to be a problem, clearing and grubbing operations should be so scheduled and performed that grading operations and permanent erosion control features can follow immediately thereafter if the project conditions permit; otherwise temporary erosion control measures may be required between successive construction stages. Under no conditions shall the surface area of erodible earth material exposed at one time by clearing and grubbing, exceed 750,000 square feet without approval by the Engineer.

The Engineer will limit the area of excavation, borrow and embankment operations in progress commensurate with the Contractor's capability and progress in keeping the finish grading, mulching, seeding, and other such permanent pollution control measures current in accordance with the accepted schedule. Should seasonal limitations make such coordination unrealistic, temporary erosion control measures shall be taken immediately to the extent feasible and justified.

Under no conditions shall the amount of surface area of erodible earth material exposed at one time by excavation, borrow or fill within the right-of-way exceed 750,000 square feet without prior approval by the Engineer.

The Engineer may increase or decrease the amount of surface area of erodible earth material to be exposed at one time by clearing and grubbing, excavation, borrow and fill operations as determined by his analysis of project conditions.

In the event of conflict between these requirements and pollution control laws, rules, or regulations of other Federal or State or local agencies, the more restrictive laws, rules, or regulations shall apply.

639.05 Method of Measurement and Basis of Payment. In the event that temporary erosion and pollution control measures are required due to the Contractor's negligence, carelessness, or failure to install permanent controls as a part of the work as scheduled, and are ordered by the Engineer, such work shall be performed by the Contractor at his own expense. Temporary erosion and pollution control work required, which is not attributed to the Contractor's negligence, carelessness or failure to install permanent controls, will be performed as ordered by the Engineer.

Where the work to be performed is not attributed to the Contractor's negligence, carelessness or failure to install permanent controls and falls within the specifications for a work item that has a contract price, the units of work will be paid for at the proper contract price. Should the work not be comparable to the project work under the applicable contract items, the Contractor will be ordered to perform the work on a force account basis, or by agreed unit prices.

In case of repeated failures on the part of the Contractor to control erosion, pollution, and/or siltation, the Engineer reserves the right to employ outside assistance or to use his own forces to provide the necessary corrective measures. Such incurred direct costs plus project engineering costs will be charged to the Contractor and appropriate deductions made from the Contractor's monthly progress estimate.

Temporary pollution control may include construction work outside the right of way where such work is necessary as a result of roadway construction such as borrow pit operations, haul roads and equipment storage sites.

The erosion control features installed by the Contractor shall be acceptably maintained by the Contractor."

RELOCATION ADVISORY
ASSISTANCE

and

RELOCATION
PAYMENTS

* * * * *

This brochure briefly answers some of the questions most often asked about the assistance that is available to help lessen moving problems for those who become displaced because of highway construction.

It also briefly describes the State Department of Transportation, Highways Division's Relocation Assistance Program established by The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Public Law 91-646, 91st Congress, S.1., and Act 166, Session Laws of Hawaii 1970.

Hawaii State Department of Transportation
Highways Division, Right-of-Way Branch
869 Punchbowl Street, Honolulu, Hawaii, 96813

INTRODUCTION

Progress is necessary but it can be disruptive to the lives of those who lie in its path. A few individuals should not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole. Therefore, it is the policy of the United States Department of Transportation that no person shall be displaced by any Federal-aid or Federally-assisted construction projects unless and until adequate replacement housing has already been provided or is built.

There are two services which have been authorized by Federal and State Laws to aid persons who must be relocated from their residences and businesses because of highway construction. The first service is RELOCATION ADVISORY ASSISTANCE, and the second service is RELOCATION PAYMENTS.

Both are briefly described in this brochure so that you may know the benefits which persons, businesses and farm operations may be entitled to receive and how they are obtained.

We hope that this brochure answers some of the questions you may have about Relocation Advisory Assistance and Relocation Payments. This is a general information brochure only and is not intended to give a detailed description of either the laws or regulations pertaining to Highway Relocation and Relocation Payments.

RELOCATION ADVISORY ASSISTANCE

Relocation Advisory Assistance Service is available to families (and to individuals who are not members of families), businesses (including the operation of a farm), and nonprofit organizations that must relocate because highway construction requires that their residences or businesses be acquired.

This service is provided by representatives of the Right-of-Way Branch, Highways Division, Department of Transportation, located at 869 Punchbowl Street, Honolulu, Hawaii.

DISPLACEMENT CERTIFICATES will be issued by the Department of Transportation to all eligible persons or businesses. These certificates must be presented to the Right-of-Way Branch, Highways Division, Department of Transportation, as soon as possible so that they may provide you with rehousing referrals, advisory assistance and instructions for claiming Relocation Payments.

RELOCATION PAYMENTS

The second service the Department of Transportation offers is RELOCATION PAYMENTS. Such Relocation Payments are authorized by Federal and State laws and are available to displaced individuals, families, business concerns (including the operation of a farm), and nonprofit organizations. Both owners and tenants are eligible for Relocation Payments.

The following is a discussion concerning Relocation Payments.
It answers various questions concerning moving expenses and supplementary payments for purchase or rental of replacement housing generally asked by displacees.

What are "Relocation Payments"?

Relocation payments are payments for moving expenses and for other expenses necessary for eligible persons to obtain replacement housing.

MOVING EXPENSES

What are "Moving Cost Payments"?

Moving cost payments are allowances to reimburse the expense of moving personal property including temporary storage of personal property, if necessary, for a reasonable time not to exceed six months, when persons or enterprises are displaced because of the need for their premises to construct a Federal-aid highway.

Who is eligible for a "Moving Cost Payment"?

Any individual, family, business, farm operation or nonprofit organization who moves as a result of acquisition of a property for a Federal-aid highway project is eligible for a moving cost payment when:

- A. He is in occupancy at the initiation of negotiations for the acquisition of the real property in whole or in part; or

- B. He is in occupancy at the time he is given a written notice by the State of its intent to acquire the property by a given date; and
- C. He moves from the real property or moves his personal property from the real property subsequent to the earliest date established in A or B above; and
- D. The real property is subsequently acquired; and
- E. He files an application for moving cost payment on a form provided by the Department of Transportation within 18 months from the date of his move from the real property.

If the move occurs after a written order to vacate is issued, the occupant is eligible even though the property is not acquired.

"Moving Cost Payment" to Displaced Individual or Family

Individuals or families displaced from their residential dwellings may choose to receive a moving cost payment by either the "Room Count" method for self moves or by the "Actual Cost" method.

"Room Count" Method of Payment for Self Move

The "Room Count" payment provides for a flat payment according to a fixed schedule based on the number of rooms (or room equivalents) of furniture and personal belongings in the house.

If the "Room Count" method is chosen, no more than \$300 moving costs can be paid no matter how large the home

may be. However, in addition, displacees will receive a DISLOCATION PAYMENT of \$200 regardless of the number of rooms.

"Actual Cost" Method
of Payment

The "Actual Cost" method provides for payment of actual and reasonable cost of a move accomplished by a commercial mover to a displaced individual (who is not a member of a family), or family within a 50 mile radius of the point from which the move is made. If the "Actual Cost" method is chosen, displacees are not allowed the additional \$200 dislocation allowance.

"Moving Cost Payment"
to Business, Farm
Operation or Nonprofit
Organization

The owner of a displaced business or farm operation and, also, a displaced nonprofit organization, if eligible, may receive a payment for:

- A. Actual reasonable moving expense;
- B. Actual direct losses of tangible personal property;
and
- C. Actual reasonable expenses, not to exceed \$500, in searching for a replacement business (for a business), replacement farm (for a farm) and replacement site (for a nonprofit organization).

"In Lieu" Payment to
Owner of Business or
Farm

In lieu of actual reasonable moving and related expenses, owners of some displaced businesses or farm operations may be eligible to receive a fixed payment in an amount equal to the average annual net earnings of the business

or farm operation. This payment shall be not less than \$2,500 nor more than \$10,000. Nonprofit organizations are not eligible for this "in lieu" payment.

What are Average Annual Net Earnings?

"Average annual net earnings" are one-half of any net earnings of the business or farm operation before Federal, State and local income taxes, during the two taxable years immediately preceding the taxable year in which the business or farm operation is relocated.

Notification of Intended Moving Date

A business concern (1) should submit to the Right-of-Way Branch a written notice of its intention to move at least 30 days, but not earlier than 90 days, prior to the intended move, and the new address; and (2) has permitted, at all reasonable times, the inspection by Right-of-Way Agents of the Right-of-Way Branch, Highways Division, of all property to be moved from the project site.

What Help is Available?

Your Highway Department can help you to find replacement housing, business premises or agricultural land. It can provide you with FHA, VA and conventional home financing information. It can direct you to other agencies which provide services that may be of help to you.

SUPPLEMENTAL PAYMENTS

Supplemental payments are payments made to certain residential property owners or tenants in addition to moving expenses. These payments are called "replacement housing payments" and "rental replacement housing payments".

What is a Replacement Housing Payment?

A replacement housing payment is an additional payment to an eligible displaced homeowner or tenant who purchases and occupies decent, safe and sanitary replacement housing.

What is a Rental Replacement Housing Payment?

A rental replacement housing payment is the amount paid to an eligible displaced homeowner or tenant to enable such displaced person to lease or rent decent, safe and sanitary replacement housing for a period not to exceed four years.

Who is Eligible?

If you have legally occupied residential premises as either an owner-occupant or tenant for a specified period of time, and purchased or rented a decent, safe and sanitary replacement housing and occupied the same within a limited period of time, you are eligible, if otherwise qualified, for a replacement housing payment.

Owner-Occupant

A displaced owner-occupant of a dwelling who purchases and occupies, or rents and occupies, a decent, safe and sanitary dwelling and who is otherwise eligible may receive the following:

A. If he purchases:

An amount, if any, as replacement housing payment, the combined total payment of which shall not exceed \$15,000, for the additional cost necessary:

1. To purchase the replacement housing which is adequate for him and his family;
2. To compensate him for the loss of favorable financing on his existing mortgage in the financing of his replacement housing; and
3. To reimburse him for incidental expenses incident to the purchase of his replacement housing when such costs are incurred by him.

Eligibility requirement for an owner-occupant to receive replacement housing payment

The owner-occupant is eligible for such payments when:

1. He is in occupancy at the initiation of negotiations for the acquisition of the real property, in whole or in part; or
2. He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and
3. Such occupancy has been for at least 180 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and
4. The property was acquired from him by the State; and

5. He purchased and occupied a decent, safe and sanitary dwelling within a 1-year period beginning on the later of the following dates:

(a) The date on which he receives from the State final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the State deposits the required amount in court for his benefit; or

(b) The date on which he is required to move by the State's written notice to vacate; or

(c) The date on which he moves, if earlier than the date on which he is required to move.

6. He files an application for replacement housing payment on a form provided by the Department of Transportation no later than 6 months after the expiration of the 1-year period, as specified above, except that, in condemnation cases, such period shall be extended to 6 months after final adjudication.

If otherwise eligible, the owner-occupant may receive this payment if the State issues an order to vacate even though the property is not acquired. However, if he has previously received a rental replacement housing payment described immediately next hereunder in B. "if he rents", the amount of such rental replacement housing payment shall be deducted from the amount of replacement housing payment, if any, to which he is eligible to receive.

B. If he rents:

An amount, if any, as rental replacement housing payment for him to rent a decent, safe and sanitary replacement housing adequate for him and his family for the next four years, only if he is eligible for a replacement housing payment described on pages 9 and 10 of this brochure. The rental replacement housing payment, if any, shall not exceed \$4,000 nor the maximum which he would have received had he elected to receive a replacement housing payment.

A displaced owner-occupant of a dwelling who is otherwise eligible under the eligibility requirements for a replacement housing payment, as specified on pages 9 and 10, except that he has owned and occupied the dwelling for less than 180 days but not less than 90 days, may receive the following:

A. If he purchases:

An amount, if any, as replacement housing payment which amount shall be the total of the downpayment determined as necessary by the State on a decent, safe and sanitary comparable dwelling if such purchase was financed with a conventional loan and the eligible expenses incurred by him incident to such purchase if such total amount does not exceed \$2,000. If the total of such downpayment and eligible incidental expenses

exceeds \$2,000, he may receive \$2,000 plus 50 percent of the excess over \$2,000 only if he contributes 50 percent of such excess amount. In no event shall the amount of replacement housing payment that he may receive exceed \$4,000.

The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs claimed must be shown in the closing statement, the certified copies of which in triplicate, are required to be submitted with his claim therefor.

B. If he rents:

An amount, if any, as rental replacement housing payment for him to rent a decent, safe and sanitary replacement housing adequate for him and his family for the next four years. In no event shall the rental replacement housing payment that he may receive exceed \$4,000.

C. If he retains his dwelling:

An amount, if any, as replacement housing payment for the reasonable costs of acquiring a new site and other expenses incident to retaining, moving the dwelling and restoring it to a condition comparable to that before the move. In no event shall the replacement housing exceed \$4,000.

If a displaced owner-occupant of a dwelling who has owned and occupied the dwelling for less than 180 days but not less than 90 days is otherwise eligible for a replacement housing payment, not to exceed \$4,000, for the purchase of a decent, safe and sanitary housing or for the retention of his dwelling, as heretofore described above, but has previously received a rental replacement housing payment described on page 12 of this brochure, the amount of such rental replacement housing payment shall be deducted from the amount to which he is eligible if he purchased a decent, safe and sanitary housing, or if he retained his dwelling.

Tenant-Occupant
and tenant of a
sleeping room

A displaced tenant-occupant of a dwelling or a tenant of a sleeping room who rents and occupies, or purchases and occupies, a decent, safe and sanitary dwelling and who is otherwise eligible, may receive the following:

A. If he rents:

An amount, if any, as rental replacement housing payment for him to rent a decent, safe and sanitary replacement housing adequate for him and his family for the next four years. In no event shall the rental replacement housing payment that he may receive exceed \$4,000.

Eligibility require-
ment for a tenant-
occupant and a tenant
of a sleeping room to
receive rental replace-
ment housing payment

The tenant-occupant of a dwelling, or tenant of a sleeping room, is eligible for a rental replacement housing payment, when:

1. He is in occupancy at the beginning of negotiations for the acquisition of the real property,

in whole or in part; or

2. He is in occupancy at the time he is given a written notice by the State that it is their intent to acquire the property by a given date; and

3. Such occupancy has been for at least 90 consecutive days immediately prior to the date of vacation or initiation of negotiations, whichever is earlier; and

4. The property was subsequently acquired; and

5. He rented and occupied a decent, safe and sanitary dwelling within a 1-year period beginning on the later of the following dates:

(a) The date on which the property owner receives from the State final payment for all costs of the acquired dwelling in negotiated settlements; or in the case of condemnation, the date on which the State deposits the

required amount in court for his benefit; or

(b) The date on which he is required to move by the State's written notice to vacate; or

(c) The date on which he moves, if earlier

than the date on which he is required to move.

6. He files an application for rental replacement housing payment on a form provided by the Department Transportation no later than 6 months after the expiration of the 1-year period as specified above, except that, in condemnation cases, such period shall be extended to 6 months after final adjudication.

B. If he purchases:

An amount, if any, as replacement housing payment to enable him to make a downpayment on the purchase of a replacement dwelling including the eligible expenses incurred by him incident to such purchase only if he is eligible for a rental replacement housing payment, as described immediately preceding this paragraph under A. "if he rents". The amount, if any, shall be the total of the downpayment determined as necessary by the State for a decent, safe and sanitary comparable dwelling if such purchase was financed with a conventional loan and the eligible expenses incurred by him incident to such purchase if such total amount does not exceed \$2,000. If the total of such downpayment and eligible incidental expenses exceed \$2,000, he may receive \$2,000 plus 50 percent of the amount in excess of \$2,000 only if he contributes 50 percent of the amount in excess of \$2,000. In no event shall the amount of replacement housing payment that he may receive exceed \$4,000.

The full amount of the downpayment must be applied to the purchase price and such downpayment and incidental costs claimed must be shown in the closing statement, the certified copies of which in triplicate, are required to be submitted with his claim therefor.

All rental replacement housing payment described heretofore in this brochure, in excess of \$500, will be made in four equal installments on an annual basis. Prior to receiving each of such installment payments, the eligible displaced owner-occupant, tenant-occupant or tenant of a sleeping room must certify to the State that he is occupying decent, safe and sanitary housing. The State shall verify the certifications on a spot check basis.

A supplemental payment shall not be made unless the Department has established, by inspection, that the property acquired has been vacated and the replacement dwelling meets the standards of decent, safe and sanitary housing.

What are the Standards for Decent, Safe and Sanitary Housing?

A decent, safe and sanitary dwelling is one which meets all of the following minimum requirements:

1. Conforms with all applicable provisions for existing structures that have been established under State or local building, plumbing, electrical, housing and occupancy codes and similar ordinances or regulations.
2. Has a continuing and adequate supply of potable safe water.
3. Has a kitchen or an area set aside for kitchen use which contains a sink in good working condition and connected to hot and cold water, and an adequate sewage system. A stove and refrigerator in good operating condition shall be provided when required by local codes, ordinances or custom. When these facilities are not so required by local codes, ordinances or custom, the kitchen area or area set aside for such use shall have utility service connections and adequate space for the installation of such facilities.
4. Has a bathroom, well lighted and ventilated and affording privacy to a person within it, containing a lavatory basin and a bathtub or stall shower, properly connected to an adequate supply of hot and cold running water, and a flush closet, all in good working order and properly connected to a sewage disposal system.

5. Has an adequate and safe wiring system for lighting and other electrical services.

6. Is structurally sound, weathertight, in good repair and adequately maintained.

7. Each building used for dwelling purposes shall have a safe unobstructed means of egress leading to safe open space at ground level. Each dwelling unit in a multi-dwelling building must have access either directly or through a common corridor to a means of egress to open space at ground level. In multi-dwelling buildings of three stories or more, the common corridor on each story must have at least two means of egress.

8. Has 150 square feet of habitable floor space for the first occupant in a standard living unit and at least 100 square feet (70 square feet for mobile home) of habitable floor space for each additional occupant. The floor space is to be subdivided into sufficient rooms to be adequate for the family. All rooms must be adequately ventilated. Habitable floor space is defined as that space used for sleeping, living, cooking or dining purposes and excludes such enclosed places as closets, pantries, bath or toilet rooms, service rooms, connecting corridors, laundries and unfurnished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

The standards for decent, safe and sanitary housing as applied to rental of sleeping rooms shall include the minimum requirements contained in paragraphs 1, 5, 6, and 7 and the following:

1. At least 100 square feet of habitable floor space for the first occupant and 50 square feet of habitable floor space for each additional occupant.

2. Lavatory, bath and toilet facilities that provide privacy including a door that can be locked if such facilities are separate from the room.

How are Relocation Payments Claimed?

The State Department of Transportation, Highways Division, Right-of-Way Branch, Honolulu, Hawaii will provide you with proper claim forms and assist you in filling them out.

Applications for relocation payments are filed directly with the Right-of-Way Branch, Highways Division, Department of Transportation.

All claims submitted shall be reviewed by the Department of Transportation. Upon approval of your claim, you should be receiving your payment within a month.

Where can Detailed Information Concerning Relocation Payment Procedures and Regulations be Obtained?

This information can be obtained by contacting the HIGHWAYS DIVISION, DEPARTMENT OF TRANSPORTATION located at 869 Punchbowl Street, Honolulu, Hawaii.

APPEAL PROCEDURE

Any displaced person aggrieved by a determination as to his eligibility for payment described in this brochure or the amount of such payment, may request in writing, that his application be reviewed by the Director of the Hawaii Housing Authority. Such a request shall be filed with the Head, Right-of-Way Branch, Highways Division, Department of Transportation and must contain all necessary data and information in support of the applicant's position for disagreeing with the Department's initial ruling.

The Head, Right-of-Way Branch shall first review such a request, then forward it with his recommendation to the Director of Transportation for his

review. After his review, the Director of Transportation shall then forward such a request with his recommendation to the Director of the Hawaii Housing Authority for his review and final decision.

Any aggrieved applicant who is not satisfied with the decision of the Director of the Hawaii Housing Authority may appeal the Director's determination to the Circuit Court of the Circuit in which he then resides. The appeal shall be made pursuant to the Administrative Procedure Act set forth in Chapter 91, Hawaii Revised Statutes, and Rules of Practice and Procedure of the Department of Transportation.

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