

News List

FOURTH AMENDED TRAFFIC EMERGENCY ZONE DECLARATION AND FOURTH WAIPI'O VALLEY ROAD DECLARATION OF EMERGENCY

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FOURTH AMENDED TRAFFIC EMERGENCY ZONE DECLARATION AND FOURTH WAIPI'O VALLEY ROAD DECLARATION OF EMERGENCY

WHEREAS, Waipi'o Valley Road is a four wheel drive County road located on the northern Hāmākua Coast of Hawai'i Island. The road is narrow and winds down the steep hillside of the south valley wall.

WHEREAS, Waipi'o Valley Road is the only vehicular ingress and egress for Waipi'o Valley.

WHEREAS, Waipi'o Valley Road is used by residents of Waipi'o Valley, farmers who transport agricultural products grown and harvested in Waipi'o Valley, Hawai'i County residents, visitors, and tour operators.

WHEREAS, Waipi'o Valley Road presents significant safety risks. For example, it lacks shoulders or adequate troughs to catch falling rocks and debris. The road is slippery, particularly after heavy rains, and adequate stormwater infrastructure is lacking. Some portions of the road are unpassable for two vehicles. Limited sight distance along the road hampers driver ability to safely navigate oncoming traffic and pedestrians in the roadway.

WHEREAS, Waipi'o Valley Road descends about 800 feet in elevation over approximately 4100 feet. Rock outcropping and vegetation overhang the road.

WHEREAS, Waipi'o Valley Road can experience significant amounts of runoff, particularly after heavy rains. Historically, the County closes the road following periods of heavy rain and to clear rock, soil and vegetation which has fallen on and across the road.

WHEREAS, a slope failure occurred in March 2019 following heavy rainfall and high streamflow associated with Hurricane Lane. The primary slide was approximately 500 feet tall and 70 feet wide. Additional upslope landslide events occurred in April 2018 and February 2019.

WHEREAS, on or about April 2, 2020, the County hired a consultant, Hart Crowser, to conduct a Preliminary Geotechnical Engineering Evaluation.

WHEREAS, the County's receipt of the completed Hart Crowser's Preliminary Geotechnical Report dated January 2022 ("Report") occurred in January 2022.

WHEREAS, the Report provided geotechnical data regarding the current condition of the road and hazard ratings associated with those condition, which further detailed the described the dangers Waipi'o Valley Road poses to the health, safety and welfare of the people.

WHEREAS, the County retained Hart Crowser, now a division of Haley & Aldrich, to further evaluate Waipi'o Valley Road and recommend specific mitigation measures to make the road safe.

WHEREAS, Haley & Aldridge submitted a report to the County dated September 30, 2022 entitled Rockfall and Slope Instability Mitigation and Conceptual Design Summary Report "Summary Report" wherein it recommended a phased mitigation approach to address numerous hazards along the roadway. (See Summary Report).

WHEREAS, the Department of Public Works held a community meeting on October 26, 2022, at the gymnasium in Honokaa and discussed the findings of the Summary Report as well as plans to make additional safety improvements to the roadway. The overall schedule and impacts to the community during the 2 to 3-year construction were discussed.

WHEREAS, remediation efforts have commenced to increase the safety of Waipi'o Valley Road and are ongoing.

WHEREAS, the current condition poses substantial endangerment to public health and safety, and warrants preemptive and protective action in order to provide for the health, safety, and welfare of the people using the road who will be negatively impacted if the road fails and residents are unable to enter and exit Waipi'o Valley.

WHEREAS, the current danger to pedestrians navigating Waipi'o Valley Road presents an unacceptable risk that cannot be corrected absent regulations and/or remediation.

WHEREAS, limiting vehicular access generally, and, specifically, to drivers familiar with the current road conditions is a necessary action for vehicular navigation of Waipi'o Valley Road until adequate remediation measures can be implemented.

WHEREAS, Hawai'i Revised Statutes ("HRS"), Section 264-1.5, permits establishment of a traffic emergency zone in response to substantial endangerment to public health and safety which is or is highly likely to be caused by the temporary closure of, or the lack of adequate access to Waipio Valley via Waipio Valley Road.

WHEREAS, on February 25, 2022 a Traffic Emergency Zone Declaration was established for the Waipi'o Valley Road ("Traffic Declaration") and the Mayor's Waipi'o Valley Road Emergency Rule No. 1 ("Emergency Rules") occurred and which currently regulate use of Waipi'o Valley Road.

WHEREAS, following issuance of the Traffic Declaration and Emergency Rules, the County held public meetings, received comments from the community, responded to lawsuits, clarified certain findings made in the Summary Report, and retained Haley & Aldrich to conduct further geotechnical studies to recommend remediation measures necessary to improve the dangers presented by the current condition of Waipi'o Valley Road.

WHEREAS, HRS §127A-14 authorizes the mayor to declare an emergency has occurred.

WHEREAS, HRS §127A-2 defines an emergency to include an occurrence which results or may result in substantial injury or harm to the population or substantial damage to or loss of property.

WHEREAS, HRS §127A-14(c) vests the mayor with sole authority to judge the existence of the danger, threat, or circumstances giving rise to a declaration of a state of emergency.

WHEREAS, effective on September 19, 2022 a First Waipi'o Valley Road Declaration of Emergency was established for the Waipi'o Valley Road ("First Declaration of Emergency").

WHEREAS, effective on September 19, 2022, an Amended Traffic Zone Declaration was established for the Waipi'o Valley Road ("Amended Traffic Declaration").

WHEREAS, effective November 14, 2022, a Second Amended Traffic Emergency Zone Declaration and Second Waipi'o Valley Road Declaration of Emergency were established for the Waipi'o Valley Road ("Second Amended Declarations").

WHEREAS, pursuant to the First Declaration of Emergency and Amended Traffic Declaration, Emergency Rule No. 2 and Emergency Rule No. 1 were issued on September 15, 2022, with an effective date of September 19, 2022.

WHEREAS, pursuant to the Second Amended Declarations, the Mayor's Waipi'o Valley Road Continued Emergency Rule No. 2 and Emergency Rule No. 1 were issued, effective November 14, 2022 ("Emergency Rules").

WHEREAS, the conditions giving rise to the Second Amended Declarations and Emergency Rules still exist.

NOW, THEREFORE, I, MITCHELL D. ROTH, Mayor of the County of Hawai'i, do hereby proclaim and declare a traffic emergency zone for Waipio Valley Road due to the substantial danger to the health, safety, and welfare of the people which is or is highly likely to be caused by the temporary closure of, or the lack of adequate access to Waipio Valley Road.

The Second Amended Traffic Emergency Zone Declaration remains effective September 19, 2022, continuing thereon until February 25, 2027, unless further amended, terminated, or superseded by a separate proclamation, whichever shall occur first.

NOW, THEREFORE, I MITCHELL D. ROTH, Mayor of the County of Hawai'i do, further, proclaim and declare that an emergency has occurred effective March 14, 2023, and continuing to May 13, 2023.

NOW, THEREFORE, the Mayor's Waipi'o Valley Road Continued Emergency Rule No. 2 and Emergency Rule No. 1 shall remain in effect.

IN WITNESS WHEREOF, I have hereunto set my hand this 10th day of March, 2023 in Hilo, Hawai'i.

Mitchell D. Roth
Mayor
County of Hawai'i

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