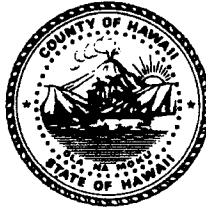


Mitchell D. Roth
Mayor



Lee E. Lord
Managing Director

Robert H. Command
Deputy Managing Director

County of Hawai'i
Office of the Mayor

25 Aupuni Street, Suite 2603 • Hilo, Hawai'i 96720 • (808) 961-8211 • Fax (808) 961-6553
KONA: 74-5044 Ane Keohokālole Hwy., Bldg C • Kailua-Kona, Hawai'i 96740
(808) 323-4444 • Fax (808) 323-4440

AMENDED TRAFFIC EMERGENCY ZONE DECLARATION AND FIRST 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, Hawaii 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 has 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, 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 to residents 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 Report, and retained Haley & Aldrich to conduct further geotechnical studies and 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.

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effective September 19, 2022, continuing thereon until February 25, 2027, unless further amended, terminated, or superseded by a separate proclamation, whichever shall occur first.

Pursuant to HRS § 264-1.5(a), a hearing shall be held before Stephen M. Pause, Director for the Department of Public Works, on September 16, 2022 at 2:00 pm (HST) via Zoom Conferencing. Access to the conference may be accomplished as set forth below:

Join ZoomGov Meeting

<https://www.zoomgov.com/j/1616553524?pwd=cGFYbjFUVkJEWHBSMDMvVzlkdm1MQT09>

Meeting ID: 161 655 3524

Passcode: 590773

One tap mobile

+16692545252,,1616553524# US (San Jose)

+16692161590,,1616553524# US (San Jose)

Dial by your location

+1 669 254 5252 US (San Jose)

+1 669 216 1590 US (San Jose)

+1 551 285 1373 US

+1 646 828 7666 US (New York)

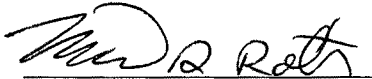
Meeting ID: 161 655 3524

Find your local number: <https://www.zoomgov.com/u/aetNzz84M>

NOW, THEREFORE, I MITCHELL D. ROTH, Mayor of the County of Hawai‘i do, further, proclaim and declare that an emergency has occurred effective September 15, 2022, and continuing to November 15, 2022.

NOW, THEREFORE, the Mayor’s Waipi‘o Valley Road Emergency Rule No. 2 and Emergency Rule No. 1 **shall be effective September 19, 2022 at 9:00 am**. Until that time Mayor’s Waipi‘o Valley Road Emergency Rule No. 1 issued on February 25, 2022 shall remain in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the County of Hawai'i to be affixed. Done this 15th day of September, 2022 in Hilo, Hawai'i.



Mitchell D. Roth
Mayor
County of Hawai'i

I HEREBY CERTIFY that above is a true and correct copy of the original now on file in my office.



County Clerk