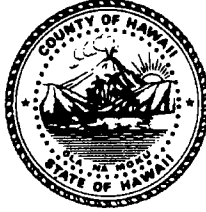


Mitchell D. Roth
Mayor



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
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Mayor's Waipi'o Valley Road Emergency Rule No. 2 and Emergency Rule No.1

Pursuant to the authority vested in me by Hawai'i Revised Statutes ("HRS") Sections 264-1.5 and 127A-25(a), the County of Hawai'i's police powers, and due to the public welfare, health and safety concerns presented by the current conditions of the Waipi'o Valley Road and the impact of closure on those located in Waipi'o Valley if the road is closed or fails, I hereby adopt and promulgate the following rules which have the force and effect of law.

This Emergency Rule is based on the statements contained in the Amended Traffic Emergency Zone Declaration and First Declaration of Emergency for Waipi'o Valley Road, and reflects revisions made to the original Rule issued on February 25, 2022 based upon further community input and consultation with experts.

I, Mitchell D. Roth, Mayor of the County of Hawai'i, hereby authorize the following:

A. Waipio Valley Road Closure

Waipio Valley Road shall be closed, subject to the express limited exceptions herein. This includes, but is not limited to:

1. Prohibition of all pedestrians;
2. Prohibition of uncovered vehicles, including but not limited to ATV's; and
3. Prohibition of horseback access.

B. Limited Access Exceptions

1. Vehicular access by Hawai'i County residents, permitted licensed/insured tour operators, and Native Hawaiians claiming exercise of traditional and/or customary rights.

- a. Vehicles and passengers shall abide by existing traffic laws, including:
 - i. Vehicular use is limited to low-range, four-wheel drive vehicles (All wheel drive vehicles are not considered low range, four-wheel drive vehicles);
 - ii. Gross vehicle weight rating (GVWR) shall not exceed 10,000 pounds except for utility and emergency vehicles, or existing vehicles used for transit of agricultural products;
 - iii. Vehicles shall be engaged in four-wheel drive mode at all times;
 - iv. Vehicle passengers shall be seated in enclosed compartments of vehicles designed for passenger seating and wearing seatbelts;
 - v. Makai-bound vehicles shall yield to mauka-bound vehicles.
- b. Licensed/insured tour operators must obtain a permit from the Mayor's Office. Please call (808) 961-8211.
 - i. Permits shall be effective for a period of four (4) months from date of issuance.

2. The Mayor may grant individual exemptions to this rule upon request and shall explain the purpose for which Waipi'o Valley Road will be used and upon sufficient showing that safety precautions consistent with these rules are in place. The decision to grant or deny a request is within the sole discretion of the Mayor. Request shall be submitted to the Mayor's Office at 25 Aupuni Street, Suite 2603, Hilo, Hawai'i 96720.

C. Regardless of Limited Access Exceptions Pursuant to Section B, Complete Closure During Significant Weather Events

1. Waipio Valley Road shall be closed for all use, or access further may be limited, during significant weather events as determined by the Hawai'i County Civil Defense Agency in consultation with the Department of Public Works.
2. This rule is not intended to limit the legal authority of government agencies to close, or limit use, of Waipi'o Valley Road as otherwise provided by law.

D. Closure and Limited Access During Periods of Construction

Access to Waipi'o Valley Road may be closed or further restricted during active road repair and/or mitigation activities. The Department of Public Works will hold public meetings as part of its road utilization planning during periods of road construction. Information and updates regarding the Waipi'o Valley Road may be found at Bulletins | Hawaii County, HI Public Works .

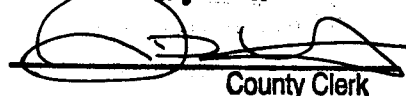
THIS RULE SHALL BECOME EFFECTIVE ON SEPTEMBER 19, 2022 AT 9:00 AM, until that time Waipi'o Valley Emergency Rule No. 1, issued on February 25, 2022 shall remain in full force and effect.

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