



DEPARTMENT OF WATER SUPPLY • COUNTY OF HAWAII

345 KEKŪANAŌ'A STREET, SUITE 20 • HILO, HAWAII 96720

TELEPHONE (808) 961-8050 • FAX (808) 961-8657

July 7, 2023

Ed
Mr. Edwin H. Sniffen, Director
State of Hawai'i, DOT – Highways Division
601 Kamokila Boulevard
Kapolei, HI 96707

Dear Mr. Sniffen:

**Subject: Memorandum of Understanding (MOU) No. 2426
Māmalahoa Highway Safety Improvements
Vicinity of Haleili Street to Bruner Road
Federal Aid Project No. HSIP-011-1(045)
HWY-TD 23-2.0138**

Enclosed is the signed MOU No. 2426, and the approved title sheet for the subject project.

Should there be any questions, please contact Ms. Shari Uyeno at (808) 961-8070, extension 252.

Sincerely yours,

Keith K. Okamoto, P.E.
Manager-Chief Engineer

SHU:dfg

Enc.

JOSH GREEN, M.D.
GOVERNOR

HIGHWAY DESIGN BRANCH, ROOM 688A
BRIDGE DESIGN SECTION, ROOM 611
CADASTRAL DESIGN SECTION, ROOM 600
HIGHWAY DESIGN SECTION, ROOM 609
HYDRAULIC DESIGN SECTION, ROOM 636
TECHNICAL DESIGN SERVICE, ROOM 688
LANDSCAPE DESIGN SECTION, ROOM 609

RIGHT-OF-WAY BRANCH, ROOM 691
TRAFFIC BRANCH, ROOM 602



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
HIGHWAYS AT KAPOLEI
601 KAMOKILA BOULEVARD
KAPOLEI, HAWAII 96707

EDWIN H. SNIFFEN
DIRECTOR

Deputy Directors
FORD N. FUCHIGAMI
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

IN REPLY REFER TO:

HWY-TD 23-2.0138

June 30, 2023

Mr. Keith Okamoto, P.E.
Manager-Chief Engineer
County of Hawaii
Department of Water Supply
345 Kekuanaoa Street
Hilo, Hawaii 96720

Attention: Mr. Kurt Inaba

Dear Mr. Okamoto:

Subject: Memorandum of Understanding (MOU) No. 2426
Mamalahoa Highway Safety Improvements
Vicinity of Haleili Street to Bruner Road
Federal-Aid Project No. HSIP-011-1(045)

Please endorse this MOU No. 2426 for the subject project and return the original to the address above for our files. The improvements for this project require the adjustment of approximately two (2) valve boxes, one (1) meter box and cover, and one (1) manhole cover and frame at an estimated cost of \$8,775.29. The frame and cover shall be adjusted flush to the new roadway elevation at no cost to the Department of Water Supply (DWS). Furthermore, if DWS provides inspection services for the aforementioned work, the cost of such services shall be borne by the State.

This letter of endorsement covers the above-mentioned work only. Other relocation/adjustment work that may occur will require additional plans, estimate, and agreement acceptable to all parties concerned.

Enclosed is a set of plans and specifications for the adjustment work to be incorporated as part of our contract documents. If the above requirements and the enclosed Exhibit A are acceptable, your approval is requested.

Your prompt attention to this matter will be greatly appreciated since this project is scheduled to be advertised for bids in September 2023.

Mr. Keith Okamoto, P.E.
June 30, 2023
Page 2

HWY-TD 23-2.0138

In response to this request, please reply to the attention of Sharen Cho-Ibanez, Project Manager, Highways Traffic Branch and reference letter number HWY-TD 23-2.0138 as noted above. Should you have any questions, please contact Ms. Cho-Ibanez at (808) 692-7682 or sharen.cho-ibanez@hawaii.gov.

Sincerely,



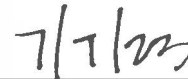
for BRYAN J. KIMURA
State Traffic Engineer

Enclosures

APPROVED:



Mr. Keith Okamoto, P.E.
Department of Water Supply



Date

EXHIBIT A

1. Any facilities of the Department of Water Supply not affected or relocated under this Memorandum of Understanding No. 2426 but which are situated within the right-of-way of this project may continue to remain in place upon the express condition, however, that the provisions of paragraphs 2 and 3 below, shall be applicable to said facilities.
2. The Department of Water Supply shall bear all costs of servicing and maintaining its facilities and shall not perform such work from the through traffic lanes during peak traffic and high volume hours, except in emergencies and then only under the condition that such work shall be performed most expeditiously and with least possible interference with free flow of traffic and safe operation of highway facilities.
3. The cost of any future removal, relocation, replacement, reconstruction or adjustment of the utility facilities of the Department of Water Supply, due to construction, reconstruction or maintenance of the highway, shall be borne by the Department of Water Supply or the STATE in accordance with the provisions of Section 264-33, Hawaii Revised Statutes.
4. The Department of Water Supply and the STATE shall not be responsible nor liable for any injury, death or damage arising or growing out of the acts or omissions of the other party in their performance of work covered by this Memorandum of Understanding No. 2426.
5. Construction notes for Department of Water Supply shall be included in the contract plans.
6. Approval of this Memorandum of Understanding No. 2426 shall be valid for a period of one year from the date of notification of approval. In the event construction does not commence within this one year period, the STATE will be required to resubmit construction plans and another Memorandum of Understanding for the Department of Water Supply's review and approval.

7. When applicable, at its own expense, the Department of Water Supply will be required to remove any of its underground facilities which it constructs, in the event the utility abandons the use of the facilities, unless the STATE consents in writing to allow abandonment in place. Notwithstanding any such consent by the STATE for abandonment in place, the Department of Water Supply agrees to be responsible for the removal costs and any costs of clean-up and remediation for any pollution or contamination caused by the facilities, if such action becomes necessary in the future. The Department of Water Supply further agrees to indemnify and hold harmless, the STATE, from any and all liabilities which may arise from Department of Water Supply acts or omissions relating to such pipelines or facilities.
8. Pursuant to regulations and requirements of the Federal Highway Administration (FHWA) and Hawaii state law, the Department of Water Supply is prohibited from assigning or subleasing any facilities that are allowed to be abandoned in place in the highway right-of-way without the express permission of, and arrangements with the STATE or unless such assignment or sublease is required by law. The Department of Water Supply shall give the STATE ten (10) days prior written notice of any use by third parties of Department of Water Supply facilities that Department of Water Supply is required by law to allow. Any unauthorized use of Department of Water Supply's facilities by any other utility or third party is strictly prohibited.
9. The reference/file number for this endorsement shall be Memorandum of Understanding No. 2426.