

APPENDIX C

“State faces \$3.3 million judgement in accident”

The Honolulu Advertiser, December 19, 2000

State faces \$3.3 million judgment in accident

Judge cites lack of guardrails

By Hugh Clark
ADVERTISER BIG ISLAND BUREAU

HILO, Hawai'i — In what is believed to be the largest award for a traffic accident case in Hawai'i history, a Big Island judge has ordered the state to pay \$3.3 million to a Hilo man whose car ran off the Kea'au-Pāhoa Highway in Puna almost 13 years ago.

In issuing her decision in the nonjury trial last Thursday, Circuit Judge Riki May Amano said the state was negligent when it built the stretch of roadway without guardrails in the late 1960s. She said the state compounded its liability by not installing the rails during repaving in 1983.

Franklyn Castro, now 53, ran off the road on Easter Sunday 1988. His vehicle plunged down a steep slope and landed in some 'ōhi'a

trees. He was not rescued until hours later. Castro survived the wreck but was left a quadriplegic.

Castro's mother, Christine, who often drives past the crash site, said there are still no guardrails on the highway.

Deputy Attorney General Jack Rosenzweig would not comment on the verdict or a possible appeal, saying only, "The state provided a vigorous defense."

The award was reduced from \$5.5 million because Amano determined that Castro was 40 percent responsible for the crash because he had consumed 3½ beers before the crash.

In a 1994 Kua'i case, the Hawai'i Supreme Court affirmed a \$1.5 million judgment against the state in a car crash that left two passengers dead. Although the driver had been drunk, the court held that defective highway design — the buried end of a guardrail — contributed to the accident.

APPENDIX D

**Letter of Approval for Design Exception for
Kaholopo‘o Bridge Replacement from
U.S. Department of Transportation
Federal Highway Administration
May 1, 2001**



U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
Hawaii Division
300 Ala Moana Blvd., Room 3-306
Honolulu, HI 96850
May 1, 2001

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IN REPLY REFER TO
HEC-HI

Mr. Brian Minaai
Hawaii Department of Transportation
869 Punchbowl Street
Honolulu, HI 96813-5097
Attention: Mr. Ken Tatsuguchi, HWY-DD

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MAY 14 2001

WILSON OKAMOTO & ASSOC., INC.

Subject: Kaholopo Bridge Replacement, Design Exception
Federal Aid Project No. BR-0900(47)

Dear Mr. Minaai:

We have reviewed the subject design exception request for Maui County's Kaholopo Bridge on Piilani Highway and hereby give our approval for the single lane bridge design exception. However, this in no way sets a precedent for allowing single lane bridges where it may be warranted. Each future design exception for single lane bridges will still need to be reviewed on a case-by-case basis. Where existing sight distance and alignment may be severely impaired, it would be more appropriate to make geometric design improvements to ensure safety. As many of the minimum AASHTO design standards would not be applicable to one lane roadways, we encourage the State to work closely with the counties to accelerate the development of local road standards for use in similar situations on future projects. If there are any further questions on developing local agency standards and guidelines, please call me at 541-2700 ext. 302. Thank you.

Sincerely yours,

Domingo Galicinao, P.E.
Structural Engineer

cc w/ attachment:

Lloyd Lee, Maui County
Myron Okubo, Wilson Okamoto & Associates
Paul Santo, HWY-DB
Casey Abe, HWY-D
Ray McCormick, HIBT-30
Roland Nimis, WRC