

STAND. COM. REP. NO. 360 -06

Honolulu, Hawaii
Feb 15, 2006

RE: H.B. No. 2520

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2520 entitled:

"A BILL FOR AN ACT MAKING AN APPROPRIATION FOR THE ROADS IN LIMBO PROGRAM FOR THE COUNTY OF HAWAII,"

begs leave to report as follows:

The purpose of this bill is to assist Hawaii County with the repair and maintenance of roads over which ownership or jurisdictional disputes have existed between Hawaii County and the State. These roads are also known as "Roads in Limbo." This bill appropriates \$2,000,000 to establish such a maintenance program.

The Mayor of Hawaii County testified in support of this bill.

Many roads throughout the state were constructed or acquired by the Territorial Government of Hawaii. When county governments were created in 1905, controversy and jurisdictional questions arose regarding highways, roads, and streets. Even after statehood, jurisdiction of many of these roads remained in dispute where they remain to this day. As documented in the Legislative Reference Bureau's 1989 study, "Roads in Limbo: An Analysis of the State-County Jurisdictional Dispute", jurisdictional disputes over road ownership and the concomitant lack of adequate repairs and maintenance have plagued relations between the Territory (and later the State) and counties for many years. This is especially true in Hawaii County where many of these "Roads in Limbo" exist.

HB2520 HSCR TRN HMS 2006-1942



Although Act 288, Session Laws of Hawaii 1993, formally resolved the jurisdictional issues between the State and the four counties by declaring that the Department of Transportation was responsible for the State Highway System and that all other roads fell under the jurisdiction of the county governments, Hawaii County is seeking monetary assistance for maintenance and repair of roads, established for the most part by the Territory of Hawaii, that were "mandated" to its care by the Legislature without funding for this purpose.

While Hawaii County is willing to maintain these "Roads in Limbo", a lack of available resources allows it to only conduct emergency maintenance. In 2005, the Legislature appropriated \$2,000,000 for Hawaii County to maintain these roadways; however, the appropriation was made from the State Highway Fund whose use is restricted to the repair and maintenance of the State Highway System. Accordingly, this measure seeks to appropriate general funds to assist Hawaii County.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2520 and recommends that it pass Second Reading and be referred to the Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,



JOSEPH M. SOUKI, Chair



