

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 2737  
H.D. 1

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. 2737 entitled:

"A BILL FOR AN ACT RELATING TO THE HONOPOU DISTRICT OF THE COUNTY OF MAUI,"

begs leave to report as follows:

The purpose of this bill is to protect public health and safety by:

- (1) Resolving the issue of ownership of the Honopou Road and Honopou Bridge; and
- (2) Determining the costs of bringing the Honopou Bridge up to standards that will allow access to Honopou District residents by the Maui County Fire Department.

The Mayor of the County of Maui testified in support of the bill. The Department of Transportation supported the intent of the measure. The Department of the Attorney General (AG) opposed the bill.

A jurisdictional dispute currently exists over ownership of the Honopou Road and Honopou Bridge in the County of Maui. This dispute between the County of Maui and the State has resulted in a lack of road and bridge maintenance, repair, and improvement. Your Committee finds that this poses a safety hazard as emergency crews are unwilling to use the road or cross the bridge to respond



to emergencies in the Honopou District out of fear for their own safety.

However, your Committee understands the concerns raised by the AG that the AG lacks the authority to resolve issues of highway ownership and jurisdictional disputes and that this matter is better resolved by the courts. Nevertheless, regarding such an important public health and safety issue, your Committee finds that the AG can assist in resolving this matter. Accordingly, your Committee has amended this bill by:

- (1) Clarifying that the AG is required only to assist in resolving the jurisdictional dispute over ownership of Honopou Road and Honopou Bridge;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2737, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2737, H.D. 1, and be referred to the Committee on Judiciary.

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



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JOSEPH M. SOUKI, Chair



