
HOUSE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION, IN COOPERATION WITH
COUNTY GOVERNMENTS, TO DEVELOP A PLAN FOR THE REGULAR
MAINTENANCE OF ROADS IN LIMBO.

1 WHEREAS, as documented in the Legislative Reference
2 Bureau's 1989 study, "Roads in Limbo: an Analysis of the
3 State-County Jurisdictional Dispute," jurisdictional disputes
4 over road ownership and the concomitant lack of adequate repairs
5 and maintenance have plagued relations between the Territory and
6 State and the counties for many years; and

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8 WHEREAS, county governments began in 1905, and only eight
9 years later, in 1913, a legislative committee declared that
10 "[e]ver since the beginning of county government ... there has
11 been a great deal of confusion in regard to streets, roads,
12 etc.", and it proposed as a solution transferring all
13 jurisdiction to the county boards of supervisors to "do away
14 with all the confusion and conflict of authority."; and

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16 WHEREAS, however, this and other attempts to solve the
17 problem did not succeed, and for decades tension remained
18 between the Territory (and then State) and the counties over
19 ownership and responsibility of roads, with many roads falling
20 into limbo; and

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22 WHEREAS, the situation in the County of Hawaii was even
23 more complicated than in other counties due to its size and the
24 propensity for roads to be created by public use, i.e., hikers
25 creating a trail that became a lane that grew into a road,
26 without governmental knowledge or planning; and

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28 WHEREAS, this lack of clarity of ownership and jurisdiction
29 which was experienced in all four counties, continued until the
30 1990s, when the State and the counties began to come to



1 agreement on ownership, maintenance, design, and repair on the
2 disputed roads; and

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4 WHEREAS, recently, the County of Hawaii has made it a
5 priority to inventory all of the roads under its jurisdiction to
6 identify the roads and determine the cost of any needed
7 improvements; and

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9 WHEREAS, the legislature finds that the State and counties
10 must come to an arrangement for maintenance of these contested
11 roadways to ensure the safety of residents of the State while
12 driving on these roadways; now, therefore,

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14 BE IT RESOLVED by the House of Representatives of the
15 Twenty-first Legislature of the State of Hawaii, Regular Session
16 of 2007, the Senate concurring, that the Department of
17 Transportation, in cooperation with county governments through a
18 written memorandum of understanding, is requested to develop a
19 plan for the regular maintenance of these roads in limbo; and

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21 BE IT FURTHER RESOLVED that the plan shall include the
22 identification, by county, of all such roads, the physical
23 condition of these roads, and a proposed budget to meet repair
24 and maintenance costs, including sources of funding; and

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26 BE IT FURTHER RESOLVED that the Department of
27 Transportation shall submit the plan to the Legislature no later
28 than twenty days prior to the convening of the Regular Session
29 of 2008; and

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31 BE IT FURTHER RESOLVED that certified copies of this
32 Concurrent Resolution be transmitted to the Director of
33 Transportation and the Mayors and Council Chairs of each county.
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OFFERED BY: *Robert Handberg*
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