

Honolulu, Hawaii

Feb 7, 2008

RE: H.B. No. 3415

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committees on Transportation and Water, Land, Ocean Resources & Hawaiian Affairs, to which was referred H.B. No. 3415 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC ROADS,"

beg leave to report as follows:

The purpose of this bill is to help resolve jurisdictional issues over certain roads by:

- (1) Allowing any person to file a contested case hearing to determine jurisdiction over so-called "roads in limbo"; and
- (2) Establishing a process for determination of jurisdiction.

The Hawaii Association of REALTORS and several concerned individuals testified in support of this bill. The Department of Transportation (DOT), Department of Commerce and Consumer Affairs, Department of Land and Natural Resources, City and County of Honolulu, and Hawaii Building and Construction Trades Council, ALF-CIO testified in opposition to this measure.

The dispute over the jurisdiction of various roads throughout the state has been ongoing for several decades, originating to a time prior to statehood. Prior to 1947, counties had jurisdiction over, and were responsible for the maintenance of, all public highways in the Territory of Hawaii. However, in 1947,

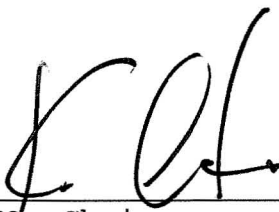


jurisdiction for certain highways and roadways was transferred to territorial agencies. Many of these highways and roads were federal-aid highways that would later evolve into highways under the jurisdiction of what is now DOT. Although the counties were supposed to maintain all public highways and roadways that were not under the jurisdiction of DOT, some were not maintained and fell into disrepair. The jurisdiction over some of these roads were also called into question and these roads began to be referred to as "roads in limbo".

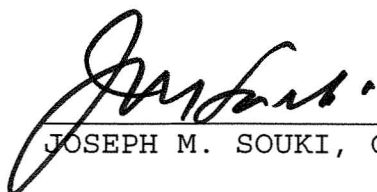
While a number of counties have worked with DOT to resolve this issue and have accepted jurisdiction over a number of these "roads in limbo", some disputes still exist. Although your Committees understand that DOT has compiled a listing of roads considered to be "roads in limbo" and is currently planning on meeting with the four counties to continue to work toward developing practical solutions to solve these jurisdictional disputes, this measure may provide one solution to the problem and should be considered for further discussion.

As affirmed by the records of votes of the members of your Committees on Transportation and Water, Land, Ocean Resources & Hawaiian Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 3415 and recommend that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committees on Transportation
and Water, Land, Ocean
Resources & Hawaiian Affairs,



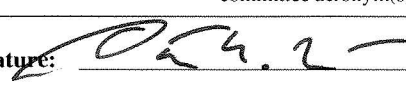
KEN ITO, Chair



JOSEPH M. SOUKI, Chair



Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB 3415	Committee Referral: TRN/WLH, JUD, FIN	Date: 04 Feb. 2008		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. SOUKI, Joseph M. (C)	/			
2. NISHIMOTO, Scott Y. (VC)	/			
3. EVANS, Cindy	/			
4. HAR, Sharon E.				/
5. LEE, Marilyn B.	/			
6. LUKE, Sylvia				/
7. McKELVEY, Angus L.K.	/			
8. NAKASONE, Bob				/
9. SONSON, Alex M.				/
10. TAKAMINE, Dwight Y.	/			
11. TAKUMI, Roy M.	/			
12. MEYER, Colleen Rose				/
13. PINE, Kymberly Marcos				/
TOTAL (13)	7			6
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				

State of Hawaii
House of Representatives
The Twenty-fourth Legislature

HSCP 207-08

Record of Votes of the Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Bill/Resolution No.: HB 3415		Committee Referral: TRN/WLH, JUD, FIN		Date: 2/4/08	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
WLH Members		Ayes	Ayes (WR)	Nays	Excused
1. ITO, Ken (C)		✓			
2. KARAMATSU, Jon Riki (VC)		✓			
3. CARROLL, Mele		✓			
4. MAGAOAY, Michael Y.		✓			
5. MORITA, Hermina M.					✓
6. SAGUM, Roland D., III		✓			
7. SAIKI, Scott K.		✓			
8. THIELEN, Cynthia					✓
TOTAL (8)		6	0	0	2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: <u>J. Riki Karamatsu</u>					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office					