

Honolulu, Hawaii

March 20, 2008

RE: S.B. No. 2900
S.D. 1

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

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2900, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this bill is to safeguard the public's right to use roadways whose ownership is in dispute between the State and the counties by:

- (1) Establishing that any county has the power to enforce laws and rules applicable to the use of public streets or highways whose ownership is in dispute, between the State and county; and
- (2) Ensuring that the general public retains the right to use public roads whose ownership is in dispute to access coastal and inland recreational areas, including beaches, shores, parks, and trails.

Hawaii's Thousand Friends testified in support of this bill.

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

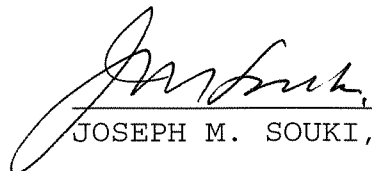


territorial agencies. Many of these highways and roads were federal-aid highways that would later evolve into highways under the jurisdiction of what is now the Department of Transportation (DOT). Although the counties were supposed to maintain all public highways and roadways that were not under the 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."

These jurisdictional disputes have sometimes resulted in restricted access to coastal and inland public lands, with part of the reasoning being that public traffic laws are not being applied to these "roads in limbo." Your Committee finds that the lack of agreement between the State and the counties on jurisdiction of certain roads should not diminish the fact that the roads are public, and that laws applicable to public roads should apply.

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 S.B. No. 2900, S.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

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

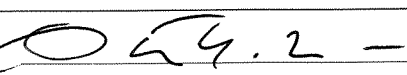


JOSEPH M. SOUKI, Chair



HSR 1291-08

Record of Votes of the Committee on Transportation

Bill/Resolution No.: SB 2900, SD1	Committee Referral: TRN, JUD	Date: 19 MARCH 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)	8			5
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				