

LATE

House of Representatives  
Twenty fourth Legislature  
Regular Session of 2008

Representative Joe Souki, Chair  
Representative Scott Nishimoto, Vice-Chair  
Representative Ken Ito, Chair WLH  
Representative Jon Riki Karamatsu, Vice Chair WLH

Committee on Transportation  
Committee on Water, Land, Ocean Resources & Hawaiian Affairs

Date/Time of Hearing: February 4, 2008, 9:00am  
HB 3415-Testimony in support of

From: Brian Kuloloio  
Melissa Kuloloio  
V. Nalani Craycraft  
326 Piliwale Road  
Kula, Hi 96790

Thank you for the opportunity to provide testimony in support of HB 3415-relating to Public Roads. This bill allows any person to file for a contested case hearing to determine jurisdiction over a public road and establishes the determination process. I urge you to please pass this measure, HB 3415.

If the determination process is in place, I believe many disputes between private land owners and the public can be settled.

Mahalo for the opportunity to provide support of this measure, HB 3415.

Sincerely,

*V. Nalani Craycraft*  
*Brian Kuloloio*  
*Melissa Kuloloio*

Former Hana Resident

And private citizens using public access

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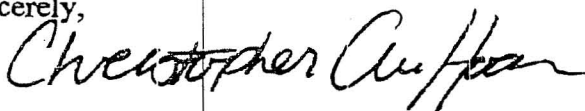
From: Christopher Au Hoon  
PO Box 111 Hana HI  
96713

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Sincerely,



Hana Resident

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Date/Time of Hearing: February 4, 2008, 9:00am  
HB 3415-Testimony in support of

From: Deidre P. Estocado  
P.O. BOX 111  
Hana, HI 96713

Thank you for the opportunity to provide testimony in support of HB 3415-relating to Public Roads. This bill allows any person to file for a contested case hearing to determine jurisdiction over a public road and establishes the determination process. We urge you to please pass this measure, HB 3415.

Our family is currently facing a dispute on Ulaino Road with other family members who claim that the public is crossing over their private land to gain beach access.

For many years, we have been free to travel over this road to access the beach, the pools, our family cemetery, and our gathering rights. Maps dating back to the late 1800's clearly show that this Ulaino road was an old government road and it is currently maintained by the County of Maui. However, the determination needs to be made as to which government entity has jurisdiction over this public road so that we may freely travel on this road again without confrontation or harassment. If this can clearly be determined, whether this is private or public, then we all can rest at ease, knowing the truth.

Mahalo for the opportunity to provide support of this measure, HB 3415.

Sincerely,

*Deidre P. Estocado*

Hana Resident  
Heir of Ulaino landowner

February 02, 2008

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Honorable Rep. Joseph Souki  
Chairman, Transportation Committee

Honorable Rep. Scott Washimoto  
Vice-Chair, Transportation Committee

Honorable Rep. Kenneth Ito  
Chairman, Water, Land, Ocean Resources  
and Hawaiian Affairs Committee

Honorable Rep. John Kuramatsu,  
Vice-chair; Water, Land, Ocean Resources  
and Hawaiian Affairs Committee

Subject: House Bill 3415 - relating to  
Public Roads

Honorable Gentlemen:

My name is Benny Maile Perry. I am  
a life long resident of the State of Hawaii.  
currently residing in Kahului, Maui. I  
am a retired senior citizen in the  
process of relocating back to the land  
of my birth, Hana, Maui.

Along with other family members, I

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share ownership in property located in Hana, specifically down on Ulaino Road.

Ulaino Road has become embroiled in controversy lately. It is my hope that HB 3415 will address our concerns regarding this road along with many other similar circumstances regarding roadway issues throughout our state.

The controversy is over the issue of whether or not Ulaino Road is a private road or public road. Some, like myself and others in my immediate family, believe this roadway belongs to the public. A large constituency in the Hana area, on Maui, and on Oahu, believe otherwise. Vigilantees have blocked access on this roadway claiming it to be a private roadway.

There are numerous resources, available as public records and general knowledge which support our claim that this is a public access road.

Ulaino Road is a roadway which runs from its junction intersecting the Hana Highway in Kaeleku to the seashore

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where it meets the Maluwi in Ulaino, a distance of approximately  $4\frac{1}{2}$  miles.

Ulaino Road, in my earliest recollections, was a trail used by the residents of Ulaino Village to access the plantation work centers located in Kaeleku and Hana.

My grand father and his siblings were all raised there. My great grand parents lived their lives there and are buried down there.

From a simple trail, a roadway evolved over the last half a century making it possible for some of us to move back to the land of our ancestors, and enjoy other opportunities which have become available with automobile access.

As the vigilantes have taken over, access has been denied to visitors to the area. Visitors, and this includes Maui residents as well as family members, have been subjected to offensive verbal abuses, physical confrontations, harassment, intimidation in varying degrees whenever one attempts to access the shore from this road.

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As mentioned earlier, this road began as a trail and evolved into what it is today. It was maintained by the county for a long, long time in the name of safety and public access. Because signs proclaiming this to be a private road continue to be put up, the county recently chose to abandon its efforts in maintaining the road, citing conflict with the private ownership claims.

As an aside, a senior resident of Hana recently shared that a relative of his used to deliver the mail along this same trail (road) from the Nahiku side.

While my concern lies specifically with the Ukaino Road issue and its status. Neither the State of Hawaii or the County of Maui has been unwilling to step forward and claim jurisdiction over these former public trails and roadways. I can only guess how many other similar circumstances exist in our state.

It is my belief that the legislature is a proper venue to address this

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issue. It is my hope that HB 3415 will provide the venue for clarity and relief in this issue concerning public roadways.

While I have not had an opportunity to review the proposed HB 3415, I am informed that this is a step in the right direction for us regarding our concern over Ulaia Road and the many other roadways with similar circumstances.

I humbly solicit your support for this bill.

I apologize for the longhand but my computer just crashed and I am determined to make the deadline for this submittal as "testimony for".

Mahalo Nui Loa

Benny Nail Perry  
35 Nana St  
Kahului, HI 96732  
ph: 877-0707