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AUTHORS ARE MEMBERS OF THE UNIVERSITY COMMUNITY.**

RL: 2199

HB 839 HD1  
RELATING TO PUBLIC ACCESS TO BEACHES

Senate Committee on Water and Land

Public Hearing – March 18, 2008  
3:15 p.m., State Capitol, Conference Room 224

By

Peter Rappa, Environmental Center  
Kem Lowry, Urban and Regional Planning  
Michael Hamnett, Research Corporation of the University of Hawaii

**LATE TESTIMONY**

HB 839 HD 1 appropriates an undetermined amount of funds for the Department of Land and Natural Resources (DLNR) to survey and map all existing public access ways to shoreline areas. We emphasize that our testimony on this measure does not represent an official position of the University of Hawaii.

The public has a fundamental right of free movement in public space and access to and use of coastal and inland recreational areas. The public's right to access the shoreline is guaranteed in section 115-1 of the Hawaii Revised Statutes. Guaranteeing access alone is not enough to ensure that Hawaii's residents will be able to use the shoreline. Lack of knowledge regarding the location of shoreline access points makes it difficult for many residents to access these areas. Mapping the existing access points and making the information available to the public should help facilitate this problem. Use of current technology to map these access points should be easy to do using global positioning system (GPS) and geographical information systems (GIS). As the agency delegated to do this work, DLNR should be given the flexibility within the appropriation to retain the services of a contractor to help design the end product and collect necessary data.

A problematic area regarding increased public knowledge of access points is the possibility of increased exposure to liability claims, particularly if persons are injured using these access pathways. We believe that the state is adequately protected against this type of liability; however, we are not sure the counties enjoy the same protection. Therefore, in addition to directing the DLNR to conduct the mapping exercise, the Legislature should also look into liability issues likely to occur both for counties and for private land owners whose lands contain some of the access points.

Thank you for the opportunity to comment on this bill.