
A BILL FOR AN ACT

RELATING TO REAL PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 264-1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§264-1 Public highways and trails.** (a) All roads,
4 alleys, streets, ways, lanes, bikeways, bridges, and all other
5 real property highway related interests in the State, opened,
6 laid out, subdivided, consolidated, and acquired and built by
7 the government are declared to be public highways. Public
8 highways are of two types:

9 (1) State highways, which are those lands, interests, or
10 other real property rights, as defined above, having
11 an alignment or possession of a real property highway
12 related interest as established by law, subdivided and
13 acquired in accordance with policies and procedures of
14 the department of transportation, separate and exempt
15 from any county subdivision ordinances, and all those
16 under the jurisdiction of the department of
17 transportation; and



1 (2) County highways, which are all other public
2 highways[~~-~~], including old government roads.

3 (b) All trails, and other nonvehicular rights-of-way in
4 the State declared to be public rights-of-ways by the Highways
5 Act of 1892, or opened, laid out, or built by the government or
6 otherwise created or vested as nonvehicular public rights-of-way
7 at any time thereafter, or in the future, are declared to be
8 public trails. A public trail is under the jurisdiction of the
9 state board of land and natural resources unless it was created
10 by or dedicated to a particular county, in which case it shall
11 be under the jurisdiction of that county.

12 (c) All roads, alleys, streets, ways, lanes, trails,
13 bikeways, and bridges in the State, opened, laid out, or built
14 by private parties and dedicated or surrendered to the public
15 use, are declared to be public highways or public trails as
16 follows:

17 (1) Dedication of public highways or trails shall be by
18 deed of conveyance naming the State as grantee in the
19 case of a state highway or trail and naming the county
20 as grantee in the case of a county highway or trail.
21 The deed of conveyance shall be delivered to and
22 accepted by the director of transportation in the case



1 of a state highway or the board of land and natural
2 resources in the case of a state trail. In the case
3 of a county highway or county trail, the deed shall be
4 delivered to and accepted by the legislative body of a
5 county[-]; and

6 (2) Surrender of public highways or trails shall be deemed
7 to have taken place if no act of ownership by the
8 owner of the road, alley, street, bikeway, way, lane,
9 trail, or bridge has been exercised for five years and
10 when, in the case of a county highway, in addition
11 thereto, the legislative body of the county has,
12 thereafter, by a resolution, adopted the same as a
13 county highway or trail.

14 In every case where the road, alley, street, bikeway, way, lane,
15 trail, bridge, or highway is constructed and completed as
16 required by any ordinance of the county or any rule, regulation,
17 or resolution thereof having the effect of law, the legislative
18 body of the county shall accept the dedication or surrender of
19 the same without exercise of discretion.

20 (d) All county public highways and trails once established
21 shall continue until vacated, closed, abandoned, or discontinued
22 by a resolution of the legislative body of the county wherein



1 the county highway or trail lies. All state trails once
2 established shall continue until lawfully disposed of pursuant
3 to the requirements of chapter 171.

4 (e) All county public highways once established that are
5 vacated, closed, abandoned, or discontinued, whether by
6 resolution of the legislative body of the county wherein the
7 county highway lies or not:

8 (1) Shall remain the property of the county wherein they
9 lie, unless disposed of pursuant to section 264-3; and

10 (2) For purposes of this chapter, shall be deemed old
11 government roads."

12 SECTION 2. This Act shall apply to all county public
13 highways regardless of whether vacated, closed, abandoned, or
14 discontinued before or after its effective date.

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Highways; Old Government Roads

Description:

Clarifies ownership of old government roads by providing that county highways include old government roads. Defines old government roads. Effective January 7, 2059. (HB836 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

