
HOUSE RESOLUTION

REQUESTING THE CONVENING OF A WORKING GROUP TO ADDRESS THE JURISDICTIONAL DISPUTES BETWEEN THE STATE AND THE COUNTIES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND IMPROVEMENT OF ROADWAYS.

1 WHEREAS, the quality of roadway maintenance throughout the
2 State has a direct impact on the safety of individuals operating
3 motor vehicles; and
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5 WHEREAS, there have been long standing jurisdictional
6 disputes between the counties and the State regarding roadway
7 ownership and responsibility for maintenance and improvement of
8 roadways, and many citizens of this State, as a result, have
9 experienced considerable frustration in obtaining necessary
10 repairs and maintenance for public roads; and
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12 WHEREAS, the origins of this problem apparently arose from
13 the 1963 amendment to section 142-1, Hawaii Revised Statutes,
14 since redesignated as section 264-1, Hawaii Revised Statutes,
15 which created two categories of public highways - State
16 highways, under the jurisdiction of the Department of
17 Transportation, and county highways which comprise all remaining
18 highways; and
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20 WHEREAS, the State claims that under this law all non-state
21 roadways were transferred from the State to the various counties
22 and are now the responsibility of the counties, while the
23 counties maintain that a highway does not become a county
24 highway unless it is accepted or adopted as such by the county
25 council and therefore accepts no responsibility for roadways
26 they have not accepted in this fashion; and
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28 WHEREAS, this dispute over roadway jurisdiction has been a
29 long standing one, with the State and county governments
30 staunchly maintaining their respective positions and showing no



1 interest in modifying them to facilitate a negotiated settlement
2 of this issue; and
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4 WHEREAS, the cost of improving and maintaining the roadways
5 in question appears to be a significant impediment to the
6 resolution of this problem, with the counties on the one hand
7 not wanting to incur the expense of making the improvements
8 necessary to bring the disputed roadways into conformity with
9 county codes, especially without any financial assistance from
10 the State, and the State on the other hand hoping to avoid
11 considerable additional burden in personnel, equipment, and
12 funds that the responsibility for these roads would entail; now,
13 therefore,
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15 BE IT RESOLVED by the House of Representatives of the
16 Twenty-sixth Legislature of the State of Hawaii, Regular Session
17 of 2011, that a working group be convened by the Department of
18 Transportation to address the jurisdictional disputes between
19 the State and counties regarding ownership and responsibility
20 for maintenance and improvement of disputed roadways; and
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22 BE IT FURTHER RESOLVED that this working group shall
23 include but not be limited to:
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- 25 (1) The Director of the State Department of Transportation
26 or a designee of the Director with decision making
27 authority;
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- 29 (2) The Director of Public Works, or a designee of the
30 Director with decision making authority, for the
31 County of Maui;
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- 33 (3) The Director of the Department of Transportation
34 Services, or a designee of the Director with decision
35 making authority, for the City and County of Honolulu;
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- 37 (4) The Chair of the Board of Land and Natural Resources
38 or a designee of the Chair with decision making
39 authority;



1 (5) The Chair of the Hawaiian Homes Commission or a
2 designee of the Chair with decision making authority;

3
4 (6) The State Attorney General or a designee of the
5 Attorney General with decision making authority;

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7 (7) The Corporation Counsel from the counties of Honolulu
8 and Maui, or a designee from the respective
9 Corporation Counsels with decision making authority;

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11 (8) A professional impartial facilitator chosen by the
12 Governor whose sole purpose is to ensure that the
13 group reaches consensus;

14
15 and

16
17 BE IT FURTHER RESOLVED that the working group shall solicit
18 input from all appropriate State and county departments and
19 agencies, and that these aforementioned departments and agencies
20 cooperate with the working group in its research; and

21
22 BE IT FURTHER RESOLVED that the working group is requested
23 to address, but not be limited by the following areas:

24
25 (1) The primary concern of funding;

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27 (2) Agreement on how each roadway description shall be
28 done;

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30 (3) Agreement on what indicia of title, if any, will be
31 used to indicate county ownership of the disputed
32 roads;

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34 (4) Determination of some type of temporary liability
35 shield for the counties to allow the counties to bring
36 disputed roads, if not up to county standard, then at
37 least to a non-dangerous condition; and

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39 (5) Development of a high level committee of officials
40 from the offices of the Department of Transportation,
41 Attorney General, County Corporation Council, County



1 Attorney, Department of Land and Natural Resources and
2 other State and county agencies responsible for public
3 works for the purpose of:
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5 (A) Developing a complete list of all public roads in
6 the State;
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8 (B) Categorizing all public roads and their ownership
9 on a functional basis so that a fairer
10 distribution or jurisdiction can be accomplished,
11 identifying all specific roads in dispute; and
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13 (C) Meeting on a regular basis and being responsible
14 for implementing the acceptance of new roads by
15 the county;
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17 and
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19 BE IT FURTHER RESOLVED that the working group report its
20 findings and recommendations, along with suggested legislation,
21 to the Legislature no later than twenty days prior to the
22 convening of the Regular Session of 2012; and
23

24 BE IT FURTHER RESOLVED that certified copies of this
25 Resolution be transmitted to the Governor, the Director of
26 Transportation, the Attorney General, the Mayor of the City and
27 County of Honolulu, the Mayor of Maui County, the Chairperson of
28 the Board of Land and Natural Resources, and the Chairperson of
29 the Hawaiian Homes Commission.
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31 OFFERED BY: 
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MAR 2 2011

