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STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

April 16, 2012

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

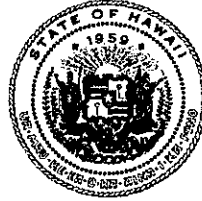
**SENATE CONCURRENT RESOLUTION NO.49, S.D. 1
REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING
GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI
COUNTY**

COMMITTEE ON TRANSPORTATION

The Department of Transportation supports this bill and is willing to participate in the working group which is intended to address a long-standing issue.

Thank you for the opportunity to provide testimony.

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
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**Testimony of
WILLIAM J. AILA, JR
Chairperson**

**Before the House Committee on
TRANSPORTATION**

**Monday, April 16, 2012
10:00 AM
State Capitol, Conference Room 309**

**In consideration of
SENATE CONCURRENT RESOLUTION 49, SENATE DRAFT 1
REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM
A WORKING GROUP TO EXPEDITIOUSLY RESOLVE
THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY**

Senate Concurrent Resolution 49, Senate Draft 1 requests the Department of Transportation (DOT) to form a working group consisting of DOT, the Chairperson of the Board of Land and Natural Resources, the Mayor of Maui County and the Director of the Maui County Department of Public Works, to expeditiously resolve the issue of "roads in limbo" in Maui County. Specifically, the resolution requests the working group to resolve the issue of ownership of "roads in limbo", including separation of ownership and maintenance issues. The Department of Land and Natural Resources (Department) respectfully submits that the resolution is unnecessary.

The resolution refers to Legislative Reference Bureau Report No. 11 issued in 1989 that discussed the issue of disputed road ownership. However, that report was issued prior to the adoption of Act 288, Session Laws of Hawaii 1993 (Act 288). Act 288 resolved the road ownership issue. It states in relevant part:

In consideration of the State waiving its rights to have the proceeds from the sale of county public highways remitted to the State, the counties shall acknowledge ownership and jurisdiction of all disputed public highways within their respective counties, as defined in section 264-1, Hawaii Revised Statutes, without the necessity of conveyancing documents transferring title from the State to the respective counties, except when required for the purpose of the disposal.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY II. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

In light of the passage of Act 288, the Department respectfully submits that there would be no purpose in forming a working group to discuss ownership of disputed public highways. Because the counties have ownership and jurisdiction of all disputed public highways, it follows that they have maintenance responsibilities for the roads as well.

Thank you for the opportunity to testify.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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April 13, 2012

TO: Honorable Joseph M. Souki, Chair
House Committee on Transportation

FROM: Robert Carroll
Council Member, East Maui *Robert Carroll*

DATE: Monday, April 16, 2012

SUBJECT: **SUPPORT OF SCR 49 S.D. 1, REQUESTING THE DEPARTMENT OF
TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY
RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to request the Department of Transportation to form a working group to expeditiously resolve the issue of roads in limbo in Maui County.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support this measure for the following reasons:

1. There are many substandard roads within the County of Maui. Many of which are referred to as "old government roads". These "old government roads" are often neglected because neither the county, state or federal government will assume responsibility for the maintenance of these roads.
2. Because the County is the initial contact and closest governing entity to residents that reside along "old government roads", the County is often times forced to address issues raised by the constituency relating to repairs and maintenance of these roads and bridges.
3. It is necessary that ownership and responsibility must be addressed once and for all. Many roads within the East Maui district are classified as "old government roads"; with heavy weather patterns often times impacting this region, the roads and bridges are the hardest hit and must be properly maintained to insure the safety of residents, pedestrians and vehicular traffic.

For the foregoing reasons, I support this measure.

CM:EM:govt_roads_test_12session_scr49_sd1:grs