

FEB 28 2013

SENATE CONCURRENT RESOLUTION

URGING THE DEPARTMENT OF TRANSPORTATION AND THE CITY AND COUNTY OF HONOLULU DEPARTMENT OF TRANSPORTATION SERVICES TO DEVELOP A PROCEDURE FOR SETTLING AND RESOLVING DISPUTES REGARDING OWNERSHIP AND RESPONSIBILITY FOR MAINTENANCE AND THE IMPROVEMENT OF ROADWAYS.

1 WHEREAS, the safety of the public is an important concern
2 to the Legislature, and the quality of roadway maintenance
3 throughout the State has a direct impact on the safety of
4 individuals operating motor vehicles; and
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6 WHEREAS, there have been long standing jurisdictional
7 disputes between the counties and the State regarding roadway
8 ownership and responsibility for maintenance and improvement of
9 roadways, and as a result, the people of the State have
10 experienced considerable frustration in obtaining necessary
11 repairs and maintenance of public roads; and
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13 WHEREAS, this problem apparently originates from a 1963
14 amendment that redesignated section 142-1, Hawaii Revised
15 Statutes, as section 264-1, Hawaii Revised Statutes, and created
16 two categories of public highways--state highways, which are
17 under the jurisdiction of the state Department of
18 Transportation, and county highways, which comprise all of the
19 remaining highways; and
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21 WHEREAS, the State claims that under this law, all non-
22 state roadways were transferred from the State to the various
23 counties and are not the responsibility of the State, while the
24 counties maintain that a highway does not become a county
25 highway unless it is accepted or adopted as such by the county
26 council and thus accept no responsibility for roadways they have
27 not accepted or adopted; and
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1 WHEREAS, the dispute over roadway jurisdiction has been a
2 lengthy one, with the State and county governments staunchly
3 maintaining their respective positions and showing no interest
4 in modifying them to facilitate a negotiated settlement; and
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6 WHEREAS, the cost of improving and maintaining the roadways
7 in question appears to be a significant impediment to the
8 resolution of this problem, with the counties, on the one hand,
9 not wanting to incur the expense of making the improvements
10 necessary to bring the disputed roadways into conformity with
11 county codes, especially without any financial assistance from
12 the State, and the State, on the other hand, hoping to avoid
13 considerable additional burden in personnel, equipment, and
14 funds that the responsibility for these roads would entail; and
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16 WHEREAS, there is a need for a dispute resolution process
17 in order to perform needed maintenance and repairs on the
18 roadways in Oahu; now, therefore,
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20 BE IT RESOLVED by the Senate of the Twenty-seventh
21 Legislature of the State of Hawaii, Regular Session of 2013, the
22 House of Representatives concurring, that the Department of
23 Transportation and City and County of Honolulu Department of
24 Transportation Services are urged to develop a procedure for
25 resolving and settling disputes regarding ownership and
26 responsibility for the maintenance and improvements of roadways;
27 and
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29 BE IT FURTHER RESOLVED that certified copies of this
30 Concurrent Resolution be transmitted to the Governor, the
31 Director of Transportation and the Mayor, the Chairperson of the
32 Council, and the Director of the Department of Transportation
33 Services of the City and County of Honolulu.
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OFFERED BY:

