

FEB 28 2013

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## SENATE 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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29           WHEREAS, the dispute over roadway jurisdiction has been a  
30 lengthy one, with the State and county governments staunchly  
31 maintaining their respective positions and showing no interest  
32 in modifying them to facilitate a negotiated settlement; and



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 2 WHEREAS, the cost of improving and maintaining the roadways  
 3 in question appears to be a significant impediment to the  
 4 resolution of this problem, with the counties, on the one hand,  
 5 not wanting to incur the expense of making the improvements  
 6 necessary to bring the disputed roadways into conformity with  
 7 county codes, especially without any financial assistance from  
 8 the State, and the State, on the other hand, hoping to avoid  
 9 considerable additional burden in personnel, equipment, and  
 10 funds that the responsibility for these roads would entail; and  
 11

12 WHEREAS, there is a need for a dispute resolution process  
 13 in order to perform needed maintenance and repairs on the  
 14 roadways in Oahu; now, therefore,  
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16 BE IT RESOLVED by the Senate of the Twenty-seventh  
 17 Legislature of the State of Hawaii, Regular Session of 2013,  
 18 that the Department of Transportation and City and County of  
 19 Honolulu Department of Transportation Services are urged to  
 20 develop a procedure for resolving and settling disputes  
 21 regarding ownership and responsibility for the maintenance and  
 22 improvements of roadways; and  
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24 BE IT FURTHER RESOLVED that certified copies of this  
 25 Resolution be transmitted to the Governor, the Director of  
 26 Transportation and the Mayor, the Chairperson of the Council,  
 27 and the Director of the Department of Transportation Services of  
 28 the City and County of Honolulu.  
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OFFERED BY: *Anna Menado Ki*

