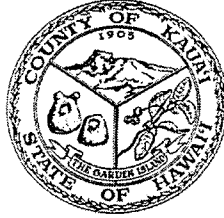


**Bernard P. Carvalho, Jr.**  
Mayor



**Larry Dill, P.E.**  
County Engineer

**Gary K. Heu**  
Managing Director

**Lyle Tabata**  
Deputy County Engineer

**DEPARTMENT OF PUBLIC WORKS**  
**County of Kaua'i, State of Hawai'i**  
4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766  
TEL (808) 241-4992 FAX (808) 241-6604

February 12, 2013

Testimony of **Larry Dill**, County Engineer, County of Kaua'i

Before the Senate Ways and Means: Senator David Y. Ige, Chair &  
Senator Michelle N. Kidani, Vice Chair

Wednesday, February 14, 2013  
9:05 am  
Senate Conference Room 211

In consideration of  
**SB 382**  
**RELATING TO FUEL TAX REVENUES**

Dear Chair, Vice-Chair, and Members:

I am Larry Dill, County Engineer, County of Kaua'i Department of Public Works (DPW). **DPW is in support of the measure if amended.** Senate Bill (SB) 382 proposes to amend Chapter 243, Hawai'i Revised Statutes, to allow the County of Hawaii to serve its constituents by expending funds from its highway fund to perform necessary maintenance on substandard privately-owned subdivision roads that are used by the public.

In its current form, SB 382 makes no provision to protect the County from liability for personal injuries or property damage, or both, that arises out of the repair or maintenance undertaken by the County nor does it clarify that maintenance activities will not be construed as assuming ownership and jurisdiction over the privately-owned road. If language were incorporated into SB 382 or in separate but concurrent legislation to address both issues, the County of Kaua'i would support the measure and also ask that the bill be amended to allow the County of Kaua'i to use its highway fund for similar purposes.

A separate, but related and long-standing issue is the dispute between the State and counties, known as "roads in limbo." The state and counties need the means to perform necessary maintenance on disputed roads, as well as on privately-owned roads. Thus, the committee may consider amending SB 382 to allow the counties to expend highway funds for work on roads whose ownership is in dispute between the State and county, as well as on privately-owned roads.

*An Equal Opportunity Employer*

Senator David Y. Ige, Chair & Members the Ways & Means Committee  
**SB 382 Relating to Fuel Tax Revenues**  
February 12, 2013  
Page 2

Thank you for the opportunity to submit this testimony on SB 382.

Sincerely,

A handwritten signature in black ink, appearing to read 'Larry Dill', is written over the typed name.

Larry Dill, P.E.  
County Engineer

**From:** [Barbara Franklin](#)  
**To:** [WAM Testimony](#)  
**Subject:** Comment on SB 382 related to use of fuel tax for private roads  
**Date:** Tuesday, February 12, 2013 9:46:54 AM

---

I do not support the use of fuel tax revenues for private roads unless the private roads are brought up to county standards. These roads should not have been allowed to be built to substandard conditions just to make the subdivision parcels cheaper for the buyers. There should be a condition that all roads be dedicated to the county and be built to county standards, thus allowing safe passage for emergency vehicles.

Barbara L. Franklin, Esq.  
Attorney at Law  
45-3438 Mamane Street, Bldg. 2  
Honokaa, Hawaii 96727  
(808) 775-0530  
(808) 775-1040 Fax  
barbara@island-law.com  
[www.island-law.com](http://www.island-law.com)

***EXPERIENCED, PERSONALIZED SERVICE THAT YOU CAN TRUST***

IRS Circular 230 Notice: "To ensure compliance with requirements imposed by the IRS, we inform you that any U.S. tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein." The Uniform Electronic Transactions Act does not apply to this e-mail. E-mail security cannot be assured. E-Mail is not legal advice. The Attorney/Client relationship cannot be created by E-Mail, a written retainer signed by the attorney and client is required. This does not constitute an electronic signature.

\_\_\_\_\_CONFIDENTIALITY STATEMENT\_\_\_\_\_

The information contained in this transmission may contain privileged and confidential information. It is intended only for the use of the person(s) named above. If you are not the intended recipient, you are hereby notified that any review, dissemination, distribution or duplication of this communication is strictly prohibited.. The receipt by anyone other than the designated recipient does not waive the attorney-client privilege, nor will it constitute a waiver of the work-product doctrine. If you are not the intended recipient, please contact the sender by reply e-mail or by calling (808) 775-0530 and destroy all copies of the original message.

---