
A BILL FOR AN ACT

RELATING TO HIGHWAYS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 264-1, Hawaii Revised Statutes, is
2 amended by amending subsections (b) and (c) to read as follows:
3 "(b) All trails, and other nonvehicular rights-of-way in
4 the State declared to be public rights-of-ways by the Highways
5 Act of 1892, or opened, laid out, or built by the government or
6 otherwise created or vested as nonvehicular public rights-of-way
7 at any time thereafter, or in the future, are declared to be
8 public trails[-], and subject to being accepted by the board of
9 land and natural resources. A public trail is under the
10 jurisdiction of the state board of land and natural resources
11 unless it was created by or dedicated to a particular county, in
12 which case it shall be under the jurisdiction of that county.
13 (c) All roads, alleys, streets, ways, lanes, trails,
14 bikeways, and bridges in the State, opened, laid out, or built
15 by private parties and dedicated or surrendered to the public
16 use, are declared to be public highways or public trails as
17 follows:



- 1 (1) Dedication of public highways or trails shall be by
2 deed of conveyance naming the State as grantee in the
3 case of a state highway or trail and naming the county
4 as grantee in the case of a county highway or trail.
5 The deed of conveyance shall be delivered to and
6 accepted by the director of transportation in the case
7 of a state highway or the board of land and natural
8 resources in the case of a state trail. In the case
9 of a county highway or county trail, the deed shall be
10 delivered to and accepted by the legislative body of a
11 county.
- 12 (2) Surrender of public highways or trails shall be deemed
13 to have taken place if no act of ownership by the
14 owner of the road, alley, street, bikeway, way, lane,
15 trail, or bridge has been exercised for five years and
16 when, in the case of a county highway, in addition
17 thereto, the legislative body of the county has,
18 thereafter, by a resolution, adopted the same as a
19 county highway or trail. The deed of conveyance shall
20 be delivered to and subject to being accepted by the
21 director of transportation in the case of a state



1 highway or the board of land and natural resources in
2 the case of a state trail.

3 In every case where the road, alley, street, bikeway, way, lane,
4 trail, bridge, or highway is constructed and completed as
5 required by any ordinance of the county or any rule, regulation,
6 or resolution thereof having the effect of law, the legislative
7 body of the county shall accept the dedication or surrender of
8 the same without exercise of discretion."

9 SECTION 2. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 3. This Act shall take effect on July 1, 2050, and
12 apply retroactive to January 1, 2011.



Report Title:
Public Trails

Description:

Clarifies the procedure for acceptance of public trails or state highways before being designated as such. Effective July 1, 2050. (SB2728 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

