

STAND. COM. REP. NO. 2277

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 2728  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Transportation and International Affairs,  
to which was referred S.B. No. 2728 entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the  
Legislature has the authority to determine a public trail.

Your Committee received testimony in support of this measure  
from the Department of Transportation, Department of Land and  
Natural Resources, Land Use Commission, Hawaii Trail and Mountain  
Club, and Monsanto. Your Committee received testimony in  
opposition to this measure from the Office of Hawaiian Affairs,  
Kaua'i County Council, Office of the County Clerk, Public Access  
Trails Hawaii, Kahea, Ho'okipa Network-Kaua'i, and sixty-three  
individuals. Your Committee received comments on this measure  
from two individuals.

Your Committee finds that The Highways Act of 1892 determined  
by statute which public rights-of-ways and trails are public  
highways. Furthermore, chapter 198D, Hawaii Revised Statutes,  
relating to the Hawaii Statewide Trail and Access System,  
establishes the statutory framework within which appropriate  
access to trails is to be determined. It is the intent of your  
Committee to clarify the historical background and existing law on  
the process for determining appropriate trail use and management.  
It is not the intent of your Committee to interfere with or to  
change the existing statutory procedures under chapter 198D,

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Hawaii Revised Statutes, or to in any way diminish the authority of the Department of Land and Natural Resources in this regard. However, your Committee believes that this measure sheds light on disputes arising from public access to trails.

Your Committee has amended this measure by clarifying that the designation of a public trail shall be as provided by law.

As affirmed by the record of votes of the members of your Committee on Transportation and International Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2728, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2728, S.D. 1, and be referred to the Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation and  
International Affairs,

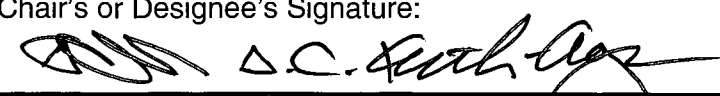


J. KALANI ENGLISH, Chair



The Senate  
 Twenty-Seventh Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Transportation and International Affairs**  
**TIA**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2728	TIA, WAM	02-11-14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
ENGLISH, J. Kalani (C)	✓			
DELA CRUZ, Donovan M. (VC)	✓			
ESPERO, Will				✓
GABBARD, Mike		✓		
KAHELE, Gilbert		✓		
KEITH-AGARAN, Gilbert S.C.	✓			
KOUCHI, Ronald D.				✓
SOLOMON, Malama				✓
SLOM, Sam	✓			
<b>TOTAL</b>	<b>4</b>	<b>2</b>	<b>0</b>	<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes