
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1 SECTION 1. The legislature finds that the safety of
2 residents traveling over roads whose ownership and jurisdiction
3 are in dispute between the State and the counties, commonly
4 known as roads in limbo, is affected by the lack of any
5 maintenance to such roads. The legislature also finds that both
6 state and county agencies are unwilling to maintain these roads
7 because the maintenance activities may be construed as assuming
8 ownership and jurisdiction over the disputed roads. The purpose
9 of this Act is to enable government agencies to maintain roads
10 whose ownership and jurisdiction are in dispute between the
11 State and the counties.

12 SECTION 2. Chapter 662, Hawaii Revised Statutes, is
13 amended by adding a new section to be appropriately designated
14 and to read as follows:

15 "§662- Maintenance or repair of disputed roads;
16 quitclaim. (a) No action by a government agency to maintain or
17 repair a road, ownership of which is in dispute between the



1 State and a county, shall be used to establish the agency's
2 ownership of or jurisdiction over the road and the agency shall
3 not be deemed to have assumed ownership of or jurisdiction over
4 the road solely because of action to maintain or repair a road.

5 (b) If a county requests or requires title to a disputed
6 road, the State may quitclaim whatever interest it has in the
7 road to the county."

8 SECTION 3. Section 46-15.9, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§46-15.9 Traffic regulation; repair and maintenance;
11 public right to use public streets, roads, or highways whose
12 ownership is in dispute. (a) Any provision of law to the
13 contrary notwithstanding, any county and its authorized
14 personnel may impose and enforce traffic laws and shall enforce
15 chapters 249; 286; 287; 291; 291C; 291E; 431, articles 10C and
16 10G; and 486, part III on public streets, roads, or highways
17 whose ownership is in dispute between the State and the county.

18 (b) ~~[Any provision of the law to the contrary~~
19 ~~notwithstanding, any county and its authorized personnel may~~
20 ~~repair or maintain, in whole or in part, public streets, roads,~~
21 ~~or highways whose ownership is in dispute between the State and~~



1 ~~the county.]~~ No action by a government agency to maintain or
2 repair a road, ownership of which is in dispute between the
3 State and a county, shall be used to establish the agency's
4 ownership of or jurisdiction over the road and the agency shall
5 not be deemed to have assumed ownership of or jurisdiction over
6 the road solely because of action to maintain or repair a road.

7 (c) No presumption that a county owns a particular street,
8 road, or highway shall arise as a result of the county's
9 performance of the activities allowed by subsection (a) or (b).

10 (d) The general public shall have the unrestricted right
11 to use public streets, roads, or highways whose ownership is in
12 dispute between the State and the county to access the shoreline
13 and other public recreational areas; provided that this
14 subsection shall not apply to any private street, road, or
15 highway whose ownership is in dispute.

16 (e) As used in this section[+
17 ~~"Public recreational area"]~~, "public recreational area"
18 means coastal and inland recreational areas, including beaches,
19 shores, public parks, public lands, public trails, and bodies of
20 water opened to the public for recreational use."

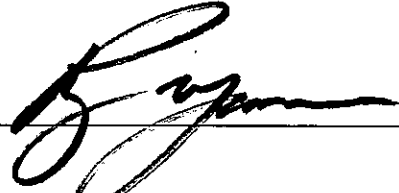



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 28 2015



H.B. NO. 1171

Report Title:

Road Maintenance; Disputed Roads; Counties

Description:

Specifies that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance activities. Authorizes State to quitclaim ownership of roads in favor of counties.

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