
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 subsection (c) to read as follows:

3 "(c) All roads, alleys, streets, ways, lanes, trails,
4 bikeways, and bridges in the State, opened, laid out, or built
5 by private parties and dedicated or surrendered to the public
6 use, are declared to be public highways or public trails as
7 follows:

8 (1) Dedication of public highways or trails shall be by
9 deed of conveyance naming the State as grantee in the
10 case of a state highway or trail and naming the county
11 as grantee in the case of a county highway or trail.
12 The deed of conveyance shall be delivered to and
13 accepted by the director of transportation in the case
14 of a state highway or the board of land and natural
15 resources in the case of a state trail. In the case
16 of a county highway or county trail, the deed shall be



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1 delivered to and accepted by the legislative body of a
2 county.

- 3 (2) Surrender of public highways or trails shall be deemed
4 to have taken place if no act of ownership by the
5 owner of the road, alley, street, bikeway, way, lane,
6 trail, or bridge has been exercised for five years and
7 when, in the case of a state highway, the legislature
8 has adopted, by concurrent resolution, the same as a
9 state highway or trail and, in the case of a county
10 highway, [~~in addition thereto,~~] the legislative body
11 of the county has, [~~thereafter,~~] by a resolution,
12 adopted the same as a county highway or trail. If a
13 privately owned highway is deemed to have been
14 surrendered to the State or county pursuant to this
15 subsection, the State or county shall be exempt from
16 any state laws or rules adopted pursuant thereto that
17 would require the State or county to perform
18 construction, reconstruction, preservation,
19 resurfacing, restoration, or rehabilitation upon the
20 highway.



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

7 SECTION 2. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

Kal Rhoads

Chris W. By

JAN 27 2016



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Report Title:

Highway Ownership

Description:

Requires that before the surrender of a state highway can be deemed to have taken place, the legislature must adopt by concurrent resolution, the same as a state highway or trail. Establishes certain exemptions for highways surrendered to the State or county.

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