

STAND. COM. REP. NO.

204

Honolulu, Hawaii

February 13, 2015

RE: H.B. No. 1171

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1171 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to protect the safety of the motoring public by enabling government agencies to maintain roads whose ownership is in dispute between the State and counties.

The Hawaii Association for Justice testified in support of this measure. The Department of Transportation (DOT) supported the intent of this measure. The Department of Land and Natural Resources (DLNR) provided comments.

The dispute over the jurisdiction of various roads throughout the State has been ongoing for several decades, originating at a time prior to statehood. Prior to 1947, counties had jurisdiction over, and were responsible for the maintenance of, all public highways in the Territory of Hawaii. However, in 1947, jurisdiction for certain highways and roadways was transferred to territorial agencies. Many of these highways and roads were federal-aid highways that would later evolve into highways under the jurisdiction of what is now DOT. Although it was believed that the counties would maintain all public highways and roadways that were not under the jurisdiction of DOT, some were not maintained and fell into disrepair. The jurisdiction over some of these roads was also called into question and these roads began to be referred to as roads in limbo.

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While some repair and maintenance activities have occurred on these roads in limbo in the past, government agencies have been reluctant to conduct such activities because they may be construed as assuming ownership or jurisdiction over the road. Your Committee finds that this measure will allow government agencies to maintain roads whose ownership and jurisdiction are in dispute without assuming ownership or jurisdiction of the disputed road.

Your Committee notes the concerns raised by DLNR that assuming repair and maintenance duties of a disputed road may lead to liability concerns for the government agency repairing or maintaining the disputed road. However, your Committee finds that this matter is beyond the purview of the Committee on Transportation and respectfully requests the Committee on Judiciary to consider this matter further.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1171 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,

  
HENRY J.C. AQUINO, Chair



State of Hawaii  
House of Representatives  
The Twenty-eighth Legislature

JHSCR 204

**Record of Votes of the Committee on Transportation**

Bill/Resolution No.: <i>HB 1171</i>	Committee Referral: <i>TRN, JUD, FIN</i>	Date: <i>02/09/2015</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. AQUINO, Henry J.C. (C)	X			
2. LOPRESTI, Matthew S. (VC)	X			
3. HAR, Sharon E.				X
4. ICHIYAMA, Linda	X			
5. JOHANSON, Aaron Ling	X			
6. KEOHOKALOLE, Jarrett	X			
7. NAKASHIMA, Mark M.	X			
8. SAN BUENAVENTURA, Joy A.	X			
9. TAKAYAMA, Gregg	X			
10. TAKUMI, Roy M.				X
11. YAMASHITA, Kyle T.	X			
12. TUPOLA, Andria P.L.	X			
TOTAL (12)	10			2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature:				
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