

STAND. COM. REP. NO.

205

Honolulu, Hawaii

February 19, 2015

RE: H.B. No. 1408

H.D. 1

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. 1408 entitled:

"A BILL FOR AN ACT RELATING TO PRIVATE ROADS,"

begs leave to report as follows:

The purpose of this measure is to address questions regarding responsibility for the repair and maintenance of privately owned highways. Specifically, this measure confers the responsibility for the construction, reconstruction, preservation, resurfacing, restoration, and rehabilitation of a privately owned highway to a county if the privately owned highway has been surrendered to the county.

Bank of Hawaii testified in support of this measure.

Your Committee finds that, while federal, state, and county agencies maintain jurisdiction over, and are responsible for, the repair and maintenance of the majority of roads throughout Hawaii, there are numerous roads throughout the State that are privately owned. A number of these roads are what are termed remnant roads, or roads that abut or are sandwiched between sections of county-owned roads, that should have been dedicated to the county by developers but for unknown reasons were not. Over the decades, the roads have remained open to the public with unrestricted access, including access for cars, buses, and refuse trucks. However, questions still remain as to the party responsible for

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the repair and maintenance of such roads. Your Committee finds that this measure offers a solution to this important issue.

Your Committee finds that additional clarifying language is necessary to ensure that ownership of roads intended for broad public use can be more efficiently transferred to a county. Your Committee has amended this measure by:

- (1) Requiring the legislative body of a county to accept the surrender of a private road in cases where the private road is used by the public without restriction and has a history of maintenance by the county or State; and
- (2) Making technical, nonsubstantive amendments for clarity and consistency.

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. 1408, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1408, H.D. 1, 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

JSCE 205

Record of Votes of the Committee on Transportation

| Bill/Resolution No.: <i>HB 1408</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 type="checkbox"/> Pass, unamended (as is) <input checked="" 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. | | | | |
| TOTAL (12) | 10 | | | 2 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |