

Honolulu, Hawaii

April 29, 2016

RE: H.B. No. 2049
H.D. 2
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2049, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to address responsibility for the repair and maintenance of privately owned highways. Among other things, this measure:

- (1) Exempts the State and counties that condemn a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail from laws or rules that would require construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation upon it for an unspecified number of years;



- (2) Exempts highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails constructed and completed in accordance with construction code requirements in effect at the time of construction and completion from meeting construction standards in place at the time of transfer to the county;
- (3) Establishes a Commission on Remnant Private Roads to identify all roads by street address and tax map key number located in the State and in each county that are deemed to be remnant private roads;
- (4) Authorizes the Commission on Remnant Private Roads to assign ownership of identified remnant private roads to the State or county and requires the Commission to report to the Legislature prior to the convening of the Regular Session of 2018 identifying the remnant private roads; and
- (5) Appropriates unspecified funds for the Commission on Remnant Private Roads to identify all roads by street address and tax map key number located in the State and in each county that are deemed to be remnant private roads.

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 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 were not for unknown reasons. Over the decades, these roads have remained open to the public with unrestricted access, including access for cars, buses, and refuse trucks. However, questions still remain as to who is responsible for the repair and maintenance of such roads.

After deliberating on this measure, your Committee on Conference finds that this measure, as amended, offers solutions that are acceptable to all concerned parties.

Your Committee on Conference has amended this measure by:

- (1) Renaming the Commission on Remnant Private Roads as the Roads Commission;
- (2) Changing the composition of, as well as the number of members on, the Roads Commission;



- (3) Providing procedures for the filling of vacancies on the Roads Commission and the election of a chair and vice chair of the Roads Commission;
- (4) Establishing quorum requirements of the Roads Commission;
- (5) Stipulating that Roads Commission members serve without compensation but may be reimbursed for certain necessary expenses;
- (6) Changing and limiting the scope of the work of the Roads Commission to include, among other things: review studies on disputes regarding private roads, provide an opinion on the ownership of certain private roads, advise the appropriate legislative body of the determination of ownership of the private roads, and recommend of action to the appropriate legislative body regarding the private road, including the initiation of condemnation proceedings as appropriate;
- (7) Clarifying the powers and duties of the Roads Commission;
- (8) Stipulating that members of the Roads Commission shall not be subject to the Ethics Code solely because of the members participation on the Roads Commission;
- (9) Expanding the State and counties' authority to condemn highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails;
- (10) Allowing any private owner of a highway, road, alley, street, way, lane, bikeway, bridge, or trail to petition the Mayor of the county in which the highway, road, alley, street, way, lane, bikeway, bridge, or county trail is located to initiate condemnation proceedings if certain conditions are met;
- (11) Exempting the State and counties from requirements to maintain or improve highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails taken by condemnation for a period of three years;
- (12) Clarifying that highways, roads, alleys, streets, ways, lanes, bikeways, bridges, or trails constructed and completed in accordance with the requirements of any



ordinance, rule, or regulation in effect at the time of construction and completion are exempt from meeting construction standards in place at the time of condemnation by the State or county, rather than at the time of transfer;

- (13) Appropriating \$2,000,000 for positions and other operating expenditures of the Roads Commission and for road repair work, including resurfacing, flood mitigation, and installation of drainage infrastructure for certain specific roads, provided that certain stipulations of acceptance of ownership by the City and County of Honolulu are met;
- (14) Inserting a severability clause;
- (15) Changing its effective date to July 1, 2016; and
- (16) Making technical, nonsubstantive amendments for clarity, consistency, and style.


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2049, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2049, H.D. 2, S.D. 2, C.D. 1.

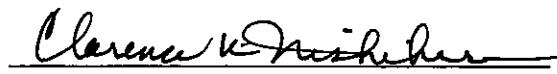
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE


LORRAINE R. INOUÉ, Chair

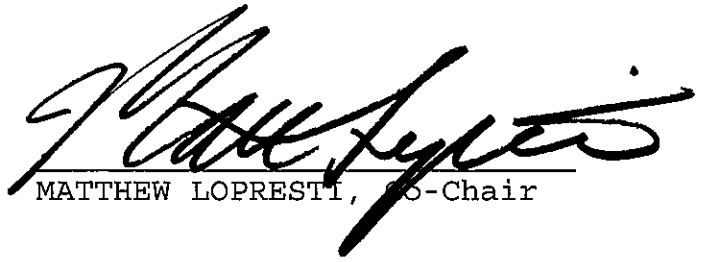

HENRY J.C. AQUINO, Co-Chair



CLARENCE K. NISHIHARA, Co-Chair


KARL RHOADS, Co-Chair




GILBERT S.C. KEITH-AGARAN,
Co-Chair


MATTHEW LOPRESTI, Co-Chair


JILL N. TOKUDA, Co-Chair



Hawaii State Legislature

Record of Votes of a
Conference Committee

CCR 159-16

Bill / Concurrent Resolution No.: HB 2049, HD 2, SD 2	Date/Time: 4/29/16 5:25 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure


The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
INOUE, Lorraine R., Chr.	✓				AQUINO, Henry J.C., Co-Chr.	✓			
NISHIHARA, Clarence K., Co-Chr.	✓				RHOADS, Karl, Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.				✓	LOPRESTI, Matthew S., Co-Chr.	✓			
TOKUDA, Jill N., Co-Chr.	✓				TUPOLA, Andria P.L.				✓
SLOM, Sam				✓					
TOTAL	3			2	TOTAL	3			1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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