

Honolulu, Hawaii
February 12, 2016

RE: H.B. No. 2049
H.D. 1

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

Sir:

Your Committee on Transportation, to which was referred H.B. No. 2049 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

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:

- (1) Requires the counties to accept the surrender of a private road if there has been no act of private ownership for five years; and
- (2) Exempts the State and counties from maintaining surrendered roads and from liability for lack of maintenance or for maintenance performed prior to assuming ownership.

The Chamber of Commerce Hawaii and Bank of Hawaii testified in support of this measure. The Department of the Attorney General and Department of Facility Maintenance of the City and County of Honolulu testified in opposition to this bill.

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

Your Committee has amended this measure by:

- (1) Providing that surrender of a public highway, road, alley, street, way, lane, bikeway, bridge, or trail shall be deemed to have taken place if condemnation proceedings for the parcel are initiated by the State or a county;
- (2) Changing its effective date to July 1, 2116, to promote further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2049, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2049, H.D. 1, and be referred to your Committee on Judiciary.

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


HENRY J.C. AQUINO, Chair



