

STAND. COM. REP. NO. 3060

Honolulu, Hawaii

MAR 24 2016

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

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

Sir:

Your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs, to which was referred H.B. No. 2049, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

beg leave to report as follows:

The purpose and intent of this measure is to provide a means to resolve jurisdictional questions regarding road ownership by providing that:

- (1) In every case where the highway, road, alley, street, way, lane, bikeway, bridge, or county trail is constructed and completed as required by any ordinance of the county or any rule, regulation, or resolution, the legislative body of the county shall accept the dedication of the same without exercise of discretion; and
- (2) If a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail is deemed to have been condemned by the State or county, the State or county shall be exempt from any state laws or rules that would require the State or county to perform construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation.



Your Committees received testimony in support of this measure from the Department of Land and Natural Resources, Hawai'i Association of REALTORS, Bank of Hawaii, and Chamber of Commerce Hawaii. Your Committees received testimony in opposition to this measure from the Department of Transportation and Department of Public Works for the County of Hawaii.

Your Committees find 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.

Your Committees further find that questions still remain as to who is responsible for the repair and maintenance of such roads. This has been an ongoing challenge for the State and the counties, as well as neighboring residents and landowners. This measure will provide a process for the State or a county to obtain ownership over the road by use of the State's condemnation process and not require the government entity to improve the road to today's standards.

Your Committees have amended this measure by:

- (1) Clarifying that if a privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail complied with construction codes at the time of construction, then upon transfer of that privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail to a county, the county which accepts the transfer shall not be required to do any construction, renovation, or repair to bring the privately owned highway, road, alley, street, way, lane, bikeway, bridge, or trail up to any construction code existing at the time of transfer;
- (2) Creating 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, and to assign, in

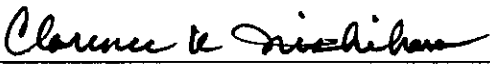


the discretion of the commission, ownership to identified remnant private roads to the State or county;

- (3) Inserting an effective date of July 1, 2030, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of H.B. No. 2049, H.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as H.B. No. 2049, H.D. 2, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.


Respectfully submitted on behalf of the members of the Committees on Transportation and Energy and Public Safety, Intergovernmental, and Military Affairs,


CLARENCE K. NISHIHARA, Chair


LORRAINE R. INOUE, Chair

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Transportation and Energy
TRE

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2049, HD2	TRE/PSM, JDL/WAM	03-17-16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUE, Lorraine R. (C)	/			
GABBARD, Mike (VC)				/
CHUN OAKLAND, Suzanne	/			
ENGLISH, J. Kalani	/			
KIDANI, Michelle N.				/
NISHIHARA, Clarence K.	/			
SLOM, Sam				/
TOTAL	4			3
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes

