

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2372

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 S.B. No. 2372 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the counties to accept the surrender of a private road in cases where there has been an absence of any act of private ownership over the road for five years;
- (2) Exempt the State and counties from performing any maintenance on a surrendered road and from liability arising from use of the road until the State or county performs maintenance work on the road; and
- (3) Deem a highway, road, alley, street, way, lane, bikeway, bridge, or trail that has been commonly used by residents of a particular area for emergency access purposes or for health and safety reasons to be publicly accessible for those reasons, without regard to actual ownership or responsibility for maintenance.

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



of Hawaii. Your Committees received testimony in opposition to this measure from the Hawaii Association for Justice. Your Committees received comments on this measure from the Department of Transportation.

Your Committees find that there are numerous roads throughout the State that are privately owned or whose ownership has been called into question. In many cases, these private roads are remnants of a road, or a small portion of a larger public road, whose ownership is disputed for various reasons. This has resulted in questions regarding who is responsible for the repair and maintenance of these roads, many of which are regularly used for vehicular traffic.

Your Committees further find that since these private roads are not owned by a governmental entity, or their ownership is being disputed, they often do not receive proper repair and maintenance.

Your Committees have amended this measure by:

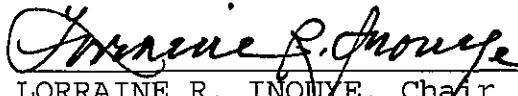
- (1) Limiting the period of state or county immunity from liability for personal injury, death, or property damage in any accident arising out of the use of a surrendered highway, road, alley, street, way, lane, bikeway, bridge, or trail for a period of two years following performance of construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation; and
- (2) Immunizing the State or county from any liability for the negligent acts or omissions of others that the State or county did not already benefit from before the surrender of the highway, road, street, way, lane, bikeway, bridge, or trail, solely by reason of the surrender.

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 S.B. No. 2372, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2372, 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:		
SB 2372	TRE/PSM/JD/WAN	2-11-16		
<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

The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental and Military Affairs
PSM

Bill / Resolution No.:* SB2372	Committee Referral: TRE/PSM, JDL/WAM	Date: <i>2/11/16</i>		
<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
NISHIHARA, Clarence K. (C)	/			
ESPERO, Will (VC)	/			
BAKER, Rosalyn H.				/
INOUYE, Lorraine R.	/			
SLOM, Sam				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Will Espo</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

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