

HB1408

HD3

RELATING TO PRIVATE ROADS.

Requires 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. Exempts 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. (HB1408 HD3)



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

ON THE FOLLOWING MEASURE:

H.B. NO. 1408, H.D. 3, RELATING TO PRIVATE ROADS.

LATE

BEFORE THE:

SENATE COMMITTEES ON TRANSPORTATION AND ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

DATE: Thursday, March 19, 2015

TIME: 2:45 p.m.

LOCATION: State Capitol, Room 229

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Bill J. Wynhoff and Laura Y. Kim, Deputy Attorneys General

Chairs Nishihara, Espero and Members of the Committees:

The Department of the Attorney General opposes this bill.

The purpose of the bill is to amend section 264-1, Hawaii Revised Statutes, to require the counties to accept any **privately owned** highways, roads, alleys, streets, ways, lanes, bikeways, bridges, and trails that private owners choose to “surrender” to the counties. The counties would have no right to refuse the surrender and would be required to accept the roads even if the roads are non-conforming, and no matter how much money would be required to maintain the roads or make them safe for public use. Under the proposed law, surrender “shall be deemed to have taken place if no act of ownership by the owner of the [road] has been exercised for five years,” without exception. In other words, a road would become public merely because the private owner refuses to maintain it.

In addition, the bill proposes to allow an occupant or owner of abutting land to notify the counties of a road that the resident or landowner believes qualifies for surrender. The counties would then have to accept the road unless within six months of the notice the county can establish other proof of private ownership.

The bill addresses liability concerns by exempting the State or a county from requirements to construct, reconstruct, preserve, resurface, restore, or rehabilitate the roads. The bill also grants immunity from liability for personal injury, death, or property damages in any accident arising out of the use a road. This immunity, however, ceases if the county or State performs work on the road. Lastly, the bill would grant the State and county immunity from

liability caused by negligent or wrongful acts or omissions that occurred prior to the surrender of the road.

The Department of the Attorney General opposes this bill because it is overly burdensome to the public, exposes the public to unlimited liability, and creates disincentives to private developers from constructing roads that meet government standards.

The bill is particularly onerous because the counties must also accept roads that do not meet county requirements. In effect, the bill transfers liability for the roads from a private owner to the public. The public would have no choice but to bear the responsibility and costs of all such roads. The required acceptance would be without county input, deliberation, or recourse. There simply would be no choice given to the county, unlike the existing law that allows counties to accept surrendered roads only upon approval by the appropriate county council. Moreover, the immunity granted to the State and counties is ineffectual. Under the statute, once construction or rehabilitation begins, the counties are then liable for the use of the road. Depending on the usage and condition of the road, the counties are exposed to unlimited liability.

Further, developers do not have an incentive to build roads that meet county standards. Those roads, by this bill, can be surrendered to the county by disclaiming ownership for five years.

We respectfully ask the Committee to hold this bill.

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
CARTY S. CHANG
Interim Chairperson**

**Before the Senate Committees on
TRANSPORTATION
and
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thursday, March 19, 2015
2:45 PM
State Capitol, Room 229**

**In consideration of
HOUSE BILL 1408, HOUSE DRAFT 3
RELATING TO PRIVATE ROADS**

House Bill 1408, House Draft 3 proposes to require the Counties¹ 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. The measure also purports to exempt the State and Counties from performing any maintenance on a surrendered road and does not hold the State and Counties liable for not maintaining a surrendered road or for maintenance performed prior to assuming ownership up until the County or State decides to repair the damaged once private road. **The Department of Land and Natural Resources opposes this measure.**

This measure serves to alleviate the liability of a private party and transfer that liability to the public. The bill is particularly onerous as it prohibits the Counties from exercising any discretion whether to accept a substandard road. Combined with the provision stating that the actual use of the road does not constitute an act of ownership, in effect, the bill will result in relieving a private developer of the requirement to build roads to the appropriate county or government standards, and subsequently abandon such substandard roads to the Counties.

Furthermore, the immunity provided by this measure raises doubt. The immunity terminates once a government entity performs practically any type of remedial or maintenance work on the damaged once private road. The Counties (and State if it so elects) are placed in a precarious position where responsibility for a surrendered road, built by a private developer which may not conform to County

¹ And State if the State so elects to accept the road.

CARTY S. CHANG
INTERIM CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

DANIEL S. QUINN
INTERIM FIRST DEPUTY

W. ROY HARDY
ACTING DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

or other government standards, is imposed upon them and any action taken to repair or maintain the road (furthering the purpose of the measure), would trigger the loss of immunity and impose unlimited liability upon the government entity performing the remedial work. Ultimately the Counties (and State if it so elects) will be held liable for flaws in the surrendered substandard roads which were caused by the original private developer.

**DEPARTMENT OF DESIGN AND CONSTRUCTION
CITY AND COUNTY OF HONOLULU**

650 SOUTH KING STREET, 11TH FLOOR
HONOLULU, HAWAII 96813
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KIRK CALDWELL
MAYOR



ROBERT J. KRONING, P.E.
DIRECTOR

MARK YONAMINE, P.E.
DEPUTY DIRECTOR

March 17, 2015

The Honorable Clarence K. Nishihara, Chair
and Members
Senate Committee on Transportation
State Capitol, Room 204
415 South Beretania Street
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
and Members
Senate Committee on Public Safety, Intergovernmental, and Military Affairs
State Capitol, Room 206
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Nishihara, Chair Espero, and Members:

SUBJECT: House Bill No. 1408 HD3, Relating to Private Roads

The Department of Design and Construction (DDC) respectfully **opposes** House Bill No. 1408 HD3, which requires 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.

The problem that the bill presents for DDC is the portion of Section 2 that proposes to amend Section 264-1 (c), Hawaii Revised Statutes, to require that upon receipt of a notice from a resident or abutting landowner of a parcel that is believed to qualify for surrender, "the county shall accept the highway, road, alley, street, way, lane, bikeway, bridge, or trail as surrendered and record its ownership with the state bureau of conveyances, unless the county establishes other proof of ownership within six months of the notice."

DDC's Land Division is the City agency that would be responsible for establishing proof of land ownership. The six-month time limit would be unreasonable if many notices were submitted within a short period of time. DDC's limited resources would be able to address a few notices concurrently, but due to the complexity of some land ownership records, and the effort required establishing proof of ownership, the

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and Members

The Honorable Will Espero, Chair
and Members

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proposed time limit could not be met if a large number of notices needed to be addressed concurrently. Because of the variability and uncertainty associated with the effort required to establish proof of ownership, DDC recommends that the bill allow five years from receipt of a notice to establish proof of ownership.

For this reason, DDC respectfully **opposes** House Bill No. 1408 HD3.

Thank you for the opportunity to testify.

Sincerely,



Robert J. Kroning, P.E.
Director

Council Chair
Mike White

Vice-Chair
Don S. Guzman

Presiding Officer Pro Tempore
Michael P. Victorino

Councilmembers
Gladys C. Baisa
Robert Carroll
Elle Cochran
Don Couch
Stacy Crivello
Riki Hokama



Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 17, 2015

TO: Honorable Clarence K. Nishihara, Chair
Senate Committee on Transportation
Honorable Will Espero, Chair
Senate Committee on Public Safety, Intergovernmental and Military Affairs

FROM: Robert Carroll
Councilmember, East Maui *Robert Carroll*

DATE: Thursday, March 19, 2015

SUBJECT: OPPOSITION TO HB 1408 H.D. 3, RELATING TO PRIVATE ROADS

Thank you for the opportunity to testify in opposition to this important measure. The purpose of this measure requires the counties to repair and maintain private roads that have been previously maintained by the county. Requires the county to accept the dedication or surrender of a private road that is used by the public without restriction and is maintained by county or State.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

- 1 There are many substandard roads within the County of Maui, many of which are referred to as "old government" or "private roads". These "old government and a private roads" are often neglected because neither the property owner, whether it is private party, county, state, or federal government will assume responsibility for the maintenance of these roads. It is essential that maintenance be addressed, for safety purposes, and the true property owner must be held responsible.
- 2 It is necessary that ownership and responsibility must be addressed once and for all. I encourage the state to focus its efforts to work with local governments to determine the true ownership of these roads. Instead of blatantly or arbitrarily transferring roads to the counties, the state should establish a working group or set aside sufficient funding for adequate research to determine road ownership. Don't brush this problem under the rug, be part of the solution.

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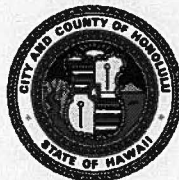
- 3 To initiate a blanket transfer of all old government or private roads would create a financial hardship. The counties do not have the funds to accept and maintain all the old government and private roads. Not only will this measure create financial hardships on the counties, there is potential for developers to create substandard roads and force the counties to accept these roads. You must recognize that if these substandard roads are force on counties, it will create a public safety threat. If substandard roads are not adequate for vehicular or pedestrian travel, they are not safe. Please do not jeopardize the health and safety of our residents with this measure.

For the foregoing reasons, I oppose this measure.

CM:EM:private_roads_15session_hb1408hd3:grs

DEPARTMENT OF THE CORPORATION COUNSEL
CITY AND COUNTY OF HONOLULU
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KIRK CALDWELL
MAYOR



DONNA Y. L. LEONG
CORPORATION COUNSEL

PAUL S. AOKI
FIRST DEPUTY CORPORATION COUNSEL

March 16, 2015

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Transportation
415 South Beretania Street, Room 204
Honolulu, Hawaii 96813

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
415 South Beretania Street, Room 206
Honolulu, Hawaii 96813

Dear Chair Nishihara, Chair Espero, and Members of the Committees:

Re: Opposition to House Bill No. 1408 HD3, Relating to Private Roads.

Thank you for the opportunity to present testimony in opposition to House Bill No. 1408, HD3, Relating to Private Roads ("House Bill 1408"), which requires the counties to accept, without any affirmative act of acceptance by the county, the deemed surrender of a highway, road, alley, street, way, lane, bikeway, bridge, or trail (collectively, a "private road") where there has been an absence of any act of private ownership over the road for five years.

The Department of the Corporation Counsel of the City and County of Honolulu (the "City") strongly opposes House Bill 1408.

Section 264-1(d) of the Hawaii Revised Statutes, as amended ("HRS"), currently requires the legislative body of a county to accept dedication or surrender of a private road that is constructed and completed as required by any ordinance of the county, or any rule, regulation, or resolution thereof having the effect of law. If a private road complies with the then-current county codes and rules, the City must accept it.

House Bill 1408 would effectively require the City to accept the surrender of any noncompliant and/or substandard private road if there has been an absence of any act

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Transportation
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety, Intergovernmental and
Military Affairs

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of private ownership over the road for five years, without any affirmative act of the City to accept it, but simply upon receipt of notice from any resident or abutting landowner that a private road qualifies for surrender. It is unclear from the bill as to how anyone would be able to make such a determination.

By removing the obligation of the developer or owner of a subdivision to complete the construction of the private roads located therein to the standards as required by law or to maintain the same, House Bill 1408 provides a disincentive to developers to honor their obligations and provides an incentive to develop substandard private roads—opting instead to wait 5 years until the City is forced to take ownership.

There are potentially thousands of existing noncompliant and/or substandard private roads; this bill would serve only to encourage the construction of more of the same, thereby shifting the responsibility to develop and complete roadway infrastructure that complies with county standards, and the liability associated with substandard infrastructure, from the developers of the subdivisions to the taxpayers of the state and of the respective counties.

House Bill 1408's attempt to statutorily immunize counties 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 is ineffective and, in fact, provides a disincentive for counties to improve the same. The bill provides that the "State or county shall be immune 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 unless the State or county performs construction, reconstruction, preservation, resurfacing, restoration, or rehabilitation upon it." Given the number of areas potentially affected by this bill, the limited financial resources of the counties, and the elimination of statutory immunization once the State or county improves the private road, there is no reason for the State or county to improve the same.

Furthermore, House Bill 1408 would create an immeasurable drain on the City's limited financial resources that are funded, in part, from real property taxes paid for by the taxpayers.

Lastly, House Bill 1408 would result in an unfunded mandate to the City, in violation of Article VIII, Section 5, of the Hawaii State Constitution.

The Honorable Clarence K. Nishihara, Chair
and Members of the Committee on Transportation
The Honorable Will Espero, Chair
and Members of the Committee on Public Safety, Intergovernmental and
Military Affairs

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For the reasons stated above, the City strongly opposes House Bill 1408 and
urges that the measure be filed.

Very truly yours,



DONNA Y. L. LEONG
Corporation Counsel
City and County of Honolulu

cc: Ross S. Sasamura, Director
Department of Facility Maintenance
Robert J. Kroning, Director
Department of Design
and Construction
Melissa Miranda-Johnson, Mayor's Office



TESTIMONY TO:
COMMITTEE ON TRANSPORTATION
The Honorable Clarence K. Nishihara, Chair
The Honorable Breene Harimoto, Vice Chair
AND
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS
The Honorable Will Espero, Chair
The Honorable Rosalyn H. Baker, Vice Chair

Thursday, March 19, 2015, 2:45 p.m.
State Capitol, Conference Room 229

TESTIMONY IN SUPPORT OF HOUSE BILL 1408 HD3 RELATING TO PRIVATE ROADS

I am Stafford Kiguchi with Bank of Hawaii testifying in support of HB1408 HD3 dealing with private roads. I will also offer comments and observations related to the particular issue of road ownership by third parties.

We appreciate and support the legislature's initiative and efforts in addressing this long-standing issue and public concern. In addition to the "roads in limbo," where there is a dispute of ownership between the city and state, this measure also aptly notes that there are many roads owned by third parties which are used regularly by the public.

Bank of Hawaii owns a number of roads that were acquired when it purchased Hawaiian Trust and Bishop Trust companies dating back to the 1980s. It is believed that decades ago when the homes adjacent to these roads were developed and deeded to the homeowners by the trust companies as agent for the developers, these roads, by right, should have been dedicated to the city. However, for unknown reasons, that transfer never occurred and legal title appears to have remained in the trust companies and subsequently with Bank of Hawaii as successor in interest.

Over the decades, the roads have remained open to the public with unrestricted access for cars, buses, refuse trucks, etc. Many of these roads are termed "remnants" and abut or are sandwiched between sections of city-owned roads or streets. And, in many cases, the city currently provides maintenance services for these roads.

Examples of such roads would include: a stretch of 18th Avenue in Kaimuki; a portion of Kalakaua Ave. near the Diamond Head end; and sections of Gulick Ave. and Kalihi St. in Kalihi, to name a few.

Despite its ownership, the bank does not enjoy the normal rights and privileges associated with ownership. We would not build on the roads nor would we deny homeowners access to their homes that front these roads. At the same time, there is no acceptable mechanism to assess any fees that could be applied toward road maintenance. As a result, the situation exists where Bank of Hawaii may have obligations but no rights.

We also recognize that there is the issue of some older roads or streets not conforming to current codes. There are no remedies available to a non-government owner to address this dilemma. If there is a desire to bring such roads up to modern standards, there would potentially need to be an exercise of eminent domain of which only a government entity could do.

As noted in the bill, people seeking help when a road or street is in need of repair may face frustration and confusion when attempting to identify the proper authority to have repairs or maintenance issues addressed. As taxpayers, they have a right to enjoy properly maintained roads.

We believe that maintenance and ownership of such roads best belongs within the jurisdiction of the city and county. The city is best equipped with the knowledge and equipment to conduct any necessary planning, road repair and maintenance work.

For these reasons, we believe it makes most practical sense for the city to own and maintain these types of roads. It would provide the public a single point of contact to address its needs, and would also provide both clarity and consistency for the residents and homeowners.

We appreciate the Committee's interest and willingness to continue to examine solutions for this important issue.

Thank you for the opportunity to testify.

Stafford Kiguchi
Executive Vice President, Bank of Hawaii
694-8580

TESTIMONY OF ROBERT TOYOFUKU ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN OPPOSITION TO H.B. NO. 1408, H.D.3

DATE: Thursday, March 19, 2015

TIME: 2:30 pm

To: Chairmen Clarence Nishihara and Will Espero and Members of the Senate Committee on Transportation and the Senate Committee on Public Safety, Intergovernmental and Military Affairs:

My name is Bob Toyofuku and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in OPPOSITION to H.B. No. 1408 H.D. 3, Relating to Private Roads.

The purpose of this measure is mandate non-discretionary transfer of private roads and to grant broad immunity to state or county agencies that receive title to highways, roads, alleys, streets, ways, lanes, bikeways, bridges or trails that are currently privately owned or whose ownership may not be clear or is disputed. HAJ opposes this measure because it will not accomplish its goal of adequate repair and maintenance for these roads and the immunity provided is far too broad for the purpose of this measure.

More than one hundred years ago, the 1913 Legislature considered HB 280 in an attempt to address repair and maintenance obligations of roads whose ownership was disputed or unclear. Today, there are still hundreds of miles of roads throughout the State which lack adequate maintenance because counties simply do not have the funds to accept private and disputed roads, and the maintenance obligation that accompanies these roads.

The single biggest issue and over-riding factor, by far, is funding. Many of the roads affected by this measure have not been adequately maintained for decades.

Because these roads have been allowed to deteriorate for so long, there certainly are liability concerns related to them. However, because they are in such bad shape the cost to rebuild them to meet current standards is enormous and any type of comprehensive resolution will have to address funding. Immunity is not the issue and will not solve the problem. Counties don't want and cannot afford to assume the cost of rebuilding and maintaining these roads whether or not they are given immunity.

First, if the problem is that the counties are not willing to maintain these roads for fear that their actions will be construed as proof of past ownership, then it is a simple matter to provide that no maintenance can be used in any way as proof of past ownership. The following or similar language will accomplish that purpose:

No action by a county to maintain or repair a road whose ownership is acquired pursuant to this section may be used to establish the county's past ownership or jurisdiction over the road.

Second, if the problem is that counties are not currently capable of repairing or maintaining these roads, then a reasonable grace period (e.g., 5 years) should be extended for planning, budgeting and construction.

Third, the current language is much too broad as it provides total immunity indefinitely into the future (whether or not repairs are made), extends to improper or unsafe workmanship, and excuses all past negligent or wrongful acts by the county in connection with these roads. For example, if workers negligently forget to replace a stop sign and two cars, each rightfully believing they have the right of way, collide in an intersection there would be immunity granted by the sweeping language of (d).

Similarly, if workers negligently use the wrong material and a bridge collapses killing a family driving over the bridge, there would be complete immunity. If a county already has existing obligations this section could be used to absolve it of past negligence as well as future liability. It is not necessary to give immunity for unsafe roadway repair work and violates government's basic responsibility to provide for the safety and welfare of its citizens.

Fourth, this measure would terminate existing responsibilities for the safe maintenance of these roads. Many, if not most, private roads open to the public are currently the responsibility of its owners or owners association in connection with commercial developments, townhomes or small residential developments. This measure will allow any road "built by private parties" to be surrendered to the counties and thus terminate the responsibilities of current owners, while practically insuring that there will be no continued maintenance because counties are not required to maintain these roads. In addition, those harmed by inadequate or improper maintenance will have no recourse because the counties will have total immunity. As it presently stands, the current owners are responsible for harm caused by their failure to adequately maintain these roads.

Realistically, this measure will not solve the problem. This measure will require counties to take title to roads, yet exempt them from any repair or maintenance requirement forever, and terminate all legal responsibility on the part of those currently responsible.

For these reasons, HAJ opposes this measure and asks that this bill be amended as suggested or be held. HAJ did not testify on this bill when it was first heard in the House committee because it had no objection to the language in the original version of this bill.

Thank you for the opportunity to testify on this measure. Please feel free to contact me should there be any questions.

F A X T R A N S M I S S I O N

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Date: 3 / 17 / 15 Time: 4 : 20 A. M. P. M. No. of pages
(Including this page) 3

Note: If you did not receive all the pages or if you have a question please call the verifying number (808) 946-2966.

To: <u>Co mmi ttee on Transportation</u>	From: <u>James W. Y. Wong</u>
Co. Name:	Co. Name:
FAX No. () <u>586 -6879</u>	Subject: <u>HB 1408 HD 3</u>

FAX Message:

*Please see testimony on above
bill scheduled for hearing 3/19/15
@ 2:45pm in conference room 229*

Thank you

JAMES W. Y. WONG

3737 Manoa Road, Honolulu, HI 96822, (808) 946-2966, Facsimile (808) 943-3140

March 18, 2015

COMMITTEE ON TRANSPORTATION

Senator Clarence K. Nishihara, Chair

Senator Breene Harimoto, Vice Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS

Senator Will Espero, Chair

Senator Rosalyn H. Baker, Vice Chair

Hawaii State Capitol

415 South Beretania Street, Room 229

Honolulu, Hawaii 96813

RE: House Bill HB1408HD3

Dear Senators Nishihara and Harimoto and Members of Committee on Transportation, Senators Espero and Baker and Members of Committee on Public Safety, Intergovernmental and Military Affairs

I support House Bill HB1408HD3 which provides for 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 and exempts the State and counties from performing any maintenance on a surrendered road and from liability arising from use of the road until they perform maintenance work on the road. I support the committee's initiative and efforts in addressing this issue and public concern. There are many "roads in limbo," throughout the state including Honolulu where there is a dispute of ownership between the city and state, and there are many roads owned by third parties which are used regularly by the public.

Many of these roads are open to the public with unrestricted access for cars, buses, refuse trucks, etc. Many of these roads abut or are sandwiched between sections of city-owned roads or streets and in many cases the city currently provides maintenance services for these roads. There is the also the issue of some roads or streets not conforming to current codes.

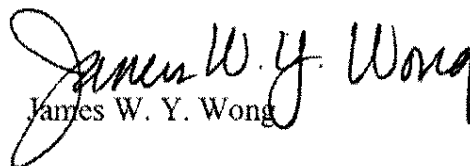
People seeking help when a road or street is in need of repair may face frustration and confusion when attempting to identify the proper authority to have repairs or maintenance issues addressed. Maintenance and ownership of such roads best belongs within the jurisdiction of the city and county. The city is best equipped to conduct any necessary planning, road repair and

maintenance work. I believe it makes the sense for the city to own and maintain these types of roads.

The only change I suggest in the language of the bill is to provide exemption from liability regardless if the City were to provide maintenance to the roads

Thank you very much for your assistance and allowing me to testify.

Aloha,


James W. Y. Wong