

[CHAPTER 265A]
COUNTY HIGHWAYS AND SIDEWALKS

Section
265A-1 County authority

Note

City and county of Honolulu to take ownership of specified road or parcel upon acceptance of funds. L 2016, c 194, §4.

Roads commission; private roads disputes; reports to 2018-2019 legislature (ceases to exist June 30, 2018). L 2016, c 194, §2.

Cross References

Use, repair, and maintenance of public roads in ownership dispute, see §46-15.9.

" **§265A-1 County authority.** The several councils or other governing bodies of the several political subdivisions of the State shall have the general supervision, charge, and control of, and the duty to maintain and repair, all county highways, bikeways, and sidewalks and shall have the power to determine the terms under which irrigation or drainage ditches, flumes, railroads, including plantation railroads and similar structures, telephone, electric light and power lines and pipes and other conduits may be maintained upon, under, over, and across the same, and the councils or other governing bodies may make all regulations needful for the public convenience and safety in all cases where permission has been or may be granted to maintain the ditches, railroads, pipes, or other structures across, under, over, and upon all county highways. Any other law to the contrary notwithstanding, the several counties by ordinance may take over, or receive by dedication or otherwise, any private street or way or may improve, grade, repair, or do any construction work upon private streets, ways, pavement, water lines, street lighting systems, or sewer repairs. [L 1981, c 4, §2; am L 1988, c 263, §9]

Cross References

Driving upon bikeway, see §291C-123.

Driving upon sidewalk, see §291C-148.

Attorney General Opinions

County highways on Hawaiian Home Lands required to be maintained by counties but title not transferred. Att. Gen. Op. 86-15.

State not required to share cost of maintaining public highways. Att. Gen. Op. 86-15.

Case Notes

While the fact that the privately owned road was platted on a subdivision map, that this section authorized counties to repair and maintain private streets, and §46-16 authorized counties to regulate traffic on private streets, and each of these factors was significant in determining which party or parties had control of the private roadway, appellate court erred in concluding as a matter of law that defendant property owners did not control roadway and thus had no duty to maintain, repair, or warn of a dangerous condition; the issue of control of the roadway was a question of fact for the jury. 103 H. 385, 83 P.3d 100.