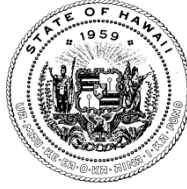


DAVID Y. IGE
GOVERNOR



JADE T. BUTAY
DIRECTOR

Deputy Directors
ROY CATALANI
ROSS M. HIGASHI
EDWIN H. SNIFFEN
DARRELL T. YOUNG

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

IN REPLY REFER TO:

March 16, 2018
10:00 a.m.
State Capitol, Room 414

H.B. 2570, H.D. 1
RELATING TO ROAD REPAIR AND MAINTENANCE IN HOUSING SUBDIVISIONS

Senate Committee(s) on Transportation and Energy &
Public Safety, Intergovernmental and Military Affairs

The Department of Transportation (DOT) **opposes** H.B. 2570, H.D. 1 as it relates to DOT's role. We believe that the Counties affected would be better able to administer maintenance and repairs to roads that would fall under their respective jurisdictions. DOT does not believe it should have a role in this matter as it is outside our jurisdiction.

Thank you for the opportunity to provide testimony.

Senator Lorraine R. Inouye, Chair

COMMITTEE ON TRANSPORTATION AND ENERGY

Senator Clarence K. Nishihara, Chair

COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

Dear Chairs Inouye and Nishihara, and Committee Members:

RE: HB 2570, HD1, repairing substandard private roads

The problem of deteriorating private roads, primarily in Puna subdivisions, has been of long standing and is only getting worse. For that reason, I applaud our Puna Representative for initiating HB 2570, HD1, which attempts to address the festering problem in an innovative way.

However, this problem has developed over several decades, and deserves a thorough evaluation before the best path forward can be determined. Furthermore, if HB 2570, HD1 were to pass, Hawaii County would not have enough staff for the pilot program, nor to collect the fees that would be assessed. We would also anticipate large uncollectibles, raising the question of what to do about them.

We would respectfully suggest that, instead of choosing the solution dictated by HB 2570, HD1, it would be better to order a thorough feasibility study looking at implementation options as well as funding choices. We would want such a study to include significant opportunities for the public to participate in the decision-making process, increasing the chances of all-important community buy-in.

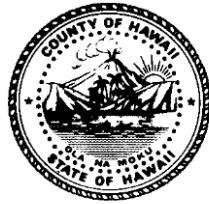
There is no in-house staff to undertake such a study, and we estimate that hiring a consultant would cost in the neighborhood of \$300,000. If the Legislature could help us fund such a contract, I can pledge that the various departments of the County government will do their best to identify and then implement the most viable program that can bring these subdivision roads up to 21st century standards.

I again thank those who are attempting to find a way forward, and urge that HB 2570 be further amended as explained above.

Respectfully submitted,

hk

Harry Kim
Mayor



Michael Yee
Director

Daryn Arai
Deputy Director

West Hawai'i Office
74-5044 Ane Keohokālole Hwy
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County of Hawai'i
PLANNING DEPARTMENT

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March 14, 2018

Testimony by
MICHAEL YEE
Director, County of Hawai'i Planning Department
before the
COMMITTEE ON TRANSPORTATION & ENERGY
COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL & MILITARY
AFFAIRS
Friday, March 16, 2018, 10:00 AM
State Capitol, Conference Room 414
in consideration of
HB 2570 HD1
Relating to Road Repair and Maintenance in Housing Subdivisions

The County of Hawai'i Planning Department would like to express **OPPOSITION of H.B. 2570 HD1** that places requirements on counties regarding road repair and maintenance in subdivisions.

The bill was revised for the Department of Transportation (DOT) to establish a pilot program to help maintain private roadways, but DOT has provided testimony it is outside their jurisdiction.

Fifty years in the making, substandard subdivisions in Puna and Ocean View have hundreds of miles of deteriorating and poorly maintained private roads. To move this issue forward in the County of Hawai'i, a feasibility study is needed that would include financing and implementation options. However, the lack of staff capacity, funding and competing priorities prevents the county from conducting a feasibility study. Therefore, I continue to advocate that the State provide \$300,000 to the County of Hawai'i to fund a feasibility study by a consultant on roads and repairs in substandard subdivisions.

Thank you for consideration of my testimony.

Douglas Meller
2615 Aaliamanu Place
Honolulu, Hawaii 96813
douglasmeller@gmail.com

**COMMENTS ON HB 2570, HD 1 RELATING TO ROAD REPAIR AND MAINTENANCE IN HOUSING
SUBDIVISIONS**

**SUBMITTED FOR THE FRIDAY 3/16/18 10 AM JOINT PUBLIC HEARING OF THE
SENATE COMMITTEE ON TRANSPORTATION AND ENERGY AND THE
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS
IN CONFERENCE ROOM 414**

Section 2 of HB 2570, HD 1 would impose requirements that would only apply to the County of Hawaii. This may violate the Hawaii Constitution. Article VIII, Section 1 of the State Constitution does not authorize a special law which can only apply to a single county.

**ARTICLE VIII
LOCAL GOVERNMENT
CREATION; POWERS OF POLITICAL SUBDIVISIONS**

Section 1. The legislature shall create counties, and may create other political subdivisions within the State, and provide for the government thereof. Each political subdivision shall have and exercise such powers as shall be conferred under general laws.

Att. Gen. Op. 61-36. Law specifically repealing statute pertaining to single county is void as special law.

Att. Gen. Op. 62-11. Law conferring power on only certain specified counties is a special law.

HB-2570-HD-1

Submitted on: 3/14/2018 10:56:01 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Elaine Partlow	Individual	Support	No

Comments:

I live in one of the subdivisions that does not collect mandatory road fees, and as a result the roads are in deplorable condition. I have spent over \$1200 of my own money on my road, but the heavy rains have washed away most of the repairs that were done. I support having the county collect fees and repair the roads to a passable condition. We don't want super highways that people will race up and down, just a safe gravel road.

HB-2570-HD-1

Submitted on: 3/14/2018 2:51:28 PM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
bob Arthurs	Individual	Support	No

Comments:

This bill is so much needed for those substandard subdivisions on the Bog Island that seem to always have a couple subdivisions in court.

A Community Association in distress should be defined as one criteria of many being More than one year in the court system.

Orchidland has been in distress for almost an unconscionable FOUR years over Non-Transparency of Mandatory Roan Maintenance Assessments and hiring Unlicenced Contractors -- the Court's message but such a long delay is "It is OK to spend without accountability the members "taxes" as the assessment as s Court mandated.

Government does but only one thing efficiently, and that is collect Assessments. I fully support this bill!

Robert Arthurs

HB-2570-HD-1

Submitted on: 3/14/2018 3:30:47 PM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Dickerson	Individual	Support	No

Comments:

Dear Legislative Members,

As a four and half year resident of Hawaiian Paradise Park subdivision, Puna District, County of Hawai`i, I've been dismayed, and absolutely flabbergasted at the lack of maintenance of streets, roads, and byways of our great County of Hawai`i. After addressing the situation I find out that the county has shirked it's responsibility of providing construction and road maintenance by forcing the land owners who have proposed these subdivisions to provide for the construction and maintenance of said streets and roads with home owner's fees and assessments. Which is all well and good, however after almost 60 years my subdivision has never been able to provide for adequate construction and maintenance of it's some 175 miles of streets and roads.

These streets and roads in the Puna District are the worst I have ever seen. It's time this Legislature and County of Hawai`i gets off It's "dead posterures" and provides a taxing structure to provide our citizens with decent streets and roads. The tax paying public of the Puna District deserve better streets and roads, let's hope it doesn't take an "act of God" to get something done about the quality of our byways in our subdivisions.

Respectfully

Mike Dickerson, HPP resident

HB-2570-HD-1

Submitted on: 3/15/2018 7:40:31 AM

Testimony for TRE on 3/16/2018 10:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dean Cail	Individual	Support	No

Comments:

In Pahoia Route 137 is not a private road, but it is often in a bad state of repair.

It is a Tsunami evacuation route, and would save the county if it were paved.. Perhaps federal funds are available ? Thank you

Dean Cail, residents

I live in a portion of a subdivision where the streets are not paved nor maintained by the subdivision. At times, during a heavy rain storm, the street becomes a creek.

In some measure the road condition is really a health and safety issue. An ambulance and/or a fire truck response time is slowed down do to road condition. They can only drive so fast on a rough road. I think most property owners on my street would agree to fee for road maintenance.