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# A BILL FOR AN ACT

RELATING TO PRIVATE ROADS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that there are many roads  
2 throughout Hawaii that are not owned by either the State or any  
3 county, and whose private ownership is unknown. Historically,  
4 these roads may have been indicated on a subdivision plat.  
5 These roads may also have been a remnant of a former road or a  
6 small portion of a larger public road. Although these roads are  
7 often used by and for the benefit of the public, the roads do  
8 not receive necessary repair and maintenance. In some cases,  
9 the roads have fallen into significant disrepair.

10           The legislature also finds that Act 194, Session Laws of  
11 Hawaii 2016, expanded the authority of the State and the  
12 counties to condemn these roads. Act 194, Session Laws of  
13 Hawaii 2016, also provided the State and counties with a three-  
14 year exemption from any requirements to maintain or improve a  
15 road taken by condemnation.

16           The purpose of this Act is to require the attorney general  
17 to condemn three roads on the island of Oahu.



1 SECTION 2. (a) The attorney general shall take all action  
2 necessary to condemn the following roads on the island of Oahu:

- 3 (1) Rawlins Lane, from Auld Lane to its terminus;
- 4 (2) Kalani Street, from Puuhale Road to Mokauea Street;
- 5 and
- 6 (3) Factory Street, from North King Street to Waterhouse  
7 Street;

8 provided that condemnation proceedings shall be initiated no  
9 later than January 1, 2020; provided further that prior to  
10 condemnation, the attorney general shall make a good faith  
11 effort to determine whether any kuleana lands are involved.

12 (b) After condemnation, the department of transportation  
13 shall operate and maintain all the roads condemned pursuant to  
14 subsection (a).

15 SECTION 3. The attorney general shall submit a report to  
16 the legislature on the status of the condemnation proceedings  
17 required by this Act no later than twenty days prior to the  
18 convening of the regular sessions of 2020, 2021, and 2022.

19 SECTION 4. There is appropriated out of the general  
20 revenues of the State of Hawaii the sum of \$ or so  
21 much thereof as may be necessary for fiscal year 2019-2020 and



1 the same sum or so much thereof as may be necessary for fiscal  
2 year 2020-2021 to cover due diligence costs and court costs,  
3 including compensation to property owners as required by chapter  
4 101, Hawaii Revised Statutes.

5 The sums appropriated shall be expended by the department  
6 of the attorney general for the purposes of this Act.

7 SECTION 5. This Act shall take effect upon its approval;  
8 provided that section 4 shall take effect on July 1, 2019.



**Report Title:**

AG; Condemnation; Private Roads; Appropriation

**Description:**

Requires the Attorney General to condemn certain private roads on the island of Oahu. Makes an appropriation. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

