

Honolulu, Hawaii

MAR 18 , 2022

RE: S.B. No. 2008
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 2008, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO HIGHWAYS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Remove the three-year limit on the exemption of the State and counties from the requirement to maintain or improve any condemned roads;
- (2) Waive applicability of joint and several liability for acts or omissions of the State and counties relating to a condemned road that occurred prior to condemnation of the road; and
- (3) Allow the State and counties to utilize flexibility in highway design, including limitations of liability, regarding any condemned road.

Your Committee received testimony in support of this measure from the Department of Transportation, one member of the Maui County Council, and Hawaii Association for Justice.



Your Committee finds that although there are numerous roads throughout the State that are privately owned and often used by the public, the public may not realize that the road is not owned by a governmental agency, which creates difficulties when individuals seek to have a private road repaired. This measure will reduce disincentives to State and county condemnation of private lanes so that the difficulties of repairing and maintaining private lanes do not continue.

Your Committee has amended this measure by:

- (1) Reinstating the three-year limit on the exemption of the State and counties from the requirement to maintain or improve any condemned roads; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2008, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2008, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,


HENRY J. C. AQUINO, Chair



