

Honolulu, Hawaii

FEB 18 2022

RE: S.B. No. 2366
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Government Operations and Water and Land,
to which was referred S.B. No. 2366 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Clarify that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities; and
- (2) Authorize the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

Your Committees received testimony in support of this measure from the Department of Transportation, Office of the Mayor of the County of Kauai, and Office of the Mayor of the County of Maui. Your Committees received comments on this measure from the Department of Land and Natural Resources.

Your Committees find that there are roads in Hawaii whose ownership or jurisdiction is disputed between the State and counties. Neither state nor county agencies are willing to maintain these roads because the maintenance activities may be construed as assuming ownership and jurisdiction over the disputed



roads. Your Committees further find that the safety of persons traveling over these so called "roads in limbo" is affected by the lack of maintenance. Your Committees therefore find that this measure will promote public safety by enabling government agencies to maintain roads that are subject to ownership and jurisdictional disputes without compromising any legal claims pertaining to those roads.

Your Committees note the testimony of the Department of Transportation suggesting a more appropriate statutory placement for the new section created by this measure. Your Committees also note the testimony of the Office of the Mayor of the County of Kauai and Office of the Mayor of the County of Maui recommending the addition of statutory immunity for the State and counties under certain circumstances.

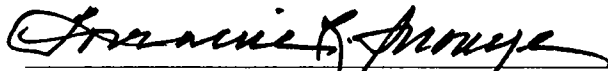
Your Committees have amended this measure by:

- (1) Moving the new statutory language to chapter 264, Hawaii Revised Statutes, rather than chapters 27 and 46, Hawaii Revised Statutes;
- (2) Deleting the definition of "disputed public street, road, or highway" and any references to non-vehicular accessways or interests;
- (3) Inserting language granting statutory immunity for the State and counties under certain circumstances; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Government Operations and Water and Land that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2366, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2366, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.



Respectfully submitted on
behalf of the members of the
Committees on Government
Operations and Water and Land,


LORRAINE R. INOUE, Chair


SHARON MORIWAKI, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:* SB2366	Committee Referral: QVO/WTL, JDC/WAM	Date: 2/14/22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
INOUYE, Lorraine R. (C)	✓			
KEITH-AGARAN, Gilbert S.C. (VC)	.			✓
MISALUCHA, Bennette E.	/			
RIVIERE, Gil	/			
FEVELLA, Kurt				✓
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Bennette E. Misalucha</div>				
Distribution: Original: Yellow: Pink: Goldenrod:				
File with Committee Report		Clerk's Office		Drafting Agency
				Committee File Copy

*Only one measure per Record of Votes