

DAVID Y. IGE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

**Testimony of
SUZANNE D. CASE
Chairperson**

**Before the House Committee on
WATER & LAND**

**Tuesday, February 16, 2021
8:30 AM**

State Capitol, Via Videoconference, Conference Room 430

**In consideration of
HOUSE BILL 486, HOUSE DRAFT 1
RELATING TO TRANSPORTATION**

House Bill 486, House Draft 1 proposes to address the issue of lack of maintenance of “roads in limbo” by providing that any action by a government agency to maintain or repair a public road shall not be used to establish the agency’s ownership of, or jurisdiction over, the public road, and the agency shall not be deemed to have assumed ownership of, or jurisdiction over, the public road solely because of action to maintain or repair it. The measure proposes amendments to Chapters 27 and 46, Hawaii Revised Statutes (HRS), to effectuate its intent. House Draft 1 of the measure amends the operative language of the bill to clarify its intent and inserts and effective date of July 1, 2050 to encourage further discussion. **The Department of Land and Natural Resources (Department) provides the following comments on this measure.**

The Department believes this bill is unnecessary because there is no such thing as a "road in limbo" – only roads the counties have refused to accept responsibility over for purposes of maintenance or liability. “[L]ands being used for roads and streets” are excluded from the definition of public lands over which the Board of Land and Natural Resources and Department have jurisdiction under Section 171-2(3), HRS. Moreover, Section 264-1, HRS, is clear that all public roads in the State are either State highways under the jurisdiction of the Department of Transportation, or county roads under the jurisdiction of the respective counties. The provision of the bill authorizing the State to quitclaim a road to a county is likewise unnecessary because existing law (Act 288 Session Laws of Hawaii 1993) already provides for the quitclaim conveyance of a road from the State to a county when required for purpose of disposal.

At the same time, the Department understands the bill may encourage the counties to accept responsibility for repair and maintenance of roads more readily, notwithstanding their existing ownership of or jurisdiction over them under current law. Accordingly, the Department does not oppose the measure.

Thank you for the opportunity to comment on this measure.

SUZANNE D. CASE
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

ROBERT K. MASUDA
FIRST DEPUTY

M. KALEO MANUEL
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES
BOATING AND OCEAN RECREATION
BUREAU OF CONVEYANCES
COMMISSION ON WATER RESOURCE MANAGEMENT
CONSERVATION AND COASTAL LANDS
CONSERVATION AND RESOURCES ENFORCEMENT
ENGINEERING
FORESTRY AND WILDLIFE
HISTORIC PRESERVATION
KAHOOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

DAVID Y. IGE
GOVERNOR



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
LYNN A.S. ARAKI-REGAN
DEREK J. CHOW
ROSS M. HIGASHI
EDWIN H. SNIFFEN

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

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H.B. 486, H.D. 1
RELATING TO TRANSPORTATION

HOUSE COMMITTEE ON WATER & LAND

The Department of Transportation (DOT) **supports** H.B. 486, H.D. 1, that resolves issues of ownership and jurisdiction. DOT agrees that performing repair and maintenance activities on a street, in and of itself, shall not confer ownership or jurisdiction of the street to the agency performing such activities. Additionally, this bill allows the State to transfer by quitclaim any disputed road if the county requests title to the disputed road.

Thank you for the opportunity to provide testimony.