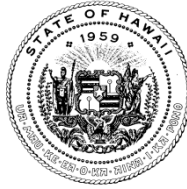


DAVID Y. IGE
GOVERNOR

LATE



TESTIMONY BY:

JADE T. BUTAY
DIRECTOR

Deputy Directors
ROSS M. HIGASHI
EDUARDO P. MANGLALLAN
PATRICK H. MCCAIN
EDWIN H. SNIFFEN

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

March 29, 2022

2:00 P.M.

State Capitol, Conference Room 325/Teleconference

S.B. 2008, S.D. 1, H.D. 1
RELATING TO HIGHWAYS

House Committee on Judiciary & Hawaiian Affairs

The Department of Transportation (DOT) **supports** this bill that allows the state and counties to apply flexibility in highway design pursuant to section 264-20 to privately owned roads that have been condemned. Additionally, this measure will provide immunity from joint and several liability of the state and counties for acts or omissions that occurred prior to the condemnation.

This measure reduces risk to government agencies when condemning roads that may not have been well maintained or may have environmental challenges that must be addressed. Assessments and or mitigations could take years. However, as DOT has not utilized this provision of law to condemn privately owned roads and has no plans to do so in the short term, we have no information or data to indicate whether this measure would facilitate more condemnations by the state.

Thank you for the opportunity to provide testimony.

Council Chair
Alice L. Lee

Vice-Chair
Keani N.W. Rawlins-Fernandez

Presiding Officer Pro Tempore
Tasha Kama

Councilmembers
Gabe Johnson
Kelly Takaya King
Michael J. Molina
Tamara Paltin
Shane M. Sinenci
Yuki Lei K. Sugimura



Director of Council Services
Traci N. T. Fujita, Esq.

Deputy Director of Council Services
David M. Raatz, Jr., Esq.

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

March 28, 2022

TO: Honorable Mark M. Nakashima, Chair
Committee on Judiciary & Hawaiian Affairs

FROM: Alice L. Lee
Council Chair

DATE: March 28, 2022

SUBJECT: **SUPPORT FOR SB 2008, SD1, HD1 RELATING TO HIGHWAYS**

Thank you for the opportunity to testify in **SUPPORT** of this important measure. The purpose of this measure is to relieve the State and counties of liability for condemned roads and the requirement to maintain and improve condemned roads.

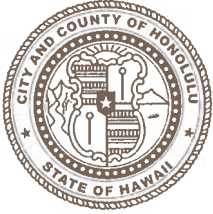
The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I **SUPPORT** this measure for the following reasons:

1. This bill reduces impediments to State and county condemnation of private lanes.
2. This bill repeals the three-year limit on the exemption of the State and counties from the requirement to maintain or improve any condemned roads.
3. This bill abolishes joint and several liability of the State and counties for acts or omissions that occurred prior to, or after, the condemnation of a highway, road, alley, street, way, lane, bikeway, bridge, or trail.

For the foregoing reasons, I **SUPPORT** this measure.

ocs:proj:legis:22legis:testimony:sb2008_paf22-018(88)a_wal



CITY COUNCIL
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530 SOUTH KING STREET, ROOM 202
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CAROL FUKUNAGA
HONOLULU CITY COUNCIL, DISTRICT 6
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**Testimony Before the
House Committee on Judiciary & Hawaiian Affairs**

**Tuesday, March 29, 2022 – 2:00 PM
Via Videoconference**

**S.B. 2008, SD1, HD1 - Relating to Highways
Councilmember Carol Fukunaga, Chair
Committee on Public Infrastructure and Technology**

Thank you for the opportunity to submit written testimony in strong support of *Senate Bill 2008, SD1, HD1*, which would allow the State and counties to apply flexibility in highway design. It clarifies that the State and counties shall not be held jointly and severally liable for acts or omissions relating to a condemned road that occurred prior to condemnation.

There are numerous examples of roadways in which ownership may be unknown, or whose private ownership prior to State or County condemnation or acquisition actions resulted in lengthy delays in resolution of ownership and jurisdictional issues, before city and state agencies could undertake rehabilitation and reconstruction to provide safe vehicular travel on such roadways.

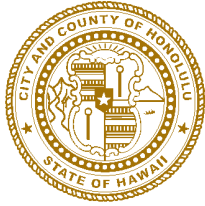
For example, in central Kaka’ako, where the Kaka’ako Land Company (KLC) asserted ownership claims over such industrial roadways as Queen Street (between Punchbowl Street and Ward Avenue), Kawaiahao and Waimanu Streets, City and State legislators have had to adopt numerous measures during the past 7-8 years to address long-term maintenance and public safety needs of abutting businesses and residential property owners:

1. *Resolution 16-213, CD1, FD1- Providing for the Acquisition of Land for Public Use, to wit: Public Streets, situate at Kaka’ako, Honolulu, Oahu, Hawaii, and Determining and Declaring the Necessity of the Acquisition Thereof by Eminent Domain* (adopted by Honolulu City Council on December 1, 2016).
2. *Act 203, Relating to Highways* – Requires each county with a population of over five hundred thousand or greater to take jurisdiction over all disputed roads under certain circumstances, and establishes a definition of ‘disputed roads.’ (Passed State Legislature on May 2, 2017; became law without Governor’s signature on July 12, 2017).
3. *Resolution 19-291, CD1 – Requesting the City Administration to Expedite the Eminent Domain Proceedings to Acquire Certain Portions of Waimanu Street and Kawaiahao Street in order to Acquire Certain Portions of Waimanu Street and Kawaiahao Street in Order to Improve the Flow of Traffic and Protect the Access, Health and Safety of Residents of Abutting Properties and First Responders* (adopted by Honolulu City Council on December 14, 2019).

4. ***Resolution 19-292 – Resolution Urging the City Administration to Repair and Enforce City Laws on Certain Portions of Waimanu and Kawaiahao Streets in Kaka’ako, Honolulu, in order to protect the Access, Health and Safety of Motorists and First Responders*** (adopted by Honolulu City Council on December 14, 2019).
5. ***Resolution 20-194 – Providing for the Acquisition of Land for Public Use, to wit: Waimanu Street (between Ward Avenue and Kamakee Street), situate at Kewalo, Honolulu, Oahu, Hawaii, and Determining and Declaring the Necessity of the Acquisition thereof by Eminent Domain*** (adopted by Honolulu City Council on September 9, 2020; approved by Mayor on September 17, 2020).
6. ***Resolution 20-195 – Providing for the Acquisition of Land for Public Use, to wit: Waimanu Street (between Dreier Street and Ward Avenue), situate at Kewalo, Honolulu, Oahu, Hawaii, and Determining and Declaring the Necessity of the Acquisition thereof by Eminent Domain*** (adopted by Honolulu City Council on September 9, 2020; approved by Mayor on September 17, 2020).

As of today, long-term ownership and repaving of the streets identified in the foregoing listing remains unresolved while City and State agencies take temporary steps to authorize city agencies to repair potholes.

Senate Bill 2008, SD1, HD1 would offer a far more practical means of addressing public safety and access issues involving older urban Honolulu roadways. I therefore urge your favorable consideration of this bill.



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RADIANT CORDERO
Councilmember, District VII
Chair, Committee on Transportation,
Sustainability and Health
Vice Chair, Committee on Budget
(808) 768-5007
e-mail: rcordero@honolulu.gov

March 28, 2022

TO: CHAIR MARK M. NAKASHIMA
VICE CHAIR SCOT Z. MATAYOSHI
AND MEMBERS OF THE COMMITTEE ON JUDICIARY AND
HAWAIIAN AFFAIRS

FROM: COUNCILMEMBER RADIANT CORDERO
HONOLULU CITY COUNCIL, DISTRICT VII

SUBJECT: **TESTIMONY IN SUPPORT OF SENATE BILL 2008, SD1, HD1**

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee on
Judiciary and Hawaiian Affairs:

As a member of the Honolulu City Council, I represent over 112,000 neighbors from
Ford Island & Hālawā to Liliha & Iwilei. My district, like many of our respective
districts, houses a number of private roads that are essentially used as public
thoroughfares. With that, I respectfully transmit testimony supporting the intent of
Senate Bill 2008, SD1, HD1 that seeks to reduce the liability the State and Counties may
incur in the condemnation of private roads.

Thank you for the opportunity to provide testimony and for consideration of this
important measure.

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) IN SUPPORT OF SB 2008

Date: Tuesday March 29, 2022

Time: 2:00 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) in **Support** of SB 2008, SD1, HD1 - Relating to Highways.

HAJ supports the intent of this measure as it provides the State or counties flexibility in highway design to repair or maintain a condemned road, which is urgently needed for many of Hawaii's roadways. HAJ also appreciates the amendments made in the HD1 version of SB 2008. Immediate repairs may be difficult if the government does not have sufficient funds to repair or maintain these roads. However, the current 3-year grace period should be preserved for planning, budgeting and construction of condemned roads, but an unlimited period of exemption from liability on these roadways would not be in the best interest of Hawaii citizens. This procedure at least assures that there is an incentive for the government to repair the most dangerous roads as quickly and as feasibly as possible.

HAJ supports the intent of the bill and appreciates the committee's consideration of this measure. Thank you for allowing us to testify. Please feel free to contact us should you have any questions or desire additional information.

SB-2008-HD-1

Submitted on: 3/27/2022 8:21:27 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Clare Ronquillo	Individual	Support	Written Testimony Only

Comments:

I am in support of SB 2008 because it would potentially help resolve the issues I see faced by family and friends who reside at private roads that are not under any jurisdiction of any government bodies such as the City or State. These private roads where people live at are often left unmaintained to the point where it is difficult to traverse on to even get to one's own home. An example of this would be my own friends who live at Rawlins Lane. That lane has been left unmaintained for several years because no one knows who to turn to for help in getting the lane repaired because it is a private lane. If SB 2008 gets passed, it removes any liability for issues that occurred prior to condemnation and it would definitely increase the chances of these roadways getting repaired, like Rawlins for example.

SB-2008-HD-1

Submitted on: 3/27/2022 11:53:41 PM

Testimony for JHA on 3/29/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Germaine Barsatan	Individual	Support	Written Testimony Only

Comments:

support SB 2008 because it would help resolve the ongoing issues that I and my neighbors faced each day who resides at private roads that are not under jurisdiction of any government bodies such as City or State. I live on Rawlins Lane and I've been hearing complaints almost every other day from my neighbors regarding our lane/private road. I've seen the difficulties of getting in the lane due to the unmaintained road because it's bumpy, rocky, and narrow for some who drives a truck. Another problem is our dump site, we noticed how other neighbors who don't reside on our lane dump their trash bags on our side and when they do that, it piles up and would make a mess which leads to us getting a lot of pests if not tied up properly. My grandma would always wake up around 8AM sweeping up on our dump site area to prevent more mess spreading on the road due to outside neighbors trash. If SB 2008 gets passed, this would resolve the issue that's been an ongoing thing for several years and would definitely increases the chances of getting our lane repaired.

TO: The Honorable Mark Nakashima and Members of the House Committee on Judiciary & Hawaiian Affairs

DATE: Tuesday, March 29, 2022, 2:00 p.m., Room 325

RE: STRONG SUPPORT – SB 2008, SD1, HD1 – RELATING TO HIGHWAYS

Honorable Chair Nakashima and Members of the House Committee on Judiciary & Hawaiian Affairs, thank you for this opportunity to testify in strong support of SB 2008, SD1, HD1, which allows the State and counties to apply flexibility in highway design. Clarifies that the State and counties shall not be held jointly and severally liable for acts or omissions relating to a condemned road that occurred prior to condemnation.

My name is Hwa Ja Park, and our family has lived on Rawlins Lane for over 80 years, and throughout that time, the road condition has deteriorated greatly. Over the years, our family has tried to be good neighbors and we have filled in the more damaged areas with blacktop patch. In 2016, with my husband and son no longer with me, I hired someone to fill in some of the bigger holes near the entrance of Rawlins Lane with concrete, but due to the enormous cost, I could not fill the entire lane. I have tried to get abutting landowners to contribute to repave Rawlins Lane, but they are uninterested or do not have the monetary resources to do so.

I recently turned 91 and the uneven surface of Rawlins Lane makes it very difficult and dangerous for the elderly like me and the young children to pass safely. Please help us to improve this serious condition at Rawlins Lane and throughout the State by supporting and passing this measure with the contents of the SD1 version.

Sincerely,

Hwa Ja Park