

ACT 190

An Act Relating to the Ownership and Disposition of Public Highways.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 142-1, Revised Laws of Hawaii 1955, as amended, is hereby amended to read as follows:

“Section 142-1. Public highways, defined, etc. All roads, alleys, streets, ways, lanes, trails and bridges in the State, opened, laid out or built by the State or any political subdivision thereof, are declared to be public highways. Public highways are of two types: (a) state or federal-aid highways, which are all those under the jurisdiction of the state department of transportation; and (b) county highways, which are all other public highways. All roads, alleys, streets, ways, lanes, trails and bridges in the State, opened, laid out or built by private parties and dedicated or surrendered to the public use, are declared to be public highways. Dedication of public highways shall be by deed of conveyance naming the State as grantee in the case of a state highway and naming the county as grantee in the case of a county highway. Such deed of conveyance shall be delivered to and accepted by the director of transportation in the case of a state highway and shall be delivered to and accepted by the legislative body of a county in the case of a county highway. Surrender of public highways shall be deemed to have taken place if no act of ownership by the owner of any such road, alley, street, way, lane, trail or bridge has been exercised for five years and when, in the case of a county highway, in addition thereto, the legislative body of the county has, thereafter, by a resolution, adopted the same as a county highway. In every case where such road, alley, street, way, lane, trail, bridge or highway has been constructed and completed as required by any ordinance of the county or any rule, regulation or resolution thereof having the effect of law, the legislative body of the county shall accept the dedication or surrender of the same without exercise of discretion. All county highways once established shall continue until vacated, closed, abandoned or discontinued by a resolution of the legislative body of the county wherein such county highway lies.”

SECTION 2. Section 142-2, Revised Laws of Hawaii 1955, is hereby amended to read as follows:

“Section 142-2. Owned by government. The ownership of all public highways and the land, real estate and property of the same shall be in the government in fee simple. The term ‘government’ as used herein shall mean the State with reference to state highways and shall mean the respective counties with reference to county highways; provided, however, that if any county highway is required by the State for state highway purposes, the ownership of such county highway shall be transferred to and vested in the State without compensation.”

SECTION 3. Chapter 142 of the Revised Laws of Hawaii 1955, as amended, is hereby amended by adding a new section to be numbered section 142-2.5 and to read as follows:

“Section 142-2.5. Disposal of abandoned public highway. Whenever a public highway, or any portion thereof, shall at any time be vacated,

closed, abandoned or discontinued, the same shall be used or disposed of for the use of the State in the case of a state highway as provided by law and for the use of the county in which the highway lies in the case of a county highway; provided, that in the case of a county highway, before the same shall be disposed of in any way, it shall be first offered to the abutters for a reasonable length of time and at a reasonable price, and if they do not take the same, then it may be sold at public auction.”

SECTION 4. The ownership of all county highways heretofore acquired by the counties by eminent domain, purchase, dedication or surrender is hereby transferred to and vested in the respective counties in which such county highways lie.

SECTION 5. This Act shall take effect upon its approval.

(Approved June 4, 1963.) **S.B. 585.**
