

## ACT 107

H.B. NO. 2737

A Bill for an Act Relating to the Honopou District of the County of Maui.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. The legislature finds that the safety of residents of the Honopou district of the county of Maui may be at risk because of the condition of Honopou road, which includes Honopou bridge. Residents report that several years ago, a Maui county fire department fire truck failed to respond to an emergency call for assistance from a Honopou district resident because the fire truck crew apparently had concerns about the truck's ability to cross the Honopou bridge safely. As a result of the Maui county fire department's failure to cross Honopou bridge to provide the necessary fire-fighting assistance, the home of the Honopou resident burned down.

Presumably because of Honopou bridge's five-ton rating, the fire department feared for the safety of its firefighters in crossing the bridge, although residents of the area report that fully-loaded cement trucks, weighing approximately thirty-five tons, cross Honopou bridge regularly without incident.

Although Honopou road, a dirt road, runs through state land, a jurisdictional dispute exists over ownership of Honopou road, which includes the Honopou bridge. Regarding ownership of the road, the department of land and natural resources defers to the department of transportation, which claims that the road and bridge are the responsibility of the county of Maui.

The legislature further finds that the lack of established jurisdictional responsibility has resulted in a corresponding lack of maintenance of Honopou road, including Honopou bridge. To avoid future threats to the safety and well-being of the residents of the Honopou district of the county of Maui, the matter of jurisdictional responsibility must be resolved, and the Honopou bridge must be strengthened and maintained in a manner that allows the Maui county fire department safe access across the Honopou bridge to provide necessary public services to the residents of the Honopou area.

The purpose of this Act is to protect the safety and well-being of the residents of the Honopou district by:

- (1) Requiring the department of the attorney general to assist in resolving the jurisdictional dispute over the Honopou road and Honopou bridge; and
- (2) Determining the costs of bringing the Honopou bridge up to standards that will allow access to Honopou district residents by the Maui county fire department.

SECTION 2. The department of the attorney general shall investigate and assist in the resolution of the issue of ownership of Honopou road, including Honopou bridge, and submit a report of its findings and recommendations, including any legislation deemed necessary to clarify legal jurisdiction, to the legislature no later than twenty days before the convening of the regular session of 2007.

SECTION 3. The department of transportation shall review the issues relating to the safety of Honopou bridge and submit a report to the legislature, mayor of Maui, and county council of Maui no later than twenty days before the convening of the regular session of 2007. The report shall include the department's findings and recommendations, including any legislation deemed necessary, that will result in strengthening, repairing, increasing the load limit, and improving Honopou bridge to provide safe access to Honopou district by the Maui county fire department. The department of transportation shall include in its report the estimated cost of improvements to Honopou bridge that are necessary to protect the safety and well-being of residents of the Honopou district.

Upon the resolution of the issue of ownership of Honopou road and Honopou bridge, the department of transportation shall also forward its report to the entity identified with the assistance of the attorney general as having jurisdiction over Honopou road and Honopou bridge. The department of transportation's report of its findings and recommendations shall be transmitted to the appropriate government agency no less than thirty days after the department's receipt of the attorney general's report on the resolution of the jurisdictional issue over which public agency has responsibility for the Honopou road and Honopou bridge.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 17, 2006.)