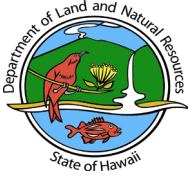


DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
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**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the House Committee on  
TRANSPORTATION**

**Friday, February 5, 2021  
10:00 AM**

**State Capitol, Via Videoconference, Conference Room 423**

**In consideration of  
HOUSE BILL 486  
RELATING TO TRANSPORTATION**

House Bill 486 proposes to address the issue of lack of maintenance of “roads in limbo” by providing that no action by a government agency to maintain or repair a public road shall 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. **The Department of Land and Natural Resources (Department) opposes this measure.**

The Department believes the wording of SECTION 2 of the measure is vague and subject to differing interpretations, one of which is that inaction by the State or a county to maintain a road can result in ownership of the road in the State or a County by virtue of such inaction. This is inconsistent with the intent of the bill as set forth in the preamble. The Department therefore recommends SECTION 2 be amended as follows (amendments highlighted in gray shading):

SECTION 2. Chapter 27, Hawaii Revised Statutes, is amended by adding a new section to part V to be appropriately designated and to read as follows:

**"§27- Maintenance or repair of disputed public streets, roads, or highways; quitclaim.** (a) Whenever ownership of a public street, road, or highway remains in dispute between the

**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

State and a county, [ne] any action by a government agency to maintain or repair a public street, road, or highway shall not be used to establish the agency's ownership of, or jurisdiction over, the public street, road, or highway and the agency shall not be deemed to have assumed ownership of, or jurisdiction over, the public street, road, or highway solely because of action to maintain or repair a public street, road, or highway.

(b) If a county requests or requires title to a disputed public street, road, or highway, the State may transfer by quitclaim any interest it has in the public street, road, or highway to the county."

Furthermore, 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.

Thank you for the opportunity to comment on this measure.

LATE

**HB-486**

Submitted on: 2/4/2021 2:19:01 PM

Testimony for TRN on 2/5/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Moore	DLNR	Oppose	No

Comments:

I wish to provide back-up testimony for DLNR. Please send me the Zoom link.