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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE COUNTY OF MAUI TO INVENTORY ITS ROADS IN LIMBO.

1           WHEREAS, many government and homestead roads were created  
2 in the Territory of Hawaii; and

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4           WHEREAS, after statehood, jurisdiction over some government  
5 and homestead roads was awarded to the counties; and

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7           WHEREAS, many roads were also built by private entities for  
8 the benefit of the County of Maui and its people; and

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10          WHEREAS, during that time, many roads became "roads in  
11 limbo", defined as roads that were laid out by government but  
12 are not part of the state road system and are not currently  
13 maintained by the county government; and

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15          WHEREAS, roads in limbo also include roads that were  
16 developed by a private party but not properly conveyed to either  
17 the county, another private entity, or the state road system,  
18 and are not currently maintained by the county; and

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20          WHEREAS, the roads in limbo that were transferred to the  
21 counties were never improved or upgraded to an acceptable  
22 standard, nor was funding provided for maintenance; and

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24          WHEREAS, these roads have been an ongoing issue between the  
25 State, counties, and private entities, over who should be  
26 responsible for maintaining the roads and the associated costs  
27 of maintenance; and

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29          WHEREAS, according to a 1989 Legislative Reference Bureau  
30 (LRB) Report, "The State and Counties have been at an impasse  
31 over this conflict, and neither side is willing to take

1 jurisdiction over these roads with their concomitant expense for  
2 maintenance, upgrading and repair."; and

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4 WHEREAS, the 1989 LRB Report further stated that the  
5 standoff on the maintenance of the roads in limbo has "the  
6 practical effect of leaving a significant number of roads in all  
7 four Counties in substandard conditions and without routine  
8 maintenance because no government body will accept  
9 responsibility for them."; and

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11 WHEREAS, people who need to use these roads suffer when  
12 roadway jurisdiction is in dispute, as these roads are less  
13 likely to be cared for than roads over which there was no  
14 dispute; and

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16 WHEREAS, laws have been enacted that dedicate all roads  
17 that are not part of the State highway system to the counties,  
18 thus these roads in limbo have been transferred to the counties;  
19 and

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21 WHEREAS, residents need to use these roads to access their  
22 homes for which they pay property taxes to the county, and the  
23 value of which the property tax is based is determined in part  
24 by the condition of these roads; and

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26 WHEREAS, Hui F Road in the County of Maui qualifies as one  
27 of the roads in limbo which are in dire need of long-overdue  
28 repair; and

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30 WHEREAS, the County of Hawaii, in partnership with the  
31 Hawaii island community, has undertaken a project to ascertain  
32 an accurate inventory of the county's roads in limbo; now,  
33 therefore,

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35 BE IT RESOLVED by the House of Representatives of the  
36 Twenty-fourth Legislature of the State of Hawaii, Regular  
37 Session of 2007, the Senate concurring, that the County of Maui  
38 in partnership with the community, is urged to inventory its  
39 roads in limbo to properly establish jurisdiction of all roads  
40 in the County of Maui; and

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1 BE IT FURTHER RESOLVED that certified copies of this  
2 Concurrent Resolution be transmitted to the Governor, Director  
3 of Transportation, Mayor of Maui County, Director of the Maui  
4 County Department of Transportation, and all members of the Maui  
5 County Council.

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