

LINDA LINGLE
GOVERNOR OF HAWAII



STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES

POST OFFICE BOX 621
HONOLULU, HAWAII 96809

Testimony of
LAURA H. THIELEN
Chairperson

Before the House Committee on
WATER, LAND & OCEAN RESOURCES

Friday, February 13, 2009
9:45 AM
State Capitol, Conference Room 325

In consideration of
HOUSE BILL 71
RELATING TO HIGHWAYS

LAURA H. THIELEN
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

RUSSELL V. TSUJI
FIRST DEPUTY

KEN C. KAWAHARA
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
KAIKOLAWE ISLAND RESERVE COMMISSION
LAND
STATE PARKS

House Bill 71 directs the Department of Land and Natural Resources (Department) to determine the fee owner and other property interests in certain rights of way in Honolulu. The Department opposes this bill.

First, it appears that the information sought is for the purpose of identifying the party responsible for the repair and maintenance of a particular "lane" listed in the bill. However, identifying the record fee owner of the land upon which an improvement is situated, such as a road, street, "lane" or other public highway, will not necessarily mean that particular fee owner is responsible for the repair and maintenance of such road, street, "lane" or other public highway. Chapter 264, Hawaii Revised Statutes (HRS), makes it clear that a "lane" is declared to be a "public highway," and as such, the responsibility to repair and maintain that particular "lane" will lie with the County, unless the "lane" is part of the State Highway System managed by the Department of Transportation, Highways Division.¹ Thus, the Department would not have any management jurisdiction, or the duty to repair and maintain any of the "lanes" listed in the bill.²

Moreover, the City and County of Honolulu actually maintains the records of the current owners of the lands upon which the subject "lanes" are situated through its real property tax database and

¹ See sections 264-1 and 264-2, HRS. It is our understanding that none of the "lanes" listed in the bill are part of the State Highway System. As such, it appears that the County is responsible for the repair and maintenance of the "lanes." Any dispute on the duty to repair and maintain is really a legal issue, and not an administrative task for DLNR.

² Section 171-2, HRS specifically excludes roads and streets from public lands that are under the management jurisdiction of DLNR.

Tax Map Key system. Thus, any inquiry into the current record fee owner of the lands over which the subject "lanes" are situated is probably more appropriately directed to County.

Finally, the City and County of Honolulu actually has already researched and compiled the information requested in the bill in its *Street Index – Island of Oahu*, published by the Honolulu Department of Public Works, Division of Land Survey and Acquisition ("*Street Index*"), in January 1996. All of the "lanes" listed in by the bill are included in this *Street Index*. The *Street Index* identifies all roads and streets on Oahu (including all of the lanes listed in the bill) by name and tax map key number, location, and the County's view on who has jurisdictional authority over the road or street (including all of the "lanes" listed in the bill). Thus, this measure is unnecessary.

TO: The Honorable Ken Ito, Chair, the Honorable Sharon E. Har, Vice Chair and other
Members of the Water, Land & Ocean Resources Committee

DATE: Friday, February 13, 2009
9:00 a.m., Room 309

RE: HB 71 Relating to Highways (Lanes in Limbo)

POSITION: STRONG SUPPORT

I live on Pua Lane in Palama. No one knows who owns my lane. As a result, anytime there is a problem the City does not have to fix it and neither does the State. We've been told that the lane is privately owned, but there is no way for area residents to figure out who owns it.

HB 71 would make the Department of Land and Natural Resources figure out who owns the lanes in the Palama area. This will serve as a test case. Once we know who owns these lanes, we can hold the owners responsible for the bad conditions.

Some of the problems we have on Pua Lane include:
The lane has not been consistently maintained for a long time. There are pot-holes which residence in the area trip over while walking to and from work every day. Bulky trash items not being picked-up on a regular basis.

Thanks for hearing this bill and reading my testimony. I hope you will pass HB 71.

Fetu T. Kolio
Mayor Wrights Homes



TO: The Honorable Ken Ito, Chair, the Honorable Sharon E. Har, Vice Chair and other
Members of the Water, Land & Ocean Resources Committee

DATE: Friday, February 13, 2009
9:00 a.m., Room 309

RE: HB 71 Relating to Highways (Lanes in Limbo)

POSITION: STRONG SUPPORT

I live on Akau Lane in Palama. No one knows who owns my lane. As a result, anytime there is a problem the City does not have to fix it and neither does the State. We've been told that the lane is privately owned, but there is no way for area residents to figure out who owns it.

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Some of the problems we have on Akau Lane include:
The lane has not been consistently maintained for a long time. There are pot-holes which residence in the area trip over while walking to and from work every day. Bulky trash items not being picked-up on a regular basis.

Thanks for hearing this bill and reading my testimony. I hope you will pass HB 71.

Mahalo,

Camilo A. Pasion

A Concerned Resident

CAMILLO PASION

[REDACTED]
Honolulu, HI 96817

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Concerned Resident

ARTEMIO U. VISAYA

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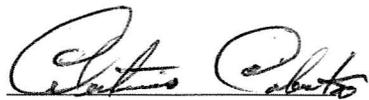
I live on Peterson Lane in Palama. No one knows who owns my lane. As a result, anytime there is a problem the City does not have to fix it and neither does the State. We've been told that the lane is privately owned, but there is no way for area residents to figure out who owns it.

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Some of the problems we have on Peterson Lane include:
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CELESTINO Caberto

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P. Lelan Alas
Perey Delas Alas Alas

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Jocelyn Budiangan Ph. 

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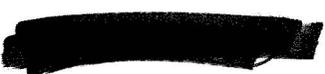
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Mde
Marilyn De Las Alas

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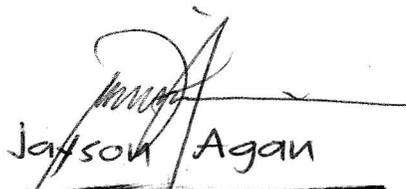
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Julie Anna Marie Agan



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1. Danilo B. Lumentas SR.

Daniilo Lumentas

Ph:

Cell:



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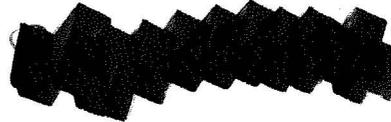
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1. ~~Christie Lumantas Sr.~~

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Pho



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I. Danilo A. Lumanantas Sr.

Daniel Lumanantas
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Merlyn Fujiwara cell # [REDACTED]

Merlyn Fujiwara

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Graciana C. Otarra
GRACIANA OTARRA

cell [REDACTED]

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9:00 a.m., Room 309

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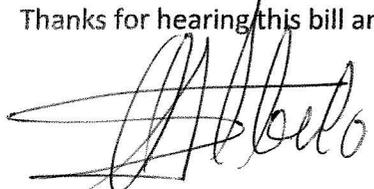
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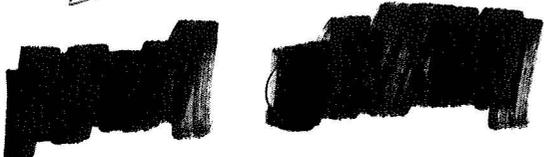
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ALBERTO ALCALIZ



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Catalina Mejias
728-4380

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no phone

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Agnes Mantejo
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A M.

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Raymond Longakit

[REDACTED] - [REDACTED]

[Handwritten signature]

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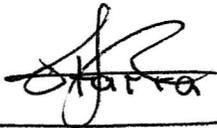
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JULIE OTARRA

cell - [REDACTED]

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