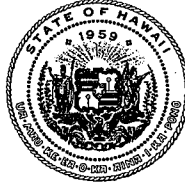


# **TESTIMONY**

## **HB 2835**



Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA

IN REPLY REFER TO:

STATE OF HAWAII  
DEPARTMENT OF TRANSPORTATION  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

March 29, 2010

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 2835

COMMITTEE ON WATER, LAND, AGRICULTURE AND HAWAIIAN AFFAIRS

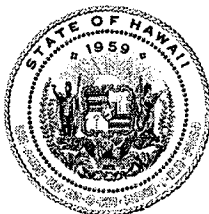
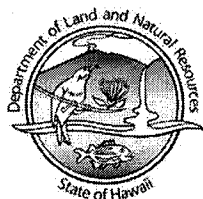
The Department of Transportation opposes this bill, because we believe it will cause undue hardship and take an extraordinary amount of time to accurately research, identify and provide available ownership information for highways, roads, lanes, alleys and streams. There are no known existing available databases at the Bureau of Conveyances for this bill.

This bill states that ownership cannot be readily determined by search of public records. Ownership is typically determined by exhausted searches of public records and maps. Even with the ample amount of time and research, ownership of these interests might be hard to determine. Some of the ownership of said roads and streams are determined by older maps that have no transfer ownership documents of record. Common use does not ascertain a land or waterway as a legal owner. We believe that the Bureau does not have this capability (Refer also past Bills, ie. 2008 HB 2418, HB 3415, SB 2900 and 2009 HB 932, HB 021, BH 640, HB 1702, HB 832 and SB 0399).

Examples given were: Waiohino subdivision which did not indicate ownership for an access road that has been widely used for years and plantation roads of Ka'u on the Big Island are often utilized without determination of ownership. It should be noted that simple use by the public does not give the users legal ownership.

The current and still recommended approach is to have the interested owners do their own due diligence when presented with a situation. The bill will likely have a negative effect on other agencies beyond the Bureau.

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 Senate Committee on  
WATER, LAND, AGRICULTURE, AND HAWAIIAN AFFAIRS**

**Monday, March 29, 2010  
3:15 PM  
State Capitol, Conference Room 229**

**In consideration of  
HOUSE BILL 2835  
RELATING TO THE BUREAU OF CONVEYANCES**

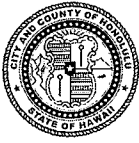
House Bill 2835 would require the registrar of the Bureau of Conveyances to provide adjacent landowners with any information available concerning ownership of roads and streams adjoining their lands. The Department of Land and Natural Resources (Department) does not support this measure as the Department believes that the Registrar of the Bureau of Conveyances is in no position to opine on the "management" or "control" of public highways, waterway or water courses.

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

**RUSSELL Y. 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  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



ALA MOANA/KAKAAKO NEIGHBORHOOD BOARD NO. 11

c/o NEIGHBORHOOD COMMISSION • 530 SOUTH KING STREET ROOM 406 • HONOLULU, HAWAII, 96813  
PHONE (808) 768-3710 • FAX (808) 768-3711 • INTERNET <http://www.honolulu.gov>

February 23, 2010

Representative Karl Rhoads  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Representative Rhoads:

The Ala Moana/Kakaako Neighborhood Board No. 11 has voted unanimously to support the enactment of House Bill 2835 and Senate Bill 2914, which deal with the State Bureau of Conveyances. The bills instruct the Bureau to provide, when requested, information of record relating to the ownership, control, and management of any public streets, roads, alleys, waterways, etc. Such information would be useful in determining responsibility for the upkeep, maintenance, and improvement of streets in our neighborhood, and for the elimination of unsightly and illegal uses of property in the community.

We support prompt passage of HB 2835 and SB 2914.

Sincerely,

A handwritten signature in black ink, appearing to read "Larry Hurst", is written over a horizontal line.

Larry Hurst, Chair  
Ala Moana/Kakaako Neighborhood Board No. 11



March 29, 2010

To: Senator Clayton Hee, Chair of Water, Land, Agriculture and  
Hawaiian Affairs

Re: Supporting HB 2835, relating to the Bureau of Conveyances

---

I support HB 2835, relating to the Bureau of Conveyances because this bill will help us find the owners of the right of ways/streets in our neighborhood.

Finding the owners of near-by lanes and streets will help us establish responsibility for maintenance and improvements to our neighborhood.

This problem of finding the owners of rights of ways/streets affects other lanes in our neighborhood and others around the State.

Please pass HB 2835.

Mahalo nui,

Art Visaya



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1123 Auld Lane, Honolulu 96817

---

address

Additional comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

March 29, 2010

To: Senator Clayton Hee, Chair of Water, Land, Agriculture and  
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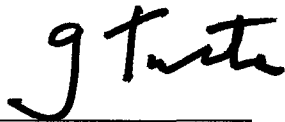
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This problem of finding the owners of rights of ways/streets affects other lanes in our neighborhood and others around the State.

Please pass HB 2835.

Mahalo nui,

Glenn Tomita



---

938 Akepo Lane, Honolulu 96817

---

address

Additional comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

March 29, 2010

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Please pass HB 2835.

Mahalo nui,

Ralph Burr

---

[for identification purposes only]  
Ala Moana-Kakaako Neighborhood Board member

---

address

Additional comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**TESTIMONY**  
**HB 2835**  
**(END)**