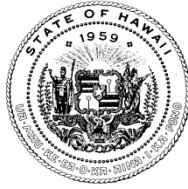


# SB3331

RELATING TO MANOA ROAD.

Requires the director of transportation to transfer ownership of a portion of Manoa road preceding Lyon Arboretum to the city and county of Honolulu exempt from any state or county road width requirements.

DAVID Y. IGE  
GOVERNOR



FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

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

IN REPLY REFER TO:

Thursday, February 12, 2015  
2:45 PM  
State Capitol, Room 229

**S. B. 331**  
**RELATING TO MANOA ROAD**

Senate Committee(s) on Transportation  
and Public Safety, Intergovernmental & Military Affairs

---

The Department of Transportation (DOT) **supports** the transfer of Manoa Road, which is consistent with Sections 264-1 and 265-1, Hawaii Revised Statutes (counties are responsible for maintenance of all public highways which are not under the jurisdiction of the DOT). DOT would also like to note that it does not own Manoa Road nor does it have jurisdiction over it and that we prefer the language in S.B. 642 which is not specific to a single road.

Thank you for the opportunity to provide testimony.

DAVID Y. IGE  
GOVERNOR OF HAWAII



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

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
CARTY S. CHANG  
Interim Chairperson**

**Before the Senate Committees on  
TRANSPORTATION  
and  
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS**

**Thursday, February 12, 2015  
2:45 PM  
State Capitol, Conference Room 229**

**In consideration of  
SENATE BILL 331  
RELATING TO MANOA ROAD**

Senate Bill 331 requires the Director of Transportation to transfer ownership of a portion of Manoa Road preceding Lyon Arboretum to the City and County of Honolulu and exempt them from any state or county road width requirements. For years, this portion of Manoa Road has been disputed over ownership by the University of Hawaii at Manoa, Department of Land and Natural Resources (Department), and City and County of Honolulu. **The Department strongly supports this measure because it will clarify the sole ownership of this portion of Manoa Road to the City and County of Honolulu.**

**CARTY S. CHANG**  
INTERIM CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

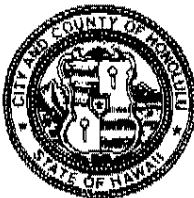
**DANIEL S. QUINN**  
INTERIM FIRST DEPUTY

**W. ROY HARDY**  
ACTING 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

DEPARTMENT OF THE CORPORATION COUNSEL  
**CITY AND COUNTY OF HONOLULU**

530 SOUTH KING STREET, ROOM 110 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-5193 \* FAX: (808) 768-5105 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)



KIRK CALDWELL  
MAYOR

DONNA Y. L. LEONG  
CORPORATION COUNSEL

PAUL S. AOKI  
FIRST DEPUTY CORPORATION COUNSEL

**FACSIMILE TRANSMITTAL SHEET**

DATE: February 11, 2015

TO: THE HONORABLE CLARENCE K. NISHIHARA, CHAIR  
COMMITTEE ON TRANSPORTATION

THE HONORABLE WIL ESPERO, CHAIR  
COMMITTEE ON PUBLIC SAFETY,  
INTERGOVERNMENTAL AND MILITARY AFFAIRS

ORGANIZATION/OFFICE: HAWAII STATE SENATE

FAX TELEPHONE: 586-6879/586-6361

FROM: DONNA Y.L. LEONG  
CORPORATION COUNSEL

TELEPHONE: 768-5193

TOTAL NUMBER OF PAGES INCLUDING THIS COVER SHEET: 3

IF YOU EXPERIENCE DIFFICULTY IN RECEIVING THIS TRANSMISSION, OR YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL MICHELLE LAU AT 768-5116.

MESSAGE:

DEPARTMENT OF THE CORPORATION COUNSEL  
**CITY AND COUNTY OF HONOLULU**  
530 SOUTH KING STREET, ROOM 110 \* HONOLULU, HAWAII 96813  
PHONE: (808) 768-5193 \* FAX: (808) 768-5105 \* INTERNET: [www.honolulu.gov](http://www.honolulu.gov)

KIRK CALDWELL  
MAYOR



DONNA Y. L. LEONG  
CORPORATION COUNSEL  
PAUL S. AOKI  
FIRST DEPUTY CORPORATION COUNSEL

February 11, 2015

VIA FACSIMILE

The Honorable Clarence K. Nishihara, Chair  
Committee on Transportation  
The Honorable Will Espero, Chair  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
Hawaii State Senate  
Hawaii State Capitol  
Honolulu, Hawaii 96813

Dear Chair Nishihara, Chair Espero and Members of the Committees:

Re: Opposition to Senate Bill No. 331 Relating to Manoa Road

Thank you very much for the opportunity to present testimony in opposition to Senate Bill No. 331, which requires the State of Hawaii, Director of Transportation, to transfer ownership of that portion of Manoa Road from its intersection with Waakaua Street to Lyon Arboretum (the "Portion of Manoa Road") to the City and County of Honolulu ("City"). The bill also provides that that the conveyance of that portion of Manoa Road should occur and should be exempt from any state or county road standard requirements, including width.

The Portion of Manoa Road is privately-owned property belonging to Kamehameha Schools ("KS"), the Roman Catholic Church and others.

The City strongly opposes Senate Bill No. 331 for the following reasons:

- It is undisputed that title to the property is privately owned and has not been conveyed to the State of Hawaii nor to the City.
- There is no evidence that conclusively establishes that the Portion of Manoa Road is a government road. Therefore, the State does

The Honorable Clarence K. Nishihara, Chair  
Committee on Transportation  
The Honorable Will Espero, Chair  
Committee on Public Safety,  
Intergovernmental and Military Affairs  
February 11, 2015  
Page 2

not own the Portion of Manoa Road, and the State Director of Transportation does not have the legal capacity to convey title to the subject property to the City.

- A private roadway cannot become a county highway without the express acceptance of the private road by the City Council. *Wemple ex rel. Dang v. Dahman*, 103 Hawai'i 385, 83 P.3d 100 (2004). Therefore, a conveyance by the State Director of Transportation of the Portion of Manoa Road would not confer jurisdiction over the roadway to the City for purposes of maintenance, repair and liability.

Therefore, the City opposes Senate Bill No. 331 because it contravenes the principles of private property ownership and the requirements for the City to accept roadways. The City strongly urges the Committees to vote no on Senate Bill No. 331.

Very truly yours,



DONNA Y.L. LEONG  
Corporation Counsel  
City and County of Honolulu

DYLL:ml

15-01157/390122

February 11, 2015

**VIA FACSIMILE**  
**586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

**RE: TESTIMONY IN SUPPORT OF SENATE BILL SB331 – RELATING TO  
MANOA ROAD – HEARING SCHEDULED FOR THURSDAY,  
FEBRUARY 12, 2015, AT 2:45 PM IN CONFERENCE ROOM 229**

Dear Honorable Chair Clarence Nishihara, Vice Chair Breene Hashimoto, and Members of the Senate Committee on Transportation:

I am in support of Bill 331 as it relates to Manoa Road. The City needs to take over this roadway for emergency purposes. Since Treetops is open for business, unless the roadway is clear, it is extremely difficult for a fire engine to get pass the narrow portion of the road. Emergency vehicles and Fire trucks should have clear access to this area without being hindered by parked cars that could be prohibited once the City took over this portion of the roadway. The area is also a popular hiking spot and there are often cases when hikers may be injured and need medical assistance.

In addition to providing better safety to the area, if the City controlled the roadway, the regular City workers can access the properties so they can provide the taxpaying residences of the area full City services without being hindered by parked cars blocking access to rubbish bins that take place throughout the week.

Therefore, I believe, the director of transportation should transfer ownership to the City and County of Honolulu that portion of Manoa road in the City and County of Honolulu that extends north from the intersection with Waakaua street to the northern boundary of the parcel identified as TMK: (1)2-9-54:33 and the southeastern boundary of adjacent parcel identified as TMK: (1)2-9-54:7; provided that this portion of Manoa Road shall be exempt from any statute, rule, ordinance, or code requirement relating to minimum width; provided further that the city and county of Honolulu shall otherwise maintain the road as required by law.

Sincerely,

Rosalind Moore

3358 ALOHEA AVE., Hon., HI 96816

February 11, 2015

**VIA FACSIMILE  
586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
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Sincerely,



Lori Lee, 906 6th Avenue, Honolulu, HI 96816



James Wong

2359a Roundtop Drive Honolulu HI 95822

February 10, 2015

**VIA FACSIMILE  
586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

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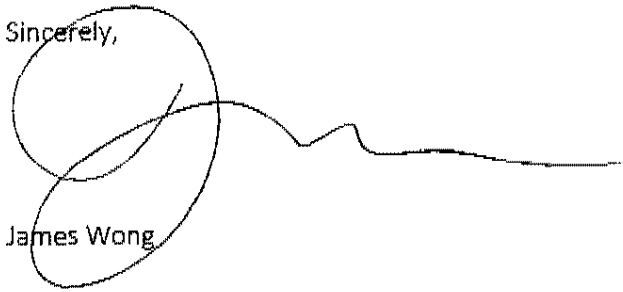
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rule, ordinance, or code requirement relating to minimum width; provided further that the city and county of Honolulu shall otherwise maintain the road as required by law.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line that ends in a small, sharp upward flick.

James Wong

Jordan Wong

February 10, 2015

**VIA FACSIMILE  
586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

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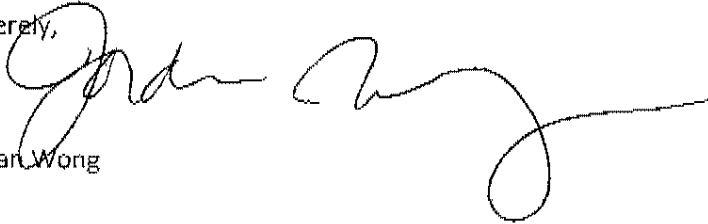
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rule, ordinance, or code requirement relating to minimum width; provided further that the city and county of Honolulu shall otherwise maintain the road as required by law.

Sincerely,

Jordan Wong

A handwritten signature in black ink, appearing to read 'Jordan Wong', with a long, sweeping horizontal stroke extending to the right.

Kaui Wong

3737 Manoa Road  
Honolulu, HI 96822

February 10, 2015

**VIA FACSIMILE  
586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
Honolulu, Hawaii 96813

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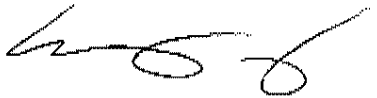
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Sincerely,

A handwritten signature in black ink, appearing to be 'Kai Wong', written in a cursive style.

Kai Wong

# Darryl P. Wong

---

1836 Punahou Street, Honolulu, Hawaii 96822 - Ph 808-941-1654 -

February 10, 2015

**VIA FACSIMILE**  
**586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
Hawaii State Capitol, Room 204  
415 South Beretania Street  
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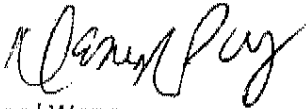
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Sincerely,

A handwritten signature in black ink, appearing to read "Darryl Wong", written in a cursive style.

Darryl Wong

---



# Colin Lau

---

47-695 Hui Ulili Street – Kaneohe, HI 96744

February 10, 2015

**VIA FACSIMILE**  
**586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
Members of Senate Committee on Transportation  
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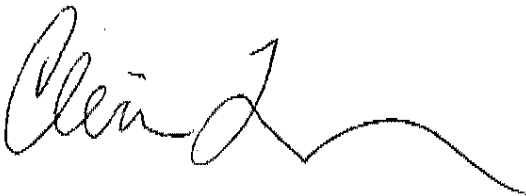
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Dear Honorable Chair Clarence Nishihara, Vice Chair Breene Hashimoto, and Members  
of the Senate Committee on Transportation:

I Support Bill 331. As a frequent hiker to Manoa Falls, it appears the ownership and maintenance off Manoa Road Past the intersection from Waakaua Street up to the old Paradise Park Property has been contested and no one wishes to take ownership. No one has been maintaining the Foliage along the roadway. Seems the People Parking along the roadway for the most part are hikers. With the amount of daily traffic to Lyon's Arboretum, the Park property and to Manoa Falls, the City should take over this portion of the roadway to provide better safety to the area.

Colin Lau

239-1515

A handwritten signature in black ink, appearing to read 'Colin Lau', followed by a long, horizontal, wavy line that extends to the right.

February 11, 2015

**VIA FACSIMILE**  
**586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
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Hawaii State Capitol, Room 204  
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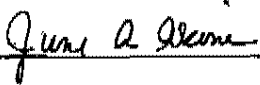
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Sincerely,

  
\_\_\_\_\_  
46-299 Kahu hapa St Kaniola, HI 96744

February 11, 2015

**VIA FACSIMILE**  
**586-6879**

Honorable Senator Clarence K. Nishihara, Chair  
Honorable Senator Breene Hashimoto, Vice Chair  
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Sincerely,

February 11, 2015

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Sincerely,

Coleen Howard / Coleen Howard

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