

STAND. COM. REP. NO.

178

Honolulu, Hawaii

FEB 08 , 2023

RE: H.B. No. 1187  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 1187 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to enable government to maintain roads whose ownership or jurisdiction is in dispute between the State and the counties:

- (1) Specifying that the maintenance or repair of disputed roads by any agency shall not be deemed to be an indication that the agency has assumed ownership or jurisdiction over the road; and
- (2) Authorize the State to transfer, via quitclaim deed, ownership of roads in favor of a county if so requested by the county.

Your Committee received testimony in support of this measure from the Department of Transportation. Your Committee received testimony in opposition to this measure from the Hawaii Association for Justice.

Your Committee finds that there are many roads throughout the State whose ownership or jurisdiction is in dispute between the

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State and the counties. The safety of persons travelling over these "roads in limbo" becomes a concern due to no jurisdiction wanting to be responsible for the maintenance of these roads. Neither the State nor the counties are willing to repair or maintain these roads because they do not wish to be perceived as assuming ownership or control over these roads and neither the State or the counties wish to be held liable for any injuries or damages that may occur. This measure attempts to address the on-going issues of liability and maintenance for these "roads in limbo".

Your Committee has amended this measure by changing the effective date to June 30, 3000, to encourage further discussion.

Your Committee respectfully requests your Committee on Judiciary & Hawaiian Affairs, should it deliberate on this measure, to consider the issue of waiver of liability and how to strike a balance between the need to repair and maintain these "roads in limbo" and providing protection to the public from any negligence.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1187, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1187, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on  
behalf of the members of the  
Committee on Transportation,



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CHRIS TODD, Chair



Record of Votes of the Committee on Transportation

Bill/Resolution No.: HB1187      Committee Referral: TRN, JHA, FIN      Date: 2/2/2023

The committee is reconsidering its previous decision on the measure.

The recommendation is to:  Pass, unamended (as is)       Pass, with amendments (HD)       Hold  
 Pass short form bill with HD to recommit for future public hearing (recommit)

TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. TODD, Chris (C)	✓			
2. KILA, Darius K. (VC)	✓			
3. AIU, Micah P.K.				✓
4. HASHIMOTO, Troy N.	✓			
5. KITAGAWA, Lisa	✓			
6. MARTEN, Lisa	✓			
7. ONISHI, Richard H.K.		✓		
8. MATSUMOTO, Lauren	✓			
TOTAL (8)	6	1		1

The recommendation is:  Adopted       Not Adopted  
If joint referral, \_\_\_\_\_ did not support recommendation.  
committee acronym(s)

Vice Chair's or designee's signature: 