
SENATE CONCURRENT RESOLUTION

REQUESTING THE DEPARTMENT OF TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY RESOLVE THE ISSUE OF ROADS IN LIMBO STATEWIDE.

1 WHEREAS, the safety of the public is of paramount concern
2 to the Legislature, and the quality of roadway maintenance has a
3 direct impact on the safety of individuals operating motor
4 vehicles and on ensuring continuous access between remote
5 locations; and
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7 WHEREAS, there has been a long-standing dispute over the
8 ownership of "roads in limbo" or "government roads" located in
9 Maui County and other counties statewide; and
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11 WHEREAS, the Legislative Reference Bureau (LRB) produced
12 Report No. 11, 1989, entitled "Roads in Limbo: An Analysis of
13 the State-County Jurisdictional Dispute" which found, among
14 other things, "There is a considerable and uncatalogued number
15 of public highways in the State whose ownership, as between the
16 State and the counties, is in dispute, as the State holds
17 paper title to these roads but contends that ownership of these
18 roads has passed to the counties by operation of law"; and
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20 WHEREAS, according to the LRB report, the standoff on
21 maintenance of roads in limbo has "the practical effect of
22 leaving a significant number of roads in all four counties in
23 substandard conditions and without routine maintenance because
24 no government body will accept responsibility for them"; and
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26 WHEREAS, the LRB report stated in pertinent part the
27 position of Maui County: "The Maui County Department of the
28 Corporation Counsel takes issue with the way in which the
29 division of public highways into state and county highways
30 occurs" and "Maui's position is that the source of the DOT's
31 authority is to place certain roads on or off its list is
32 unclear" (sic); and



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2 WHEREAS, the LRB report further stated that "No
3 comprehensive lists of these disputed roads exist because
4 neither the State nor the individual counties will take the
5 responsibility of cataloguing them"; and
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7 WHEREAS, regardless of whether the State or the county has
8 the superior legal authority to determine which roads are
9 legally owned by either, the subject roads continue to
10 deteriorate as the years go by, which has been the case for
11 decades; and
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13 WHEREAS, a recent news article, "East Maui community cut
14 off after heavy rains wash out bridge" describes the situation
15 as, "The recent heavy rains damaged a bridge that serves as a
16 lifeline for dozens of residents. Now a rural community in East
17 Maui has been cut off from the outside world. The Hanawana Land
18 Bridge was built about 100 years ago off Hana Highway. Part of
19 it collapsed into a river during the severe weather more than a
20 week ago. Roughly 40 residents are now stranded"; and
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22 WHEREAS, the collapse of the Hanawana Land Bridge, one of
23 the roads in limbo, meant that people could not get to work; and
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25 WHEREAS, due to the exemplary efforts of the County of Maui
26 on March 27, 2012, the rebuilding of Hanawana Land Bridge
27 commenced; and
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29 WHEREAS, the state and county governments have a
30 responsibility to protect the public health, safety, and
31 welfare, which includes the adequate maintenance of roads and
32 bridges, particularly those located in rural communities; and
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34 WHEREAS, the formation of a working group to bring together
35 state and county departments is a practical and expedient way to
36 resolve the issue of ownership of roads in limbo, including
37 separation of ownership and maintenance issues; now, therefore,
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39 BE IT RESOLVED by the Senate of the Twenty-sixth
40 Legislature of the State of Hawaii, Regular Session of 2012, the
41 House of Representatives concurring, that the Department of
42 Transportation is requested to form a working group to
43 expeditiously resolve the issue of roads in limbo statewide for
44 the greater good of the residents statewide; and



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BE IT FURTHER RESOLVED that the working group be composed of the following members:

- (1) The Director of Transportation, or designee;
- (2) The Chairperson of the Board of Land and Natural Resources, or designee;
- (3) The Mayor of each county, or their designees; and
- (4) The Director of each county department or division of public works or facility maintenance, or their designees; and

BE IT FURTHER RESOLVED that the Department of Transportation submit to the Legislature, no later than twenty days prior to the convening of the Regular Session of 2013, a report of the findings and recommendations of the working group, including any proposed legislation; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the Director of Transportation, Chairperson of the Board of Land and Natural Resources, Mayor of Maui County, Mayor of the City and County of Honolulu, Mayor of Hawaii County, Mayor of Kauai County, Director of the Maui County Department of Public Works, Director of the City and County of Honolulu Facility Maintenance Department, Director of the County of Hawaii Department of Public Works, and Director of the County of Kauai Department of Public Works.

