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# SENATE RESOLUTION

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

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 the other counties; 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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34           WHEREAS, the LRB report further stated that "No  
35 comprehensive lists of these disputed roads exist because



1 neither the State nor the individual counties will take the  
2 responsibility of cataloguing them"; and

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4 WHEREAS, regardless of whether the State or the County has  
5 the superior legal authority to determine which roads are  
6 legally owned by either, the subject roads continue to  
7 deteriorate as the years go by, which has been the case for  
8 decades; and

9  
10 WHEREAS, a recent news article, "East Maui community cut  
11 off after heavy rains wash out bridge" describes the situation  
12 as, "The recent heavy rains damaged a bridge that serves as a  
13 lifeline for dozens of residents. Now a rural community in East  
14 Maui has been cut off from the outside world. The Hanawana Land  
15 Bridge was built about 100 years ago off Hana Highway. Part of  
16 it collapsed into a river during the severe weather more than a  
17 week ago. Roughly 40 residents are now stranded"; and

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19 WHEREAS, the collapse of the Hanawana Land Bridge, one of  
20 the roads in limbo, meant that people could not get to work; and

21  
22 WHEREAS, due to the exemplary efforts of the County of Maui  
23 on March 27, 2012, the rebuilding of Hanawana Land Bridge  
24 commenced; and

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26 WHEREAS, the state and county governments have a  
27 responsibility to protect the public health, safety, and  
28 welfare, which includes the adequate maintenance of roads and  
29 bridges, particularly those located in rural communities; and

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31 WHEREAS, the formation of a working group to bring together  
32 state and county departments is a practical and expedient way to  
33 resolve the issue of ownership of roads in limbo, including  
34 separation of ownership and maintenance issues; now, therefore,

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36 BE IT RESOLVED by the Senate of the Twenty-sixth  
37 Legislature of the State of Hawaii, Regular Session of 2012,  
38 that the Department of Transportation is requested to form a  
39 working group to expeditiously resolve the issue of roads in  
40 limbo in Maui County for the greater good of the residents of  
41 Maui; and

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



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- 2 (1) The Director of Transportation, or designee;
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- 4 (2) The Chairperson of the Board of Land and Natural
- 5 Resources, or designee;
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- 7 (3) The Mayor of Maui County, or designee; and
- 8
- 9 (4) The Director of the Maui County Department of Public
- 10 Works, or designee; and
- 11

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

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18 BE IT FURTHER RESOLVED that certified copies of this  
19 Resolution be transmitted to the Director of Transportation,  
20 Chairperson of the Board of Land and Natural Resources, Mayor of  
21 Maui County, and Director of the Maui County Department of  
22 Public Works.

