

STAND. COM. REP. NO. 1783 -12

Honolulu, Hawaii

April 17, 2012

RE: S.C.R. No. 49
S.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred
S.C.R. No. 49, S.D. 1, entitled:

"SENATE CONCURRENT RESOLUTION REQUESTING THE DEPARTMENT OF
TRANSPORTATION TO FORM A WORKING GROUP TO EXPEDITIOUSLY
RESOLVE THE ISSUE OF ROADS IN LIMBO IN MAUI COUNTY,"

begs leave to report as follows:

The purpose of this measure is to request that the Department
of Transportation form a working group to expeditiously resolve
the issue of roads in limbo in Maui County.

The Department of Transportation and a council member of the
Maui County Council supported the measure. The Department of Land
and Natural Resources offered comments.

The origin of this problem apparently arose from the 1963
amendment to section 142-1, HRS, since redesignated as section
264-1, HRS, which created two categories of public highways -
State highways, under the jurisdiction of the Department of
Transportation, and County highways which comprise all remaining
highways. The State claims that under this law all non-state
roadways were transferred from the State to the various counties
and are now the responsibility of the respective counties. The
counties maintain that a highway does not become a county highway
unless it is accepted or adopted as such by the county council,
and will not take any responsibility for roadways not accepted in
this fashion. As a result the counties did not accept all the

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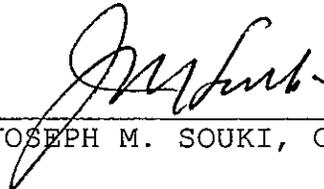


roadways transferred to them by the State and these roads remain "in limbo". As a result these "roads in limbo" often fall into disrepair since neither the State nor the County will accept responsibility for their maintenance.

Recently in an East Maui community the Hanawana Land Bridge collapsed stranding dozens of residents. The Hanawana Land Bridge was part of a "road in limbo". Your committee feels that due to this long standing dispute between the State and Counties the time has come to resolve their differences for the greater good of Maui's and the State's residents.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee concurs with the intent and purpose of S.C.R. No. 49, S.D. 1, and recommends that it be referred to the Committee on Finance.

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



JOSEPH M. SOUKI, Chair



