
A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the safety of
2 residents traveling over roads whose ownership and jurisdiction
3 are in dispute between the State and the counties, commonly
4 known as "roads in limbo", is affected by the lack of any
5 maintenance to these roads. The legislature also finds that
6 government agencies are unwilling to maintain these roads
7 because the maintenance activities may be construed as assuming
8 ownership and jurisdiction over the disputed roads due to the
9 maintenance activities.

10 The purpose of this Act is to enable government agencies to
11 maintain roads whose ownership and jurisdiction are in dispute
12 between the State and the counties.

13 SECTION 2. Chapter 662, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "~~§662-~~ **Maintenance or repair of disputed roads;**
17 **quitclaim.** (a) While ownership of a road remains in dispute
18 between the State and a county, no action by a government agency



1 to maintain or repair a road shall be used to establish the
2 agency's ownership of or jurisdiction over the road and the
3 agency shall not be deemed to have assumed ownership of or
4 jurisdiction over the road solely because of action to maintain
5 or repair a road.

6 (b) If a county requests or requires title to a disputed
7 road, the State may quitclaim whatever interest it has in the
8 road to the county."

9 SECTION 3. Section 46-15.9, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§46-15.9 Traffic regulation; repair and maintenance;**
12 **public right to use public streets, roads, or highways whose**
13 **ownership is in dispute. (a) Any provision of law to the**
14 **contrary notwithstanding, any county and its authorized**
15 **personnel may impose and enforce traffic laws and shall enforce**
16 **chapters 249; 286; 287; 291; 291C; 291E; 431, articles 10C and**
17 **10G; and 486, part III on public streets, roads, or highways**
18 **whose ownership is in dispute between the State and the county.**

19 ~~(b) [Any provision of the law to the contrary~~
20 ~~notwithstanding, any county and its authorized personnel may~~
21 ~~repair or maintain, in whole or in part, public streets, roads,~~
22 ~~or highways whose ownership is in dispute between the State and~~



1 ~~the county.]~~ While ownership of a road remains in dispute
2 between the State and a county, no action by a government agency
3 to maintain or repair a road shall be used to establish the
4 agency's ownership of or jurisdiction over the road and the
5 agency shall not be deemed to have assumed ownership of or
6 jurisdiction over the road solely because of action to maintain
7 or repair a road.

8 (c) No presumption that a county owns a particular street,
9 road, or highway shall arise as a result of the county's
10 performance of the activities allowed by subsection (a) or (b).

11 (d) If a county requests or requires title to a disputed
12 road, the State may quitclaim whatever interest it has in the
13 road to the county.

14 ~~[(d)]~~ (e) The general public shall have the unrestricted
15 right to use public streets, roads, or highways whose ownership
16 is in dispute between the State and the county to access the
17 shoreline and other public recreational areas; provided that
18 this subsection shall not apply to any private street, road, or
19 highway whose ownership is in dispute.

20 ~~[(e)]~~ (f) As used in this section[+

21 ~~"Public recreational area"],~~ "public recreational area"
22 means coastal and inland recreational areas, including beaches,



1 shores, public parks, public lands, public trails, and bodies of
2 water opened to the public for recreational use."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2214.



Report Title:

Disputed Roads; Road Maintenance; Quitclaim

Description:

Specifies that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities. Authorizes the State to quitclaim ownership of roads in favor of counties. Effective July 1, 2214. (HB1728 HD1)

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