

STAND. COM. REP. NO.

78

Honolulu, Hawaii

, 2021

FEB 09

RE: H.B. No. 486
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Transportation, to which was referred H.B. No. 486 entitled:

"A BILL FOR AN ACT RELATING TO TRANSPORTATION,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Specify that a government agency does not assume ownership or jurisdiction over a disputed road solely through maintenance or repair activities; and
- (2) Authorize the State to transfer ownership of roads in favor of counties by quitclaim if requested by the county.

Your Committee received testimony in opposition to this measure from the Department of Land and Natural Resources and one individual.

Your Committee finds that many roads in the State are dilapidated and currently remain unfixed due to unclear jurisdictional authority or ownership of those roads between the State and counties. This is causing a great deal of harm to residents as they are forced to drive over unmaintained roads, ultimately damaging their vehicles. This measure would allow a

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government agency to maintain or repair a road, without requiring that agency to claim jurisdiction or ownership of that road, thereby creating a better environment for residents to drive in.

Your Committee notes the testimony of the Department of Land and Natural Resources, which states that the current language in this measure may be too vague and subject to differing interpretations.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that any action taken by a government agency to maintain or repair a public street, road, or highway shall not be used to establish the agency's ownership of, or jurisdiction over, the public street, road, or highway; and
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion.

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. 486, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 486, H.D. 1, and be referred to your Committee on Water & Land.

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


HENRY J. AQUINO, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature **HSCR 78**

Record of Votes of the Committee on Transportation

| | | | | |
|--|--|----------------------------------|-------------|----------------|
| Bill/Resolution No.: HB486 | Committee Referral: TRN, WAL, JHA | Date: 05 FEB 21 | | |
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| TRN Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. AQUINO, Henry J.C. (C) | X | | | |
| 2. ILAGAN, Greggor (VC) | X | | | |
| 3. DeCOITE, Lynn | X | | | |
| 4. HASHIMOTO, Troy N. | X | | | |
| 5. KITAGAWA, Lisa | X | | | |
| 6. NAKAMURA, Nadine K. | X | | | |
| 7. TAKUMI, Roy M. | X | | | |
| 8. MATSUMOTO, Lauren | X | | | |
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| TOTAL (8) | 8 | | | |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s) | | | | |
| Vice Chair's or designee's signature: | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |