

THE SENATE
TWENTY-SIXTH LEGISLATURE, 2012
STATE OF HAWAII

S.C.R. NO. 49
S.D. 1
H.D. 1

SENATE CONCURRENT RESOLUTION

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

WHEREAS, the safety of the public is of paramount concern to the legislature, and the quality of roadway maintenance has a direct impact on the safety of individuals operating motor vehicles and on ensuring continuous access between remote locations; and

WHEREAS, there has been a long-standing dispute over the ownership of roads in limbo" or "government roads" located in Maui County and other counties statewide; and

WHEREAS, the Legislative Reference Bureau (LRB) produced Report No. 11, 989, entitled "Roads in Limbo: An Analysis of the State-County Jurisdiction Dispute" which found, among other things, "There is a considerable and uncatalogued number of public highways in the State whose ownership, as between the State and the counties, is in dispute, as the State holds superior title to these roads but contends that ownership of these roads has passed to the counties by operation of law"; and

WHEREAS, according to the LRB report, the standoff on maintenance of roads in limbo has "the practical effect of leaving a significant number of roads in all four counties in substandard conditions and without routine maintenance because no government body will accept responsibility for them"; and

WHEREAS, the LRB report stated in pertinent part the position of Maui County: "The Maui County Department of the Corporation Counsel takes issue with the way in which the division of public highways into state and county highways occurs" and "Maui's position is that the source of the DOT's authority is to place certain roads on or off its list is unclear" (sic); and

WHEREAS, the LRB report further stated that "No comprehensive lists of these disputed roads exist because neither the State nor the individual counties will take the responsibility of cataloguing them"; and

WHEREAS, regardless of whether the State or the county has the superior

egal authority to determine which roads are legally owned by either, the subject roads continue to deteriorate as the years go by, which has been the case for decades; and

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

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

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

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

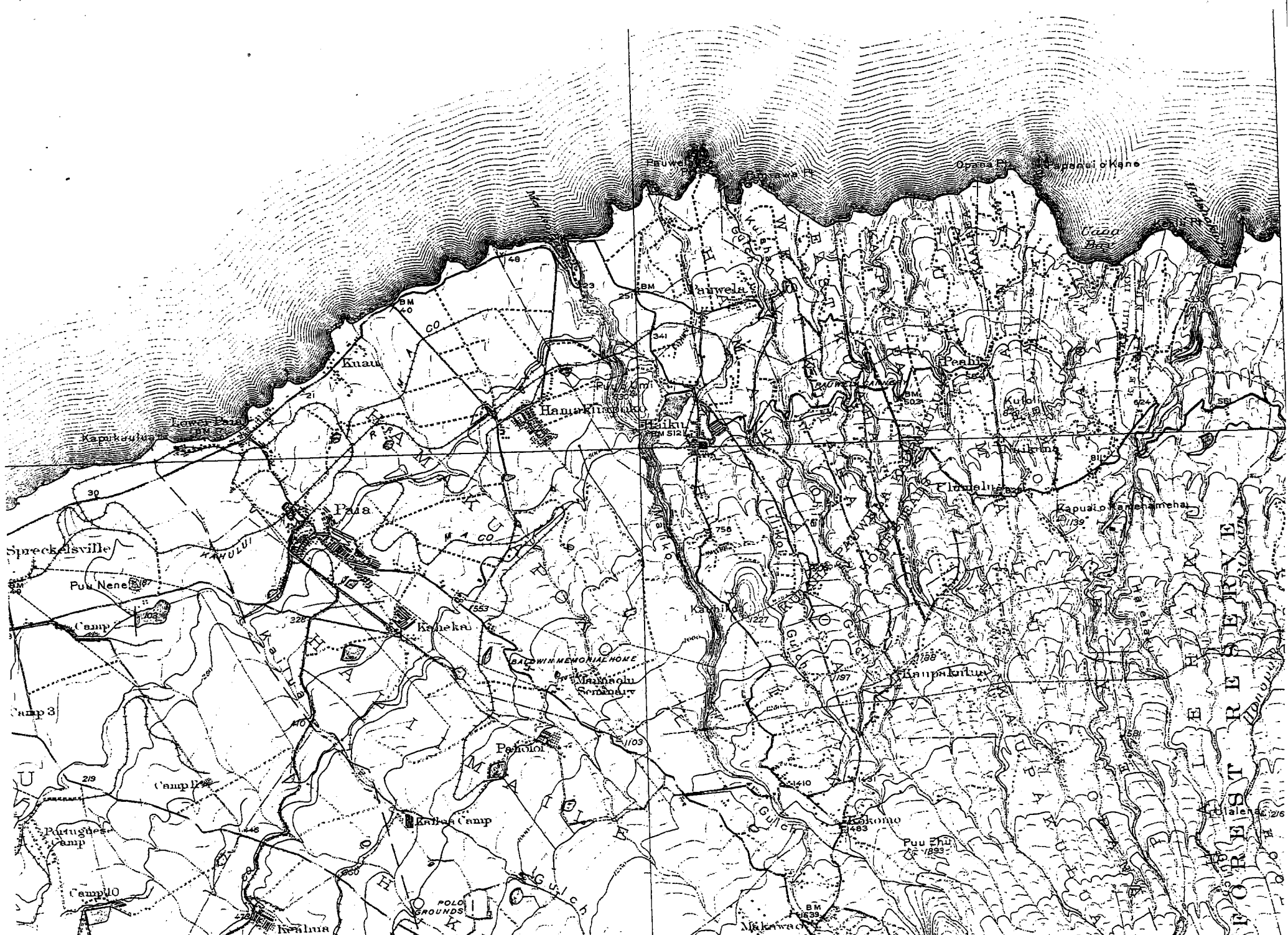
WHEREAS, the formation of a working group to bring together state and county departments is a practical and expedient way to resolve the issue of ownership of roads in limbo, including separation of ownership and maintenance issues; now, therefore,

BE IT RESOLVED by the Senate of the Twenty-sixth Legislature of the State of Hawaii, Regular Session of 2012, the House of Representatives concurring, that the Department of Transportation is requested to form a working group to expeditiously resolve the issue of roads in limbo statewide for the greater benefit of the residents statewide; and

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 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



Spreckelsville

Puu Nene

Camp 1

Camp 3

Camp 2

Portugues Camp

Camp 10

Kualua

Kuaia

Paa

Kaheka

Pehoi

Rafael Camp

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BENJAMIN J. CAYETANO
GOVERNOR OF HAWAII



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KAHOOLAWE PLATEAU
COMMISSION
HISTORIC PRESERVATION
LAND
STATE PARKS
WATER RESOURCE MANAGEMENT

APR 30 2001

Mayor James "Kimo" Apana
County of Maui
Office of the Mayor
250 S. High Street
Wailuku, HI. 96793

Subject: Aina O Ka Hale Pili Subdivision, Haiku, Maui

Dear Mayor Apana:

This is DLNR's second letter regarding access issues related to the Aina O Ka Hale Pili Subdivision, located in Haiku, Maui. On April 30, 2001, I sent you a letter requesting clarification on our conclusion that there is no formal public access that has been dedicated to an entity that currently exists through this subdivision to the shoreline. Easement H on the 1993 subdivision plat #2.2023 may not be suitable for public use without improvements, and to our knowledge has not yet been dedicated.

Therefore, I am once again asking Maui County for clarification: Is there an alignment that constitutes the public access to the shoreline in this particular subdivision, pursuant to Chapter 46-65, HRS, Maui County Subdivision Ordinances, and the SMA permit?

Please respond to this inquiry at your earliest convenience

Sincerely

GILBERT S. COLOMA-AGARAN

Attachment: April 30 Letter to Mayor Apana

c William Knowlton
Curt Cottrell DOFAW-NAH

Exhibit