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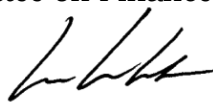


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**COUNTY COUNCIL**  
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March 31, 2016

TO: The Honorable Sylvia Luke, Chair  
House Committee on Finance

FROM: Mike White  
Council Chair 

SUBJECT: **HEARING OF APRIL 1, 2016; TESTIMONY IN OPPOSITION TO  
SB 2372, SD3, HD1, RELATING TO PRIVATE ROADS**

Thank you for the opportunity to testify in **opposition** to this measure. The purpose of this measure is to address questions regarding responsibility for the repair and maintenance of privately owned highways.

The Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I oppose this measure for the following reasons:

1. This measure constitutes an unfunded mandate to the counties. Section 264-1(c), Hawaii Revised Statutes currently provides for dedication or surrender of privately owned roads to a county, if the county council accepts the road. This bill would require the county to accept the surrender or condemnation of certain roadways "without exercise of discretion."
2. Article VIII, Section 5 of the Hawaii State Constitution states: "If any new program or increase in the level of service under an existing program shall be mandated to any of the political subdivisions by the legislature, it shall provide that the State share in the cost." This measure provides no compensation for the financial cost and liabilities incurred by counties for their forced acceptance of roadways.
3. The measure is unclear with respect to additional liability that may fall on the counties, is overly broad, and raises questions regarding public usage of private roadways.

For the foregoing reasons, I **oppose** this measure.