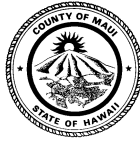


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COUNTY OF MAUI
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April 4, 2016

TO: The Honorable Gilbert S.C. Keith-Agaran, Chair
Senate Committee on Judiciary and Labor

The Honorable Jill N. Tokuda, Chair
Senate Committee on Ways and Means

FROM: Mike White
Council Chair

A handwritten signature in black ink, appearing to read "Mike White", is written over the printed name and title.

SUBJECT: **HEARING OF APRIL 4, 2016; TESTIMONY IN OPPOSITION TO HB2049
HD2 SD1, RELATING TO TRANSPORTATION**

Thank you for the opportunity to testify in **opposition** to this measure. The purpose of this measure is to authorize the State or a county to obtain ownership over a road by condemnation and 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. This measure provides no compensation for the financial cost and liabilities incurred by counties for their forced acceptance of roadways. 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.

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