SB 2159, SD 1  
DEPARTMENT OF TRANSPORTATION  
(Jurisdiction)  

Statement for  
House Committee on  
Transportation  
Public Hearing – March 12, 1986  

By  
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SB 2159 would amend the definition of the landward boundary of coastal areas subject to the jurisdiction of the Department of Transportation (DOT) in HRS 266-1 and 266-3. This statement on the bill does not reflect an institutional position of the University of Hawaii.  

At present HRS 266-1 and 266-3 provide the DOT with jurisdiction over the ocean waters of the State and the shore waters and shores as far inland as the shoreline defined as the upper reach of wave wash. As indicated in Standing Committee Report 308-86 by the Senate Committee on Transportation, this provision in the cited sections is in conflict with a constitutional requirement that all state lands be managed by a board or commission. SB 2159, HD 1 would amend the cited sections to transfer the jurisdiction over the shores themselves to the Board of Land and Natural Resources (BLNR).  

The uses of inland areas owned by the State or within the Conservation District are subject to regulation by the BLNR. The uses of the ocean waters are subject to regulation by the DOT. Probably no completely satisfactory boundary between the areas under the jurisdictions of the BLNR and DOT can be defined, and where the boundary is placed is of much less importance than that there be no gap in jurisdiction, that the regulation of uses of the shores be consistent with regulations of uses of contiguous water and inland areas, and that the regulations be enforced.  

We have no suggestions on ways in which the jurisdictional problem may be solved better than that proposed in SB 2159, SD 1.