

10. Can a private road owner dedicate only the paved portion of the road to the public, and reserve the road right of way for private purpose? Can a person who dedicates a roadway to the public only dedicate the paved portion?

*Since dedication is considered a voluntary act, an owner or developer may propose dedication of a private road to the City. Since roads generally serve several purposes, DPP would not support dedication of only the paved portion of a road for moving vehicles. DPP would support dedication of an entire road if improved to City standards and if there are no restrictions on the general public for moving vehicles, parking, utilities, planter strips and pedestrian traffic.*

11. What are the exact limitations on Honolulu City government's ability to plan for areas along private roads, or to upgrade them or utilities within their rights of way, if desired?

*DPP is unaware of exact limitations to the improvements the City can require for the roadway system when issuing City development permits for the properties within these roadways' right of ways. However, DPP believes that there is an axiom that public funds shall not be used to improve private properties (including private roads).*

12. How can private roads become public roads?

Existing Private Roads. Generally, existing private roads may become public roads via the dedication process, provided: 1) that the roads were designed, built and approved to City standards existing at that time, 2) that the roads (including pavement, curbs, gutters, sidewalks, retaining walls, traffic controls, street lights, and street trees) are free of major defects or faulty construction that will require immediate expenditure of City resources, 3) that the storm drainage system is not in need of major structural repairs or cleaning of great amounts of debris and silt, 4) that surface encroachment and planter strip variances, if required, are obtained by the abutting property owners, 5) that if storm drain connection licenses, if required, are obtained by abutting property owners, and 6) that if free and clear of encumbrances, and 7) that the required easements are granted. An option to the dedication process is the City's improvement district process, where property owners and the City share in the cost. The City can also exercise its powers of eminent domain to acquire private roadways.

New Private Roads. New private roads become public roads by following the City's Subdivision Rules and Regulations, a process administered by DPP.

What is the procedure?

*For existing roads the procedure is based on the City's dedication process. Briefly, the process begins with submission of engineering plans by the applicant indicating the proposed improvements or repairs to bring the roads to City standards. A subdivision application may also be required to define the boundaries of the roadway lot to be dedicated. Once the plans are approved by the pertinent agencies, construction can proceed. It continues with certifications of construction by several City departments, including the Honolulu Board of Water Supply. After dedication documents are submitted to the Department of Design and Construction, dedication is deemed completed when the roads are accepted by the Honolulu City Council via a Resolution.*

What is the cost?

*The cost typically varies depending on the size and condition of improvements. Costs typically include: engineering, surveying, inspection, repairs, replacement, removal work, cleaning, application fees for variances and licenses, maintenance, bonding, administration and legal fees.*

Which entity pays?

*The owner or developer is expected to pay.*