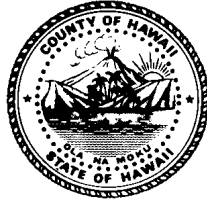


William P. Kenoi
Mayor



BJ Leithead Todd
Director

Margaret Masunaga
Deputy Director

County of Hawai'i

PLANNING DEPARTMENT

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MEMORANDUM

Communication No. 2011-2

March 2, 2011

TO: Dan Taylor, Chairman
and Members, Puna CDP Action Committee

FROM: Larry Brown, PCDP Project Manager

SUBJECT: Meeting with Tom Brown, MTA Administrator and William Brilhante,
Deputy Corporation Counsel regarding requirements to allow Hele-On bus
service on private subdivision roadways

I met with Tom Brown and William Brilhante on February 17, 2011 in response to the request of the PCDP Action Committee for elaboration on the AC's request for specific requirements required by the County of Hawai'i to allow Hele-On bus service over private subdivision roadways.

Because the form of ownership of the private subdivision roads and the extent of legal authority over those private roads by their respective homeowner or road maintenance associations tends to vary from one private subdivision roadway network to the next, the specific process for authorization will vary for many subdivisions.

The County of Hawai'i cannot provide legal research and advice to private entities wishing to secure public transportation service over their private roadways. Therefore, it is the responsibility of each subdivision to determine what is legally required according to their specific form of ownership and/or association by-laws to allow the operation of public busses on their private roadways. For those subdivisions without clearly defined provisions or procedures provided in ownership deeds and/or association by-laws, the County strongly suggests that private legal advice should be sought to determine what is necessary to assure the County that any permission granted for the operation of County busses within that subdivision is legally binding.

Essentially, the County needs to be assured that residents and owners within those private subdivisions that may not want the bus service for whatever reason, or that might claim

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excessive and unusual damage to the roads resulting from the bus service, will not have a legal basis for suing the County for damages.

Please feel welcome to contact me if you have any questions or concerns that I might be of assistance.

Aloha, Larry

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