

COUNCIL BRIEFING

Private Streets and Roads on O'ahu

Ownership • Maintenance • Traffic Regulation • Enforcement

A road can be privately owned and maintained — yet still be subject to City traffic regulation and enforcement.

Department of Transportation Services | City & County of Honolulu

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Why this briefing matters



Recurring questions

Council and City agencies receive recurring questions about paving, potholes, signage, parking restrictions and enforcement on private roads.



“Private roads” are complicated

The phrase “private road” does not, by itself, answer what the City can or cannot do.



Four separate questions

Ownership, maintenance, traffic regulation and enforcement are separate legal and operational questions.



Complicated histories

Older O‘ahu roadways can have complicated title and right-of-way histories, making even the ownership question difficult.

The four-question framework

Use this framework before answering any private-road request.

1



Who owns it?

2



Who maintains it?

3



Who regulates traffic?

4



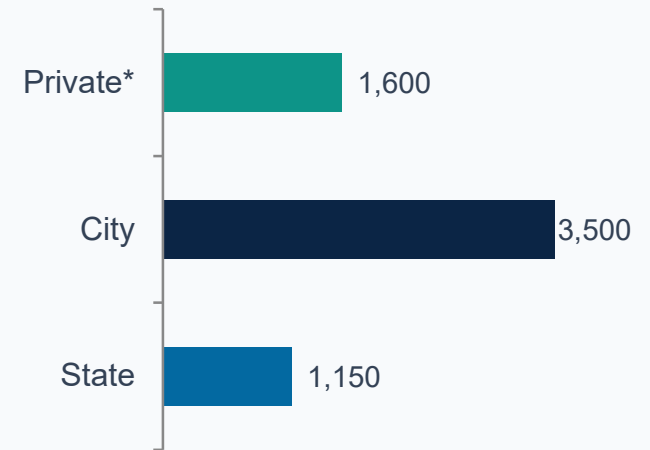
Who enforces the rules?

Private ownership does not necessarily eliminate City traffic authority — and City traffic authority does not make a private street City-maintained.

O'ahu roadway network — approximate scale

Lane miles are the best comparison; private lane miles are estimated from roadway miles.

Roadway system	Roadway miles	Lane miles	Primary responsibility
State highways	~280	~1,150	HDOT
City roads	~1,450	~3,500	City & County
Private roads	~800	~1,600*	Private owner(s)
Approx. total	~2,530	~6,250*	—



* Private lane-mile estimate assumes ~800 roadway miles average two travel lanes. Actual mileage may differ.

Under this assumption, private roads account for roughly 26% of O'ahu lane miles — about one lane mile in four.

1. Who owns the road?

State roads

Owned by the State of Hawai'i and generally under HDOT jurisdiction.

City roads

Accepted into the City roadway system; most neighborhood streets and many arterials/collectors.

Private roads

May be owned by one landowner, multiple abutting owners, an association, corporation, heirs or other entities.

Private ownership alone does not determine whether traffic laws and City traffic controls apply.

Older O‘ahu roads can have complicated ownership

- 1 Multiple or fragmented underlying owners
- 2 Heirs or successor owners difficult to identify
- 3 Defunct developers, corporations or associations
- 4 Incomplete historical deeds or conveyances
- 5 Roads created before modern subdivision standards
- 6 Unrecorded or poorly documented easements/ROWs
- 7 No modern metes-and-bounds description
- 8 Pavement may not match legal property boundaries
- 9 Conflicts among tax maps, deeds, surveys and conditions on the ground
- 10 Long public use without formal dedication or City acceptance

The physical street may be obvious. The legal status may not be.

A roadway can physically exist without a clearly defined modern ROW

PHYSICAL REALITY

- ▶ Paved & named
- ▶ Used every day
- ▶ Mail and emergency access
- ▶ Public travel for generations

LEGAL UNCERTAINTY

- ▶ Ownership may still be uncertain
- ▶ Easements incomplete, old, or hard to locate
- ▶ ROW never surveyed to modern standards
- ▶ Pavement may extend outside legal interest

Public use does not necessarily equal public ownership.

2. Who maintains the road?

State roads

HDOT generally maintains pavement and highway infrastructure within State jurisdiction.

City roads

The City maintains accepted streets; responsibilities are divided among DTS, DFM, DDC, DPR-DUF and other agencies.

Private roads

The general rule is private maintenance responsibility. Public use does not automatically require the City to pave, repair potholes, reconstruct, improve drainage or bring a private road to current City standards.

Why the City cannot simply “take over” an old private road

01

Title & ownership

Must be established before any acceptance.

02

ROW boundaries

Surveys and legal descriptions may need to be created or reconciled.

03

Easements & utilities

Encroachments and utility rights must be identified.

04

Standards gap

Width, pavement, drainage, sidewalks, accessibility may not meet current standards.

05

Acquisition needed

Property acquisition or construction may be necessary.

06

Long-term obligations

Acceptance creates ongoing public maintenance and liability.

3. Who regulates traffic?

The City Traffic Code applies to public streets and also to certain private streets continuously used by the general public for six months or more.

State law similarly authorizes counties to impose traffic regulations and traffic-control devices on qualifying private roads.

Generally excluded

Private roads used primarily for agricultural and ranching purposes.

DTS authority

May regulate parking, signs, markings and other traffic controls on a qualifying private road without owning or maintaining it. **Generally, DTS will install stop signs on private roadways. If required by HFD, HPD or EMS, DTS will restrict parking.**

Traffic regulation ≠ ownership ≠ maintenance responsibility

Legal basis: ROH 15-1.1 • HRS §46-16 • ROH 15-3.1

4. Who enforces the traffic laws?



HPD's enforcement authority is separate from roadway ownership.

On qualifying private roads, applicable traffic regulations and properly established traffic-control devices may be enforceable.

A City sign on a private road

does not mean the City owns the road.

Private ownership

does not automatically mean HPD lacks jurisdiction.

The right question is not only “Is it private?” — it is “What law applies, what control was established, and who has enforcement authority?”

Legal basis: HRS §46-16 • ROH 15-4.1

Lemon Road — a practical example

Status

Identified as a private roadway.

Traffic controls

DTS has historically maintained traffic-control devices there with DFM assistance.

Parking

Parking restrictions have reportedly appeared in the City's legal parking schedule since 2006.

Key issue

Not simply ownership, but whether the road qualifies for City traffic regulation and whether the restriction was legally established.

Source: DTS correspondence concerning Lemon Road, July–August 2026

What a City sign does — and does not — mean

“If the City can put up a No Parking sign, why can’t the City fix the potholes?”

- 1 Traffic regulation and roadway maintenance are separate legal functions.
- 2 A City-installed or authorized traffic-control device does not necessarily mean the City owns the road.
- 3 It does not necessarily mean the road has been dedicated to or accepted by the City.
- 4 It does not automatically create a City paving or reconstruction obligation.
- 5 Conversely, private ownership does not necessarily prevent legitimate City traffic and public-safety regulation.

How to evaluate a private-road request

1

Ownership

Who legally owns the roadway?

2

Status

Dedicated, surrendered or accepted?

3

Public use

Open to continuous general public use?

4

Maintenance

Who currently maintains it?

5

Traffic authority

Does the City Traffic Code apply?

6

Existing controls

Signs, markings or parking schedules?

7

Enforcement

What may HPD enforce?

8

Requested action

Paving, drainage, sign, parking or enforcement?

Council takeaways

- 1 “Private road” is not a complete answer to a constituent’s question.
- 2 A road can be privately owned, privately maintained, subject to City traffic regulation, and subject to HPD enforcement at the same time.
- 3 Older O’ahu roads may have uncertain ownership, incomplete ROW documentation and no modern metes-and-bounds description.
- 4 City regulatory activity does not automatically create City ownership or a maintenance obligation.
- 5 With an estimated ~1,600 private lane miles under the two-lane assumption, private-road issues affect a substantial part of O’ahu’s transportation network.

**The physical street may be obvious.
The legal responsibilities may not be.**

Ask four questions:

ownership • maintenance • traffic regulation • enforcement