

Class action status OK'd for suit that seeks trail access

By LILA FUJIMOTO
Staff Writer

WAILUKU — Class action status was approved Wednesday for a lawsuit seeking to force Haleakala Ranch Co. and the state to reopen a trail that runs from the top of Olinda to the rim of the Haleakala Crater.

The ruling by 2nd Circuit Judge Joseph Cardoza means decisions in the case won't only apply to plaintiffs Public Access Trails Hawaii-Maui, Executive Director David Brown and officers Joe Bertram III and Ken Schmitt.

"It makes it very clear that the court is not just ruling on behalf of PATH, but on behalf of anyone who's been denied access," attorney Tom Pierce, representing the plaintiffs, said after the hearing. "It makes it very clear that the injury has been and will continue to be suffered by this larger class of people."

Pierce filed the lawsuit earlier this year over public access to the Haleakala Bridle Trail on behalf of the hikers' group and its director and officers. The horse trail was used to reach the crater until about 75 years ago, then falling into disuse when Haleakala Highway was paved and the way to the summit was opened to automobiles in 1935.

From the top of Olinda Road, the trail passes onto Haleakala Ranch land and reaches Haleakala National Park.

The lawsuit asks the court to determine that the trail is a public way and to have the state

Department of Land and Natural Resources assert the state's claim to the trail. The lawsuit also seeks to require the ranch to cooperate with the state in opening it.

"This is a public interest case, and it involves a public trust asset," Pierce said in court Wednesday. "We're really here standing in the shoes we believe the state should be in."

He said the trail was traditionally used by Hawaiians and later deemed to be a public road or public trail.

"We're here today to protect that public interest and make sure that's reopened for the public," Pierce said.

The state and the ranch had opposed the request to have the lawsuit certified as a class action covering "all pedestrians, nonmotorized bicyclists and equestrians who, as members of the public, have been, or continue to be, denied access to Haleakala Trail."

Attorney Michael Gibson, representing the ranch, said the proposed class doesn't include Native Hawaiians who were using the trail to gain access to areas for important cultural and historical practices. The class also doesn't include tourists, motorized vehicles and commercial operations, although the trail was used in the early 1900s for a guided-tour operation, Gibson said. "We believe it's inadequate," he said in court.

■ Lila Fujimoto
can be reached
at lfujimoto@mauinews.com.