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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 248-9, Hawaii Revised Statutes, is  
2 amended by amending subsection (a) to read as follows:

3 "(a) Moneys in the state highway fund may be expended for  
4 the following purposes:

5 (1) To pay the costs of operation, maintenance, and repair  
6 of the state highway system, including without  
7 limitation, the cost of equipment and general  
8 administrative overhead;

9 (2) To pay the costs of acquisition (including real  
10 property and interests therein), planning, designing,  
11 construction, and reconstruction of the state highway  
12 system and bikeways, including, without limitation,  
13 the cost of equipment and general administrative  
14 overhead; [~~provided that the director of~~  
15 ~~transportation shall allot and expend two per cent of~~  
16 ~~federally eligible moneys in the state highway fund~~  
17 ~~for bikeways;~~]



1 (3) To reimburse the general fund for interest on and  
 2 principal of general obligation bonds issued to  
 3 finance highway projects where the bonds are  
 4 designated to be reimbursable out of the state highway  
 5 fund; and

6 (4) To pay the costs of construction, maintenance, and  
 7 repair of county roads; provided that none of the  
 8 funds expended on a county road or program shall be  
 9 federal funds when such expenditure would cause a  
 10 violation of federal law or a federal grant  
 11 agreement."

12 SECTION 2. Section 264-18, Hawaii Revised Statutes, is  
 13 amended to read as follows:

14 1. By amending subsections (a) and (b) to read:

15 "(a) Out of the state highway fund [~~reasonable~~] amounts,  
 16 whether state funds or federal funds, shall be expended as  
 17 necessary by the State for the establishment of bikeways[~~-~~  
 18 ~~Bikeways~~]; provided that bikeways shall be established, whenever  
 19 practicable, wherever a new or existing highway, road, or street  
 20 is being designed, planned, constructed, reconstructed,  
 21 relocated, or rehabilitated. At least two per cent of eligible



1 federal funds, and in addition, other state highway fund moneys  
2 as available, shall be expended to:

- 3       (1) Establish bicycle paths; and
- 4       (2) Install signage and safety devices along bicycle lanes  
5             and bicycle routes;

6 provided that the department of transportation shall include the  
7 bicycling community in a public involvement process to determine  
8 the location of bicycle paths and installation of signage and  
9 safety devices.

10       Planning for any mass transit system shall include  
11 appropriate accommodation for bicycle lanes, bikeways, and  
12 bicycle routes, including bicycle racks on mass transit  
13 vehicles, to enable mass transit users to connect conveniently  
14 by bicycle to transit stations and bus stops.

15       This subsection shall not be construed as requiring the  
16 expenditure of a county surcharge on state tax under section  
17 46-16.8, on bicycle paths if the application of this subsection  
18 conflicts with section 46-16.8.

19       (b) Bikeways are not required to be established under  
20 subsection (a):

- 21       (1) Where the establishment of the lanes, paths, routes,  
22             and ways would be contrary to public safety; [~~or~~]



1 (2) If the cost of establishing the lanes, paths, routes,  
2 and ways would be excessively disproportionate to the  
3 need or probable use; or

4 (3) Where low population density, other available ways, or  
5 other factors indicate an absence of any need for the  
6 lanes, paths, routes, and ways[-];

7 provided that the department of transportation shall involve  
8 representatives of the bicycling community, such as the Hawaii  
9 Bicycling League, Kauai Costal PATH, Maui Bicycling Alliance,  
10 PATH (Big Island), and others in making a determination under  
11 paragraphs (1), (2), and (3); provided further that any decision  
12 under this subsection shall be documented, including but not  
13 limited to the factors considered in making a decision; and  
14 provided further that the department of transportation shall  
15 have the burden of persuasion under paragraphs (2) and (3)."

16 2. By amending subsection (d) to read:

17 "(d) As used in this section, the [~~term~~] terms "bikeway",  
18 "bicycle path", and "bicycle lane" shall have the same meaning  
19 as in section 291C-1."

20 SECTION 3. Statutory material to be repealed is bracketed  
21 and stricken. New statutory material is underscored.

22 SECTION 4. This Act shall take effect on July 1, 2012.



**REPORT Title:**

Transportation; Bicycle Riders

**Description:**

Clarifies use of moneys in state highway fund for bicycle lanes, bicycle paths, bicycle routes, and bikeways. Requires department of transportation to involve representatives of the bicycle community in decision making process. Effective July 1, 2012. (SB152 HD1)

