
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 subsection (a) 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 bike 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 bike 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 when the application of this
18 subsection would be in conflict with section 46-16.8."

19 2. By amending subsection (b) to read:

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



- 1 (1) Where the establishment of the lanes, paths, routes,
- 2 and ways would be contrary to public safety; or
- 3 (2) If the cost of establishing the lanes, paths, routes,
- 4 and ways would be excessively disproportionate to the
- 5 need or probable use; or
- 6 (3) Where low population density, other available ways, or
- 7 other factors indicate an absence of any need for the
- 8 lanes, paths, routes, and ways[-];

9 provided that the department of transportation shall include the
 10 bicycling community in a public involvement process to make a
 11 determination under paragraphs (1), (2), and (3); provided
 12 further that any decision under this subsection shall be
 13 documented, including but not limited to, the factors considered
 14 in making a decision; and provided further that the department
 15 of transportation shall have the burden of persuasion under
 16 paragraphs (2) and (3)."

17 3. By amending subsection (d) to read:

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

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 Statutory material to be repealed is bracketed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



1 SECTION 4. This Act shall take effect on July 1, 2007.



Report Title:

Transportation; Bicycle Riders

Description:

Clarifies use of moneys in state highway fund for bicycle lanes, bicycle paths, bicycle routes, and bikeways. (SD1)

