

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
DIRECTOR

Deputy Directors
JADE T BUTAY
FORD N. FUCHIGAMI
RANDY GRUNE
JADINE URASAKI

IN REPLY REFER TO:

STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

January 25, 2012

**HB 1759
RELATING TO TRAFFIC SAFETY**

HOUSE COMMITTEE ON TRANSPORTATION

The Department of Transportation appreciates the intent of HB 1759; however, we would recommend that mopeds be prohibited at all times from traveling upon any bicycle path. Mopeds can travel at speeds up to 35 miles per hour. Thus, allowing the mix of mopeds in with pedestrians and bicyclists on bicycle paths will only increase the potential for events to occur that result in significant injury to pedestrians, bicyclists, and the moped operators.

Therefore, we believe that prohibiting mopeds from bicycle paths at all times will create a safer environment for the pedestrians and bicyclists using such paths.

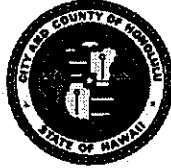
Thank you for the opportunity to provide testimony.



DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

PETER B. CARLISLE
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

KAI NANI KRAUT, P.E.
DEPUTY DIRECTOR

January 23, 2012

The Honorable Joseph Souki, Chair
and Members of the Committee on Transportation
State House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Souki and Committee Members:

Subject: House Bill No. 1759, Relating to Traffic Safety

The Department of Transportation Services opposes House Bill No. 1759. This bill is redundant and unnecessary. Hawaii Revised Statute (HRS) 291C-197 (a) already requires mopeds to use bike lanes when present and HRS 291C-197 (b) gives the Counties the option to prohibit mopeds on bike paths by ordinance.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka", is written over the typed name and title.

Wayne Y. Yoshioka
Director

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
G. Riki Hokama
Michael P. Victorino
Mike White



Director of Council Services
Ken Fukuoka

COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.mauicounty.gov/council

January 24, 2012

TO: Honorable Joseph M. Souki, Chair
House Committee on Transportation

FROM: Joseph Pontanilla, Council Vice- Chair

A handwritten signature in cursive script that reads "Joseph Pontanilla".

DATE: Tuesday January 25, 2012

SUBJECT: SUPPORT OF HB 1759, RELATING TO TRAFFIC SAFETY

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I **support HB 1759** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to support this measure.

12:01:24:kbn/IP: HB 1759

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
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Robert Carroll
Elle Cochran
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www.mauicounty.gov/council

January 24, 2012

TO: Honorable Joseph M. Souki, Chair
Committee on Transportation

FROM: Don Couch
Council Member, South Maui District

DATE: Tuesday, January 24, 2012 at 8:25 AM

SUBJECT: **SUPPORT OF HB 1759, RELATING TO TRAFFIC SAFETY**

A handwritten signature in black ink, appearing to read "Don Couch", written over the "FROM:" line.

Thank you for the opportunity to testify in support of this measure. I provide this testimony as an individual member of the Maui County Council.

I support **HB 1759** for the reasons cited in testimony submitted by the Maui County Council Chair, and urge you to support this measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
Elle Cochran
Donald G. Couch, Jr.
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January 24, 2012

TO: Honorable Joseph M. Souki, Chair
House Committee on Transportation

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink that reads "Robert Carroll".

DATE: January 24, 2012

SUBJECT: **HB 1759, RELATING TO TRAFFIC SAFETY**

I support HB 1759 for the reasons cited in testimony submitted by the Maui County Council Chair Danny Mateo, and urge you to support this measure.

Maui Bicycle Alliance

Keeping Maui on the Right Path!

TO: Representative Joseph Souki, Chair
Representative Linda Ichiyama, Vice Chair
Transportation Committee Members

FROM: Walter Enomoto, President, Maui Bicycle Alliance

MEETING DATE: January 25, 2012. 9:00AM

SUBJECT: Support for HB1759 with Corrections, RELATING TO TRAFFIC SAFETY

Aloha Chair Souki, Vice Chair Ichiyama and Transportation Committee Members;

The Maui Bicycle Alliance is a grassroots bicycling advocacy organization committed to improving conditions for bicycling in Maui County. We promote bicycling and advocate bicycle use in Maui County for health, recreation, sport and transportation purposes.

I am writing on behalf of the 400+ Maui bicyclists who currently utilize the State DOT Highway's Mokulele Bikepath in Maui County. We respectfully ask for your support of this measure with the following changes:

Page 1, Line 9.

8 (b) No person shall drive any vehicle other than a bicycle
9 or moped upon a bicycle path, except upon a permanent or
10 authorized temporary driveway, or park any vehicle upon a
11 bicycle path; provided that a moped driver shall be required to
12 use a bicycle lane where available, pursuant to section
13 29IC—197 (a)

Delete the words "or moped". This will allow ONLY *bicycles* and NOT *mopeds* to be used on bikepaths. Because of the potential negative interaction between mopeds and bicyclists (and pedestrians who also use these bikepaths), banning mopeds from bikepaths will help create safer conditions for ALL non motorized users of this type of facility.

This is the intent of this measure as we have been dealing with the issue of speeding mopeds on the Mokulele Bikepath since it was built in 2007.

Maui County has banned the use of mopeds on their bikepaths effective last year. This measure would also provide needed consistency between County and State bikepath facilities.

Page 3, Line 2

1 "(a) Wherever bicycle lanes are provided on the roadway,
2 moped drivers shall use such bicycle lanes[-r] and shall not use
3 bicycle paths. Signs clearly visible to an ordinarily observant
4 person indicating the prohibition shall be placed along bicycle
5 paths so designated and every moped driver shall obey the
6 directions thereof."

Maui Bicycle Alliance

Keeping Maui on the Right Path!

This section should be changed to more clearly state:

- 1 (a) Wherever bicycle lanes are provided on the roadway,
- 2 moped drivers shall use such bicycle lanes. Mopeds shall not use
- 3 bicycle paths. Signs clearly visible to an ordinarily observant
- 4 person indicating the prohibition shall be placed along bicycle
- 5 paths so designated and every moped driver shall obey the
- 6 directions thereof.

In closing, we ask that you support this bill with the above changes.

We would like to acknowledge and thank the Maui County Council and Administration for adding this important measure to their legislative package this session.

Thank you for the opportunity to testify on this measure. We thank the Chair, Vice Chair and Transportation Committee Members for hearing our concerns and supporting this measure.

TESTIMONY
To House Transportation Committee
1.24.12

OFFERED BY: Dave DeLeon, on behalf of the Maui Nutrition and Physical Fitness Coalition 335 Waiama Way, Haiku, Hi. 96708 243-8585 gad@ramauai.com

RE: In Support of an amended HB 1759, banning mopeds from independent bike paths.

I am Dave DeLeon, representing the Maui Nutrition and Physical Fitness Coalition, in support of the proposed bill if it bans mopeds from state-owned bike paths. As someone who has spent the last 20 years working for the development of non-motorized trails in Maui County, I wholeheartedly support the proposed measure.

The purpose of facilities like Maui's state-owned Mokulele Path is to provide safe, non-motorized rights-of-way for those who want to get around by using their own power. This facility is designed to be multi-use: bikes, skaters, runners, walkers, wheelchairs. As long as everyone is moving less than 15 mph and no heavy machinery is involved, this mix is a safe mix. Introducing vehicles that can go faster than 15 mph makes these facilities unsafe. Current law allows for mopeds – motor scooters – on these paths. That is an unsafe practice. That is why the Maui County Council passed legislation banning mopeds from the County's bikepaths last year.

Public opinion surveys conducted by the State Department of Transportation showed that a large majority of Maui residents say they would only think about using their bodies to get around if they have a safe place to walk, run or ride. They naturally do not want to mix with traffic because of the risk injury or death.

I would suggest that the bill should be more general in its reference to the banned vehicles. Yes, mopeds are a problem on bike paths. But so are motorcycles. And golf carts and motorized bicycles. In my opinion the only motorized vehicles that should be exempted from this ban would be wheelchairs and emergency vehicles. A more generalized ban would also preclude new technologies that we can not now imagine. If it can go faster than 15 mph and is not powered by a human body, then it does not belong on a non-motorized bike path. Likewise, instead of the limited term "Bike Path," I would propose using the phrase Non-Motorized Trails and Bike Paths. State law should allow for these paths should be signed for "No Motorized Vehicles."

The Maui Nutrition and Physical Fitness Coalition is an alliance of Maui organizations working with the State Department of Health and UH School of Public Health to raise awareness of the epidemic of health problems caused by poor nutrition and our increasingly sedentary life style. Providing safe ways to move around our communities without using a car has been identified as a key to combating this epidemic. The proposed bill is an important step in keeping these facilities safe.

Last thought: Burn calories, not fossil fuels.

ichiyama1 - Curi

From: Sally Jo Manea [keahimanea@gmail.com]
Sent: Monday, January 23, 2012 8:50 AM
To: TRNtestimony
Subject: HB 1759 Mopeds on Bikepaths, Transp Committee

Re: Testimony regarding HB 1759 which would allow mopeds on bikepaths. Transportation Committee hearing scheduled Wednesday, January 25 at 9 AM.

I am in support of the Maui Bicycling Alliance position that mopeds should be BANNED from all bikepaths accross the state. The language of this bill should be changed so that it clearly states that mopeds and other motorized vehicles are prohibited from using bikepaths. Motorized vehicles are dangerous to pedestrians and cyclists using multiuse paths.

Sally Jo Manea
6415 Olohena Road
Kapaa, HI 96746

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 23, 2012 1:50 PM
To: TRNtestimony
Cc: phl@maui.net
Subject: Testimony for HB1759 on 1/25/2012 9:00:00 AM

Testimony for TRN 1/25/2012 9:00:00 AM HB1759

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Philip H. Lowenthal
Organization: Individual
E-mail: phl@maui.net
Submitted on: 1/23/2012

Comments:

This bill is flawed because it expressly permits mopeds to be driven on bicycle paths. As a disabled person whose only means of exercise consists of regular use of bicycle paths with a recumbent tricycle, I want to assure you that motor driven mopeds should not be permitted on paths dedicated to pedestrians, bicyclists, skaters, strollers, and wheelchairs. The combination is both dangerous and disruptive. Furthermore, moped drivers are unlicensed and uninsured. So when the inevitable occurs and they hurt someone on a bicycle path, they are not likely to be financially responsible for the harm they cause.

ichiyama1 - Curi

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, January 24, 2012 11:59 AM
To: TRNtestimony
Cc: rcblake@mac.com
Subject: Testimony for HB1759 on 1/25/2012 9:00:00 AM

Testimony for TRN 1/25/2012 9:00:00 AM HB1759

Conference room: 309
Testifier position: Oppose
Testifier will be present: No
Submitted by: Randall Blake
Organization: Individual
E-mail: rcblake@mac.com
Submitted on: 1/24/2012

Comments:
Mopeds and Bicycle are a poor and dangerous mix for bike lanes

ichiyama1 - Curi

From: Robert MacDougall [robear.macd@hawaiiantel.net]
Sent: Tuesday, January 24, 2012 10:37 AM
To: TRNtestimony
Subject: Please exclude all motorized vehicles from bicycling paths, lanes, etc.

Request that the word "MOPED" be stricken from House Bill 1759. Nearly all public thoroughfares are already dominated by motorized vehicles as it is. Do not extend this dominance to the bike paths and bike lanes as well. We on kauai have worked to create a nice multi-use - bike path on Kauai, an island where bicycling is an after thought until recently. It would be a travesty to put mopeds on such a multi use path. Our nice quiet path would become another noisy highway. It's bad enough that vehicles are allowed access to our beaches!

Sincerely,
Robert MacDougall
1/24/2012

Council Chair
Danny A. Mateo

Vice-Chair
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January 24, 2012

MEMO TO: The Honorable Joseph M. Souki, Chair
House Committee on Transportation

F R O M: Elle Cochran
Council Member

A handwritten signature in cursive script that reads "Elle Cochran".

SUBJECT: HEARING OF JANUARY 25, 2012; TESTIMONY IN SUPPORT OF HB 1759
RELATING TO TRAFFIC SAFETY

The purposes of this measure are: (1) to prohibit motor vehicles from driving and parking in designated bike lanes and bike paths; and (2) to limit the use of bike paths by moped users when a bike lane is available.

The use of bicycles as a mode of transportation is increasing as bikeway infrastructure improves and fuel prices lessen the feasibility of driving motor vehicles. I support this bill because precautions are necessary to protect and promote safety as bicycle use becomes more prevalent.

However, the language of the bill as it currently reads allows for the use of mopeds on bike paths. I feel that bike paths should be designated for the exclusive use of bicycles. Subsection 291C-1, Hawaii Revised Statutes (HRS) defines a bike path to be "any facility set aside for the preferential or exclusive use of bicycles and physically separated from a highway." The use of mopeds on roadways is already allowed and regulated under subsection 291C-196, HRS.

Mopeds, as motor vehicles, are completely capable of utilizing highways and bike routes on highways, and do not require the use of bike paths. Seeing as how bike paths are separate and independent from a highway, and the only type of bikeway not directly impacted by motor vehicle traffic, I believe that bike paths should be kept clear of unnecessary moped traffic.

Therefore, I am proposing that the follow amendments be made to HB 1759 for the purpose of restricting the use of mopeds on bike paths.

Amendment 1: HB 1759, page 1, lines 8 – 13

8 (b) No person shall drive any vehicle other than a bicycle
9 [or moped] upon a bicycle path, except upon a permanent or
10 authorized temporary driveway, or park any vehicle upon a
11 bicycle path; provided that a moped driver shall be required to
12 use a bicycle lane where available; pursuant to section
13 291C-197 (a).

The language “or moped” should be removed. This amendment will only allow bicycles and not mopeds to be used on bike paths. This change will provide consistency between State law and the current County of Maui ordinance banning mopeds on bike paths.

Amendment 2: HB 1759, page 3, lines 1 - 6

1 “(a) Wherever bicycle lanes are provided on the roadway
2 Moped drivers shall use such bicycle lanes[-]. Mopeds[and] shall not use
3 bicycle paths. Signs clearly visible to an ordinarily observant
4 person indicating the prohibition shall be placed along bicycle
5 paths so designated and every moped driver shall obey the
6 directions thereof.”

In Maui County, there are no bike paths located adjacent to bike lanes. This amendment will establish clear restrictions for the use of mopeds on bike paths.

Thank you for this opportunity to testify in support of this important measure.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
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January 23, 2012

TO: The Honorable Joseph M. Souki, Chair
House Committee on Transportation

FROM: Danny A. Mateo
Council Chair 

SUBJECT: **HEARING OF JANUARY 25, 2012; TESTIMONY IN SUPPORT OF HB 1759,
RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify in support this important measure. The purpose of this measure is to prohibit moped drivers from using bicycle paths wherever bicycle lanes are provided.

This measure is in the Maui County's Legislative Package; therefore, I offer this testimony on behalf of the Maui County Council.

The County Council supports this measure for the following reasons:

1. Section 291C-197(a), Hawaii Revised Statutes ("HRS"), currently requires moped drivers to use bicycle lanes wherever they are provided on the roadway. HRS Section 291C-123(a) allows moped drivers to use bicycle lanes *or* bicycle paths, with certain exceptions, but does not specifically address the circumstance where both a bicycle lane *and* a bicycle path are provided.
2. A bicycle path, in contrast to a bicycle lane, is physically separate from the roadway. A bicycle path is primarily intended to provide a safe venue for pedestrians and bicyclists. Thus, when moped users have the option of using a bicycle lane, they should be required to do so, leaving the bicycle path free for the exclusive use of pedestrians and bicyclists.
3. The Maui County Department of Police has indicated it is unclear whether officers have the authority to cite moped drivers using bicycle paths when bicycle lanes are available. Enactment of State legislation prohibiting moped drivers from using bicycle paths wherever bicycle lanes are provided will supply needed clarification. This will also enhance the safety and welfare of pedestrians and bicyclists on bicycle paths by preventing potentially hazardous interactions between mopeds and such users. Moped users will be able to continue to use bicycle paths where bicycle lanes are not an option.

For the foregoing reasons, the Maui County Council supports this measure.

ocs:proj:legis:12testimony: hb1759_paf12-11a_kmh