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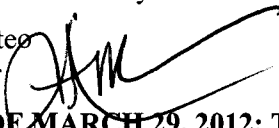


Director of Council Services
Ken Fukuoka

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

March 28, 2012

TO: The Honorable David Y. Ige, Chair
Senate Committee on Ways and Means

FROM: Danny A. Mateo
Council Chair 

SUBJECT: **HEARING OF MARCH 29, 2012; TESTIMONY OFFERING COMMENTS ON
HB 2760, HD2, SD1, RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify and offer comments on this important measure. The purposes of this measure are to (1) prohibit the operation of a motor vehicle or commercial motor vehicle while using a mobile electronic device; (2) clarify section 264-20.5, Hawaii Revised Statutes ("HRS"), by incorporating "complete streets" language relating to the State Department of Transportation; (3) clarify limits on the types of bicycles that may be transported by bus; (4) amend the definition of "bicycle" in chapter 249, HRS, relating to county vehicular taxes, and in chapter 291C, HRS, relating to the statewide traffic code, to include certain bicycles with an electric motor; and (5) require the counties to prohibit by ordinance the use of mopeds on bikeways, bicycle lanes, and bicycle paths.

In its original form, HB 2760 was nearly identical to HB 1759, which is included in the Maui County's Legislative Package. The purpose of HB 1759 is to prohibit moped drivers from using bicycle paths wherever bicycle lanes are provided. This purpose was also the purpose of HB 2760, prior to any revisions. Because the Maui County Council has not had the opportunity to take a formal position on this measure, I am providing this testimony in my capacity as an individual member of the Maui County Council. My comments are as follows:

- Part I of the measure relating to mobile electronic devices is unnecessary. Each of the State's counties have enacted legislation to prohibit the use of mobile electronic devices while operating a motor vehicle. Based on sections 291C-162 and 46-1.5(13), HRS, this measure, if enacted, would preempt any portions of the counties' ordinances that may be in conflict. For instance, the County of Maui prohibits drivers who hold an instructional permit or a provisional license from using hands-free technology to assist with the use of a mobile electronic device. Unless the counties are permitted to enact ordinances that are more restrictive, this section of the Maui County Code will be preempted.
- The proposed revisions to sections 291C-123 and 291C-197, HRS, should be amended to reflect the original language of HB 2760, or preferably to the language of HB 1759. This would clarify that mopeds must use bicycle lanes (which is attached to the highway) wherever a bicycle lane is provided. However, it would allow moped use on a bike path (which is physically separated from the highway) if a bicycle lane is not available. This avoids the potential dangers to the moped driver and drivers of other vehicles that arise when mopeds operate within the regular flow of traffic. Mopeds operate at a maximum speed of 30 miles per hour on a level surface. If mopeds

March 28, 2012

Page 2

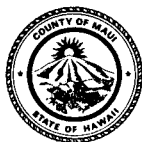
do not have a place to go, other than the roadway, they may be at greater risk of injury or death. While section 291C-196 does impose certain restrictions on moped drivers using the roadway, it is clearly not as safe as a bicycle lane or bicycle path. Moped drivers should be required to use a bicycle lane where available.

- If the legislature keeps the language proposed in section 291C-197(a) to prohibit moped drivers from operating a moped on a bicycle lane or a bicycle path, then the proposed language relating to the counties in section 291C-197(b) is no longer necessary. Pursuant to sections 46-1.5(13) and 291C-162, HRS, the State law would control. There would be no need to require the counties to enact ordinances to prohibit the same activity. The definition of “bikeway” includes bicycle lanes and bicycle paths. If the legislature intends to only prohibit moped drivers from operating mopeds in bicycle lanes and bicycle paths, then the proposed language in section 291C-145 is similarly unnecessary.

Thank you for the opportunity to submit these comments on this measure.

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TO: The Honorable David Y. Ige, Chair
Senate Committee on Ways and Means

FROM: Don Couch
Council Member, South Maui District

DATE: Wednesday, March 28, 2012

SUBJECT: **SUPPORT OF HB 2760, HD2, SD1 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 2760, HD2, SD1** for the reasons cited in testimony submitted by the Maui County Council Chair, and urge you to support this measure.

March 28, 2012

Senator David Y. Ige, Chair
Committee on Ways and Means
Hawai'i State Senate
State Capitol
415 S. Beretania St., Conf. Rm 211
Honolulu, HI 96813
Transmitted via email to WAMTestimony@capitol.hawaii.gov

RE: HB 2760 H.D. 2 S.D. 1 RELATING TO TRAFFIC SAFETY

Dear Chair Ige and Committee Members:

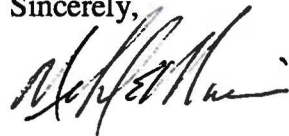
The Maui County Nutrition & Physical Activity Coalition (NPAC) is in support of H.B. No. 2760 H.D. 2 S.D. 1 as it relates to Section 3, Complete Streets. The proposed language strengthens the existing Complete Streets law and will improve safety for pedestrians.

Integrating safe crossings, bike lanes, transit amenities and sidewalks into the initial design of a project spares the expense of retrofits later. Jeff Morales, former Director of Caltrans, said, "by fully considering the needs of all non-motorized travelers (pedestrians, bicyclists, and persons with disabilities) early in the life of a project, the costs associated with including facilities for these travelers are minimized".

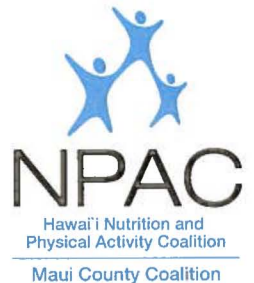
In addition, Complete Streets can help in developing a healthier community by providing safe walkable, bikeable communities for kids and families. Inactivity and poor nutrition is plaguing our communities and Complete Streets is a step in the right direction to curbing childhood obesity.

Please vote in favor of HB 2760 H.D. 2 S.D. 1. Thank you for your leadership and commitment to the health and safety of the citizens of Hawai'i.

Sincerely,



Michael E. Morris
Chairman



P.O. Box 769
Makawao, Hawai'i 96768
t: 808.264.7895
www.npacmaui.com

*A Project of the University of
Hawai'i at Manoa
Office of Public Health Studies,
John A. Burns School of Medicine*

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Maui Family YMCA

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Chris Hart
Chris Hart & Partners, Inc.
Valerie Janikowski, RN, BSN
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Anna Mayeda, MEd
American Cancer Society
Judy Mikami, RN, MPH
Na Pu'u'ua'i
Lynn Nakamura Tengan, MS
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Hawai'i State Dept of Health
Linda Galt Poveley, MS, RD, CDE
Kaiser
Colleen Welty, MEd
National Kidney Foundation of Hawai'i

Honorary
Joe Bertram III
Greenways Maui

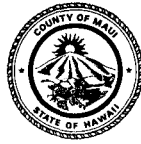
Resource
Charlene Shibuya
State Dept of Transportation

Ex-Officio
Sandra McGuinness
Coalition Coordinator

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March 27, 2012

TO: Honorable David Y. Ige, Chair
Senate Committee on Ways and Means

FROM: Robert Carroll
Council Member, East Maui

A handwritten signature in black ink, appearing to read "Robert Carroll", is written over the printed name and title.

DATE: Thursday, March 29, 2012

SUBJECT: **COMMENTS FOR HB 2760 H.D. 2, S.D. 1, RELATING TO TRAFFIC SAFETY**

I support the position of Maui County Council Chair on HB 2760 for the reasons cited in testimony submitted March 27, 2012 and urge you to support his preference for HB1759, which is part of the Maui County Legislative package.



March 29, 2012

Senator David Y Ige, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Ways and Means
State Capitol
Honolulu, Hawaii 96813

Subject: **HB2760,HD2,SD1, Relating to Traffic Safety**

Dear Senator Ige, Senator Kidani and Members of the Committee on Ways and Means:

The Hawaii Public Health Association (HPHA) **strongly supports HB2760,HD2,SD1** that directs the Department of Transportation to adopt a complete streets policy for the safety and convenience of all users of the transportation system, and to adopt design standards and guidelines that support complete streets. Sections 3 and 4 of the bill specifically address what is needed to strengthen a Complete Streets policy and reflect principles that have been implemented across the country with favorable outcomes.

The Hawaii Public Health Association was founded in 1945. Our membership consists of more than 150 public health professionals working in governmental agencies and non-profit organizations statewide, and our mission is to promote public health in Hawaii through leadership, collaboration, education and advocacy.

A complete street's policy has the public's health and safety foremost in mind. This is especially important considering an estimated one-third of our state's population cannot or chose not to drive, and this includes the most vulnerable which are the children, the elderly, the economically disadvantaged and the disabled members of our community.

Supporting the proposed amendments to Sections 3 and 4 is essential since there is substantial evidence that links the way we design our transportation systems and communities with the public's health and safety. Studies show residents living in communities with complete streets that service all road users and have convenient access to goods and services, experience the physical and mental health benefits of being more physically active.

The planning and design of transportation systems that do not consider the needs of all road users, including pedestrians, bicyclists, transit users, motorists, the disabled and other vulnerable groups mentioned previously, result in reduced opportunities for physical activity, increased levels of air and noise pollution, increased likelihood of traffic injuries, and increased health inequities.

Hawaii needs a Complete Streets transportation policy proposed in HB2760,HD2,SD1. This bill will help to shape the design and development of healthier communities, and, in so doing, help to assure

the conditions in which all of Hawaii's residents can be healthy and safe. We urge you to support the passage of HB2760,HD2,SD1. Thank you for the opportunity to testify.

Sincerely,

/s/ Deb Zysman

Deborah Zysman, President

GOODSILL ANDERSON QUINN & STIFEL

A LIMITED LIABILITY LAW PARTNERSHIP LLP

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TO: Senator David Y. Ige
Chair, Committee on Ways and Means
Via Email: WAMTestimony@Capitol.hawaii.gov and Hand Delivery

FROM: Gary M. Slovin

DATE: March 28, 2012

RE: **H.B. 2760, HD2, SD1 – Relating to Traffic Safety**
Hearing Date & Time: Thursday, March 29, 2012 at 9:00 a.m.
Conference Room 211

Dear Chair Ige and Members of the Committee on Ways and Means:

I am Gary Slovin **requesting amendments** to H.B. 2760, HD2, SD1, Relating to Traffic Safety, on behalf of the Alliance of Automobile Manufacturers (“Alliance”). The Alliance is a trade association of twelve car and light truck manufacturers including BMW Group, Chrysler Group LLC, Ford Motor Company, General Motors Company, Jaguar Land Rover, Mazda, Mercedes-Benz USA, Mitsubishi Motors, Porsche, Toyota, Volkswagen Group of North America, and Volvo.

Specifically, the Alliance would like to request amending the definition of “Mobile Electronic Device” as follows on page 4, line 4: "and does not include a device that is physically or electronically integrated into the motor vehicle."

We also request a new section (g) that would state: "This section does not apply to the use of hands-free or voice operated technology including the pressing of a button to initiate or terminate the operation of any such technology."

Thank you for the opportunity to submit comments on this measure.

March 29, 2012

TO: The Honorable David Y. Ige, Chair, and Members of the Committee on Ways and Means, Hawai'i State Senate

FROM: John P. Whalen, FAICP

SUBJECT: HB 2760, HD2, SD1, Relating to Traffic Safety

I support Sections 3 and 4 the above bill to improve the effectiveness of the "Complete Streets" policy adopted by the Hawai'i State Legislature as Act 54, SLH 2009. However, I request that the Committee replace the word "may" in these sections with "shall".

With the revised language suggested above, these proposed amendments to HRS Section 264-20.5 would abet and strengthen the Complete Streets policy in the following ways:

- Section 3 would mandate the Department of Transportation to engineer highways to promote pedestrian safety and encourage the incorporation of traffic roundabouts.
- Section 4 would authorize the Department of Transportation to select eight projects for the incorporation of traffic roundabouts and context-sensitive highway design.

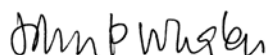
While, arguably, the Department of Transportation could undertake these initiatives on its own, as a practical matter they are much more likely to get priority attention if the Legislature gives explicit direction to the agency on this matter.

As representative of the American Planning Association, Hawai'i Chapter, in the "One Voice" coalition of community and professional organizations that has been working very diligently to adopt and implement Complete Street policies at both the State and county levels, I can say first-hand that this policy has very broad public support.

The tragedy of too many pedestrian and bicyclist deaths and injuries is a strong motivation for our efforts, but the benefits of Complete Streets extend far beyond the promotion of traffic safety. Streets that are designed to allow people of all ages to walk and bicycle safely and conveniently promote improved public health, a cleaner environment, increased sociability, and greater awareness and appreciation of the gentle climate and natural beauty of the Islands. These are benefits that have far-reaching and sustainable results.

Please pass HB 2760, HB2, SD1, to help get the Department of Transportation started on the implementation of Complete Streets designs and retrofitting for Hawai'i's highway system.

Thank you for the opportunity to offer this testimony.



1001 Bishop Street, Suite 2755
Honolulu, HI 96813

March 29, 2012

TO: The Honorable David Y. Ige, Chair, and Members of the Committee on Ways and Means, Hawai'i State Senate

FROM: John P. Whalen, FAICP

SUBJECT: HB 2760, HD2, SD1, Relating to Traffic Safety

I support Sections 3 and 4 the above bill to improve the effectiveness of the "Complete Streets" policy adopted by the Hawai'i State Legislature as Act 54, SLH 2009.

These proposed amendments to HRS Section 264-20.5 would abet and strengthen the Complete Streets policy in the following ways:

- **Section 3 encourages the Department of Transportation to engineer highways to promote pedestrian safety and encourage the incorporation of traffic roundabouts.**
- **Section 4 authorizes the Department of Transportation to select eight projects for the incorporation of traffic roundabouts and context-sensitive highway design.**

While, arguably, the Department of Transportation could undertake these initiatives on its own, as a practical matter they are much more likely to get priority attention if the Legislature gives explicit direction to the agency on this matter.

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Thank you for the opportunity to offer this testimony.



**1001 Bishop Street, Suite 2755
Honolulu, HI 96813**

TO: Members of the Committee on Ways & Means

FROM: Natalie Iwasa, aka Bike Mom
Honolulu, HI 96825
808-395-3233

DECISION

MAKING: 9 a.m. Thursday, March 29, 2012

SUBJECT: HB 2760, HD2, SD1 Traffic Safety

- Mobile Electronic Devices - COMMENTS
- Complete Streets - COMMENTS
- Bicycle transport - QUESTIONS
- Definition of "Bicycle" - **OPPOSE**
- No mopeds in bike paths or lanes - **SUPPORT**

Aloha Chair and Committee Members,

Thank you for allowing me to provide additional testimony on HB 2760, HD 2, SD1, which was originally intended to prohibit mopeds from using bike paths in certain situations. The bill has been amended to include additional items, which I have addressed separately.

Mobile electronic devices

Drivers should be paying attention to the road while they are driving, and using electronic devices has certainly become common. If you are going to ban the use of electronic devices, it should include wireless devices as well. At least one study has shown that the cognitive requirements of conversation can result in dangerous driving behavior just as much as the physical requirements of texting.

Complete streets

I don't understand why the language on page 5, lines 10 - 12 and page 6, lines 9 - 16, is being added. Isn't it a given that the DOT "may" do something unless it is forbidden or required? This language appears to be superfluous.

Bicycle transport

How are the restrictions on the size and weight of the bicycles going to be enforced? And who will do the enforcement?

Definition of bicycle

There are times when motorized bicycles, whether they are electric or gas powered, may be more closely related to mopeds than bicycles. Motorized bicycles that can travel faster than regular bicycles should not be allowed on shared-use paths or sidewalks. In addition, it is my understanding that there are several types of motorized or electronic assist bicycles. It

might be better to include this type of vehicle in its own category, rather than trying to make it fit with bicycles.

Mopeds on bike paths

This bill would make it illegal to ride a moped on a bike path or bike lane. I support this. Motorized vehicles should not be allowed on these paths because of the conflict they create with those going much slower.

The most important issue with respect to this bill is the disallowance of mopeds in bike paths.