

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:

I support efforts to strengthen Hawaii's Complete Streets law [§264-20.5] but

request a language change to sections 3 and 4 of HB 2760 SD1 so that the word "may" becomes "shall."

As currently written, the language in sections 3 and 4 of HB2760 is giving HDOT the option to do things that are already within the scope of their authority and thus passage of this bill will either have no effect on the implementation of Complete Streets or might actually weaken our existing Complete Streets law.

The Hawaii legislature passed Act 54 [§264-20.5] in 2009 but HDOT has been slow to implement it and only signed their own policy on March 9, 2012. Because they have not been incorporating Complete Streets policies or providing transparency for the public, we feel they need to be required to do so. This could be achieved by incorporating the word "shall" into the underlined pieces of sections 3 and 4 of HB2760 SD1.

Therefore, we respectfully request that you change the underlined portions in sections 3 and 4 to read "shall," where they currently say "may."

Thank you for this opportunity to provide comments.

Sincerely,

Asia Yeary



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:

AARP Hawaii supports efforts to strengthen Hawaii's Complete Streets law [§264-20.5] but **request a language change to section 3 of HB2760, HD2, SD1** so that the word "may" utilized in the underlined portions becomes "shall."

AARP is a membership organization of people 50+ with 150,000 members in the state of Hawaii. We are committed to championing mobility options for people as they age.

As currently written, the language in the underlined portions of section 3 HB2760, HD2, SD1 is giving HDOT the option to do things that are already within the scope of their authority and thus passage of this bill will either have no effect on the implementation of Complete Streets or might actually weaken our existing Complete Streets law.

The Hawaii legislature passed Act 54 [§264-20.5] in 2009 but HDOT has been slow to implement it and only signed their own policy on March 9, 2012. Because they have not been incorporating Complete Streets policies or providing transparency for the public, we feel they need to be required to do so. This could be achieved by incorporating the word "shall" into the underlined portions of section 3 HB2760, HD2, SD1.

Therefore, we respectfully request that you change the underlined portions in section 3 to read "shall," where they currently say "may."

Thank you for this opportunity to provide comments.

Sincerely,

A handwritten signature in black ink that reads "Barbara Kim Stanton". The signature is written in a cursive, flowing style.

Barbara Kim Stanton
State Director
AARP Hawaii

Requested Amendments for HB 2760 HD2,SD1

Page	Lines	Current Text	Requested Amendment
5	10-12	All budget or appropriation requests from the department of transportation for design of a highway may incorporate the complete streets policy.	All budget or appropriation requests from the department of transportation for design of a highway (may) <u>shall</u> incorporate the complete streets policy.
6	9-13	d) New highways may be engineered to maximize the safety of pedestrians while crossing a highway, or crossing a street or roadway, as those terms are defined in section 291C-1, including consideration of the width, number of lanes, crossing islands, and speed of traffic.	d) New highways (may) <u>shall</u> be engineered to maximize the safety of pedestrians while crossing a highway, or crossing a street or roadway, as those terms are defined in section 291C-1, including consideration of the width, number of lanes, crossing islands, and speed of traffic.
6	14-15	e) Roundabouts may be installed, where appropriate, as a method of controlling vehicular speed, including at intersections.	e) Roundabouts(may) <u>shall</u> be installed, where appropriate, as a method of controlling vehicular speed, including at intersections.



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Comments in Support of HB 2760 HD1 RELATING TO TRAFFIC SAFETY
TIA, WAM Rm 211 3/29/12
Submitted by Chad Taniguchi, Executive Director, Hawaii Bicycling League

The Hawaii Bicycling League generally supports HB2760SD1 and offers these comments for revision at WAM or for consideration during conference committee:

1. Mobile electronic devices:

In general Hawaii Bicycling Leagues supports laws that require drivers to concentrate on dangers on the road while driving. We have these questions:

- a. The counties have enacted no-cellphone laws. Is this law needed?
- b. With many smartphones having GPS applications, will the GPS feature nullify the effect of this law? Will the current language allow a driver with a built in GPS to use a cellphone?
- c. Because driving while using a cellphone is similar to driving while impaired, are the penalties similar to those for impaired driving?

2. Complete Streets

Hawaii Bicycling League supports DOT implementing the Complete Streets law wholeheartedly and with conviction so that our streets are safe for all users, as stated by Kamehameha's Law of the Splintered Paddle. The use of "may" in the language does not require DOT to do anything that it is not already allowed to do. DOT's current and future leaders and engineers need to be required to apply the Complete Streets law transparently and in good faith. There are already exemptions and safeguards in the law. We suggest the following revisions:

- a. All budget or appropriation requests from the dot for design of a highway **shall have considered** the complete streets policy.
- b. New highways shall be engineered to **prioritize** (delete maximize) the safety of pedestrians while crossing a highway, or crossing a street or roadway, ... including consideration of the width, number of lanes, crossing islands, speed of traffic, **previous pedestrian fatalities and injuries, average walking speed of pedestrians including elderly pedestrians, and other factors relevant to pedestrian safety.**
- c. Roundabouts **shall be considered**, and shall be installed, where appropriate, as a method of controlling vehicular speed, including at intersections.

3. Transport of bicycles on buses

As a daily user of the bus with my bicycle I am aware that the size limitations in this bill are already printed on the bicycle racks on the bus. Since bike rack technology may allow increases in size capabilities, what is the reason for this law?

4. Definition of bicycles to include electric-assisted bicycles

Hawaii Bicycling League has examined the statutes of Washington, Oregon and Texas and offers them as suggestions. **It must be clear that electric bicycles, which do not require human pedaling to move forward, are not bicycles. Fully operative pedals for human propulsion must be added to the definition. Otherwise, electric-only vehicles are motor vehicles.**

It may also be useful to create a category of electric-assisted bicycles so there is some differentiation as time and technology change.

a. WA

WA <http://apps.leg.wa.gov/wac/default.aspx?cite=478-116-024>

WAC 478-116-024
Definitions.

(2) Bicycle. Any device defined as a bicycle in chapter 46.04 RCW.

(8) Motorcycles and scooters. Motor vehicles designed to travel with not more than three wheels in contact with the ground, on which the driver rides astride the motor unit or power train and which is designed to be steered with a handle bar. For the purposes of these rules, motorcycles, motorized bicycles excluding pedal assisted electric bicycles, and scooters are considered motor vehicles and are subject to all traffic and parking rules controlling other motor vehicles.

(9) Motor vehicle. An automobile, truck, motorcycle, scooter, or bicycle that is assisted by an engine or other mechanism, or vehicle without motor power designed to be drawn or used in conjunction with the aforementioned vehicles including, but not limited to, trailers, travel trailers, and campers. In addition, any bicycle with an electric motor that is disengaged will be considered a bicycle and not a motor vehicle under this chapter.

(10) Nonmotorized vehicle. A device other than a motor vehicle used to transport persons, including, but not limited to, bicycles, skateboards, in-line skates, and roller skates.

WA RCW 46.04.071
Bicycle.

"Bicycle" means every device propelled solely by human power upon which a person or persons may ride, having two tandem wheels either of which is sixteen inches or more in diameter, or three wheels, any one of which is more than twenty inches in diameter.

[1982 c 55 § 4; 1965 ex.s. c 155 § 86.]

WA RCW 46.04.169
Electric-assisted bicycle.

"Electric-assisted bicycle" means a bicycle with two or three wheels, a saddle, fully operative pedals for human propulsion, and an electric motor. The electric-assisted bicycle's electric motor must have a power output of no more than one thousand watts, be incapable of propelling the device at a speed of more than twenty miles per hour on level ground, and be incapable of further increasing the speed of the device when human power alone is used to propel the device beyond twenty miles per hour.

[1997 c 328 § 1.]

b. OR

http://www.oregon.gov/ODOT/DMV/vehicle/pocketbike_factsheet.shtml

Motor-assisted Scooter

According to ORS 801.348, a motor-assisted scooter:

Is designed to be operated on the ground with not more than three wheels;

Has handlebars and a foot support or seat;

Can be propelled by human or motor;

Has a motor capable of propelling it no faster than 24 miles per hour on a level road; and

Has a motor no bigger than 35 cubic centimeters or, if electric, has a power output of no more than 1,000 watts.

Moped

According to ORS 801.345, a moped:

Is designed to be operated on the ground upon wheels;

Has a seat or saddle for use of the rider;

Is designed to travel with not more than three wheels in contact with the ground;

Is equipped with an independent power source that is capable of propelling the vehicle, unassisted, at a speed of not more than 30 miles per hour on a level road surface; and if the power source is a combustion engine, has a piston or rotor displacement of 35.01 to 50 cubic centimeters regardless of the number of chambers in the power source; and

Is equipped with a power drive system that functions directly or automatically only and does not require clutching or shifting by the operator after the system is engaged.

A bicycle equipped with a power source may be classed as a moped if it meets all the moped requirements and also does not meet either the definition of an electric assisted bicycle as defined in ORS 801.258, or a motor assisted scooter as defined in ORS 801.348.

Electric Assisted Bicycle

According to ORS 801.258, an electric assisted bicycle:

Is designed to be operated on the ground on wheels;

Has a seat or saddle for use of the rider;

Is designed to travel with not more than three wheels in contact with the ground;

Has both fully operative pedals for human propulsion and an electric motor; and

Is equipped with an electric motor that has a power output of not more than 1,000 watts and is incapable of propelling the vehicle at a speed of greater than 20 miles per hour on level ground.

Electric Personal Mobility Device

According to ORS 801.259, an electric personal mobility device:

Is self-balancing on two non-tandem wheels;

Is designed to transport one standing person;

Has an electric motor; and

Has a maximum speed of 15 miles per hour.

c. TX

Sec. 541.201. Vehicles.

In this subtitle:

... (2) "Bicycle" means a device that a person may ride and that is propelled by human power and has two tandem wheels at least one of which is more than 14 inches in diameter.

The following definition of electric bicycle was passed by the Texas legislature in 2001:

(10) "Motor-driven cycle" means a motorcycle equipped with a motor that has an engine piston displacement of 250 cubic centimeters or less. The term does not include an electric bicycle.

(11) "Motor vehicle" means a self-propelled vehicle or a vehicle that is propelled by electric power from overhead trolley wires. The term does not include an electric bicycle.

(24) "Electric bicycle" means a bicycle that:

(A) is designed to be propelled by an electric motor, exclusively or in combination with the application of human power;

(B) cannot attain a speed of more than 20 miles per hour without the application of human power; and

(C) does not exceed a weight of 100 pounds.

We would appreciate the opportunity to work with Senate and House members on language suitable for Hawaii prior to conference committee.

5. Mopeds on bikelanes and bikepaths.

Hawaii Bicycling League supports the prohibitions of motorized mopeds on bicycle lanes and bicycle paths. Mahalo!

The Hawaii Bicycling League supports this bill because it disallows mopeds from bike paths (also known as multiuse or shared use paths) and also disallows mopeds from bike lanes. We take the same position as the State DOT and the Maui Bicycle Alliance.

Bicycle/multiuse/shared use paths.

Bicycle paths are off the roads and streets. Bicycle lanes are part of or adjacent to roads.

Bicycle paths/multiuse paths/shared use paths are for nonmotorized transportation including walking, running, skateboarding, baby strollers and bicycling.

Mopeds, which can go faster than any nonmotorized modes, introduce danger and noise to shared use paths, where other users have deliberately taken themselves off the roads for safety and quiet.

As Hawaii develops more shared use paths, these will become havens for local residents and attractions for visitors who will want to experience Hawaii on foot or on bicycles for health, recreation and green transportation.

Bicycle lanes.

Mopeds should ride in traffic like other vehicles, as they are allowed to under HRS 291C-193, 194 and 196.

Mopeds are dangerous on bicycle lanes because they are faster than bicycles and usually attempt to pass bicycles in narrow bicycle lanes. Further, under HRS 291C-76 where there are no sidewalks, pedestrians may use road shoulders (bicycle lanes) by walking in the opposite direction as traffic. Mopeds in bicycle lanes provide too much opportunity for conflict and injury.

Thank you for the opportunity to offer comments.

Chad Taniguchi

Ride Aloha! Drive Aloha!

Everyone has the right to be safe on Hawaii's roads.

Mamalahoe Kanawai, Kamehameha's Law of the Splintered Paddle 1797, Hawaii state constitution 1978

Executive Director Hawaii Bicycling League 3442 Waialae Ave Suite 1, Honolulu, HI 96816

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March 27, 2012

Senate Committee on Ways and Means
Senator David Ige, Chair
Senator Michelle Kidani, Vice Chair
State Capitol
Honolulu, HI 96813

Subject: Testimony In Support of HB 2760, HD2, SD1
RELATING TO TRAFFIC SAFETY


This testimony is in strong support of the passage of HB 2760, HD2, SD1, which relates to traffic safety. This bill states that all budget or appropriation requests from DOT may incorporate the Complete Streets policy. The legislation would also authorize DOT to engineer new highways to maximize safety of pedestrians while crossing a highway, street or roadway while also allowing DOT to install roundabouts and flexible design standards.

This legislation also updates the definitions of bicycles to address safety concerns and prohibit the use of mopeds on bicycle lanes and bicycle paths. The legislation will prohibit the use of mobile devices on all islands, which could also help to secure additional federal funding by making the state eligible for an incentive federal grant.

As a transportation planner in the State of Hawaii for over 35 years, I see the true value of passing this legislation, not only because it will make our island's streets safer for all users, but because this bill makes it a public policy to allow DOT to utilize flexible design standards when designing a new road. The bill gives DOT the flexibility to consider width, number of lanes, crossing islands, and speed of traffic when designing a new road and also adds roundabouts to the toolbox of engineering solutions. Most importantly, this bill would authorize DOT to select eight projects distributed throughout Hawaii to install roundabouts while incorporating context sensitive design standards into the project design.

Passing HB 2760, HD2, SD1 will place the state of Hawaii in good company with other states across the nation to promote accessibility and mobility for all through the implementation of Complete Streets in transportation planning.

Sincerely,

A handwritten signature in cursive script that reads "Cheryl D. Soon".

Cheryl Soon
39 Makaweli Street
Honolulu, HI 96825



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) **supports the intent of 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. We support sections 3 and 4 of the bill to improve the effectiveness of this bill. However, we request that the Committee replace the word “may” with “shall” in these sections so that the Complete Streets policy can be effectively implemented.

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.

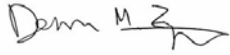
There is substantial evidence that links the way we design our transportation systems and communities with the public’s health and safety. Studies show residents living in communities with complete streets that service all road users and have convenient access to goods and services, experience the physical 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 with the proposed changes to Section 3 and 4. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Deborah M. Zysman". The signature is written in a cursive style with a prominent initial "D" and a stylized "Z" at the end.

Deborah Zysman, President



SENATE COMMITTEE ON WAYS AND MEANS

March 29, 2012, 9:00 A.M.

Room 211

(Testimony is 1 page long)

TESTIMONY IN SUPPORT OF HB 2760 HD2 SD1

Chair Ige and members of the Ways and Means Committee:

The Blue Planet Foundation supports HB 2760 HD2 SD1, a measure which strengthens Hawaii's "complete streets" policy and prohibits the use of mopeds on bicycle lanes and bicycle paths, among other changes. We believe this measure will foster alternative mobility solutions and also help make path lanes safer in Hawai'i, thereby encouraging greater use of non-motorized transportation options.

Blue Planet Foundation's mission is to end the use of fossil fuels on Earth, starting by making Hawai'i a role model for energy independence. While much of our work has been focused on renewable energy and reducing electricity use, transportation in Hawaii (cars, trucks, ships, and planes) accounts for approximately two-thirds of the oil consumed. In 2011, Hawaii cars burned over 470 million gallons of gasoline. For a typical car, that's enough gasoline to cover the distance equivalent to over 21,000 round trips to the moon. As of February 2012, there are 995,790 registered passenger vehicles in Hawaii¹. If these vehicles were put bumper-to-bumper it would form a line approximately from Honolulu to Las Vegas.

Motorized vehicles of any sort do not belong in bicycle lanes. The mixing of vehicles with different sizes, weights, and speeds increases the risks to those using non-motorized transportation. We support this measure as a means to support safe thoroughfares for those who choose fossil-fuel free forms of transportation.

Thank you for the opportunity to testify.

¹ Department of Business, Economic Development, and Tourism, "February 2012 Monthly Energy Trends"