

HB2760, HD2



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

March 19, 2012

**HOUSE BILL NO. 2760, HD2
RELATING TO TRAFFIC SAFETY**

SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

House Bill No. 2760, HD2, prohibits the use of mopeds on bicycle lanes and bicycle paths. It prohibits operating a motor vehicle or commercial motor vehicle while using a mobile electronic device and provides penalties.

The Department of Transportation strongly supports House Bill No. 2760, HD2 as it addresses safety concerns of bicycles and distracted driving. We would like to make a distinction between SB2871, SD1 and this bill for clarification. Whereas Senate Bill 2871 may have similarities between them regarding texting, SB 2871 is dedicated specifically to the commercial motor vehicle and is codified as such in the correct HRS section. It is consistent with the Federal Motor Carrier Safety Regulation. House Bill 2760, HD2 on the other hand is for the general prohibition of all motor vehicle drivers and is consistent with all of the counties Mobile Electronic Device Ordinances. The Department is in favor of both bills as it addresses the federal mandates and the National Highway Safety Traffic Administration (NHTSA) and the Governors Highway Safety Association (GHSA) recommendations for a complete distracted driving law.

The Department is recommending that on page 6, line 6, "or 291C" be deleted as the penalties are set fourth within the proposed section and therefore need not be referred to in section 291C-161(c), HRS as proposed. The passage of the proposed amendment will not only save lives but may make the state eligible for an incentive federal grant with a incentive highway safety bill that is going through the US Congress presently.

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The proposed amendment is the same as the counties ordinances and therefore addresses each county's concern. There was a coordinated effort by police and prosecutors to pass a comprehensive mobile electronic device ordinance that would be all encompassing and address those organizations which had concerns. For the past 2-3 years, these ordinances have withstood the enforcement and prosecution of these ordinances. Although crash reports do not support the problem of distracted driving, we are confident that such a law is necessary on the state level to save lives and injuries on Hawaii's roadways. In a 2010 summer seat belt survey, cell phone usage indicated that of the 43,577 drivers observed, 733 drivers were observed using cell phones while driving. This represented 1.68 percent of drivers. These surveys showed a sharp decline of usage from when the first cell phone ordinance was enacted in Honolulu in 2009 when it recorded a 2.11 percent usage to a 1.68 percent usage in 2010. Although there is a lack of information regarding the crash statistics, we are confident that the mobile electronic device law has prevented further crashes and has saved lives and injuries.

The Department of Transportation strongly urges for your support in passing HB2760, HD1 with the proposed amendment that addresses traffic safety to save lives and prevent injuries in Hawaii.

Thank you for the opportunity to provide testimony.





ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

March 16, 2012

The Honorable J. Kalani English, Chair
And Members of the Committee on Transportation
and International Affairs
The Senate
Hawaii State Capitol
Honolulu, HI 96813

Re: **HB 2760**, HD2, RELATING TO TRAFFIC SAFETY

Dear Chair English and Members of the Committee:

The Maui Police Department is in support of HB 2760, HD2, that prohibits the use of mopeds on bicycle lanes and bicycle paths and prohibits operating a motor vehicle or commercial motor vehicle while using a mobile electronic device with the following amendment.

The portion of this bill that allows for the use of mobile electronic devices for the sole purpose of making a "911" emergency communication should also include the instruction to operators of motor vehicles to pull over to a safe area and out of traffic, if possible, to make the emergency communication. This amendment will help to keep the caller and others on the roadway safe as emergency situations can be stressful, with the added stress of calling for emergency assistance, describing the scene to an Emergency Services Dispatcher, and driving all at the same time. By having the caller stop at a safe location will more likely help to provide better information to help expedite the emergency services.

The Maui Police Department again asks for your support of **HB 2760, HD2.**

Thank you for this opportunity to testify.

Sincerely,


GARY A. YABUTA
Chief of Police

Maui Bicycle Alliance

Keeping Maui on the Right Path!

DATE: March 16, 2012

TO: Senator J. Kalani English, Chair
Senator Will Espero, Vice Chair
Senate Transportation and International Affairs Committee Members

FROM: Walter Enomoto, President, Maui Bicycle Alliance

SUBJECT: SUPPORT for HB2760 HD2, RELATING TO TRAFFIC SAFETY

Aloha Chair English, Vice Chair Espero and TIA Committee members,

On behalf of the bicycling community in Maui County, we respectfully ask that you SUPPORT House Bill 2760 HD2 - RELATING TO TRAFFIC SAFETY

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.

We were happily surprised that the House Judiciary Committee discussed and revised this bill to include a ban on mobile electronic devices. The Maui Bicycle Alliance successfully led the push to ban these devices while driving in Maui County and Ordinance 413.328 was passed by Mayor Alan Arakawa in August 2011. It is time that the State of Hawaii recognizes this overdue legislation and moves forward to implement a similar measure.

This addition of the ban on mobile devices may also help to secure additional Federal Highways monies for roadway projects as Distracted Driving has been a large area of concern at the national level.

By adding in the ban on mobile electronic devices, we feel that the members of the Senate's Transportation and International Affairs Committee can improve the safety and functionality of not only our current and future bicycle facilities, but the overall roadway system.

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



SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

March 19, 2012, 1:23 P.M.

Room 224

(Testimony is 1 page long)

LATE

TESTIMONY IN SUPPORT OF HB 2760 HD2

Chair English and members of the Committee:

The Blue Planet Foundation supports HB 2760 HD2, a measure which prohibits the use of mopeds on bicycle lanes and bicycle paths, among other changes. We believe this measure will 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"

Council Chair
Danny A. Mateo



Director of Council Services
Ken Fukuoka

Vice-Chair
Joseph Pontanilla

COUNTY COUNCIL

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

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

TO: The Honorable J. Kalani English, Chair
Senate Committee on Transportation and International Affairs

FROM: Don Couch 
Council Member, South Maui District

DATE: Friday, March 16, 2012

SUBJECT: **SUPPORT OF HB 2760, HD2, RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify in support of HB 2760, HD2. I provide this testimony as an individual member of the Maui County Council.

I **support HB 2760, HD2** 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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March 16, 2012

TO: The Honorable J. Kalani English, Chair
Senate Committee on Transportation and International Affairs

FROM: Danny A. Mateo
Council Chair

SUBJECT: **HEARING OF MARCH 19, 2012; TESTIMONY OFFERING COMMENTS ON
HB 2760, HD2, RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify and offer comments on this important measure. The purpose of this measure is to prohibit (1) the use of mopeds on bicycle lanes and bicycle paths; and (2) the operation of a motor vehicle or commercial motor vehicle while using a mobile electronic device.

Legislation with a similar purpose is included in the Maui County's Legislative Package; however, the Maui County Council has not had the opportunity to take a formal position on this measure. Therefore, I am providing this testimony in my capacity as an individual member of the Maui County Council.

I support legislation to protect the safety of pedestrians and bicyclists on bicycle paths, however I continue to prefer the language contained in HB 1759. HB 2760, HD2, would prohibit all moped use on bicycle lanes and bicycle paths. Such a strict prohibition fails to take into consideration the dangers to moped drivers and other motorists that arise when mopeds are operated in the regular flow of vehicular traffic. I would suggest that the bill be amended by replacing the revisions proposed for Section 291C-123, Hawaii Revised Statutes, with the revisions proposed to the same section in HB 1759.

The House Committee on Judiciary inserted the language prohibiting the use of a mobile electronic device while operating a motor vehicle or commercial vehicle. Maui County already prohibits the use of mobile electronic devices while operating a motor vehicle (Section 10.52.260, Maui County Code). The other three counties have also enacted similar ordinances to prohibit the use of mobile electronic devices while operating a motor vehicle. Therefore, this portion of the measure is unnecessary and should be deleted.

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

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
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Robert Carroll
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March 17, 2012

TO: Honorable J. Kalani English, Chair
Senate Committee on Transportation and International Affairs

FROM: Robert Carroll
Council Member, East Maui

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

DATE: Monday, March 19, 2012

SUBJECT: **HB 2760, HD2, RELATING TO TRAFFIC SAFETY**

I support the position of Maui County Council Chair on HB 2760 for the reasons cited in testimony submitted March 16, 2012 and urge you to support his preference for HB1759, which is part of the Maui County Legislative package.

Council Chair
Danny A. Mateo

Vice-Chair
Joseph Pontanilla

Council Members
Gladys C. Baisa
Robert Carroll
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March 19, 2012

TO: Honorable J. Kalani English, Chair
Senate Committee on Transportation And International Affairs

FROM: Joseph Pontanilla, Council Vice- Chair

DATE: Monday March 19, 2012

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

SUBJECT: **TESTIMONY OFFERING COMMENTS ON HB 2760, HD 2, RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify and offer comments on this measure. I provide this testimony as an individual member of the Maui County Council.

While I share support for legislation to protect the safety of pedestrians and bicyclists on bicycle paths, I prefer the language of HB 1759, which is part of the Maui County Legislative Package and for which I have provided earlier supportive testimony.

HB 2760, HD 2, would prohibit all moped use on bicycle lanes and bicycle paths. Such prohibition fails to consider the safety hazards to moped drivers and other motorists that arise when mopeds are operated in the regular flow of vehicular traffic. I concur with the testimony provided by Maui County Council Chair Danny Mateo suggesting that the bill be amended by replacing the revisions proposed for Section 291C-123, Hawaii Revised Statutes, with the revisions proposed to the same section in HB 1759.

HB 1759 by prohibiting moped drivers from using bicycle paths wherever bicycle lanes are provided, offers compromise to existing law which allows moped use on bicycle lanes or bicycle paths and of a proposed outright ban of moped use on bicycle lanes or bicycle paths outlined in HB 2760, HD 2. Whenever a moped user has the option of using a bicycle lane, they should be required to do so, leaving the bicycle path free to the exclusive use of pedestrians and bicyclists.

The House Committee on Judiciary inserted the language prohibiting the use of a mobile electronic device while operating a motor vehicle or commercial vehicle. Maui County already prohibits the use of mobile electronic devices while operating a motor vehicle (Section 10.52.260, Maui County Code). The other three counties have also enacted similar ordinances to prohibit the use of mobile electronic devices while operating a motor vehicle. Therefore, this portion of the measure is unnecessary.

12:03:19:kbm/JP: HB 2760 HD2