

SB 2045

RELATING TO TRAFFIC SAFETY.

Prohibits moped drivers from using
bicycle paths where bicycle lanes are provided.

NEIL ABERCROMBIE
GOVERNOR



GLENN M. OKIMOTO
INTERIM 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

February 6, 2012

**SB 2045
RELATING TO TRAFFIC SAFETY**

SENATE COMMITTEE ON TRANSPORTATION AND INTERNATIONAL AFFAIRS

The Department of Transportation supports Senate Bill 2045 provided it is modified to disallow mopeds on any bike 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.



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

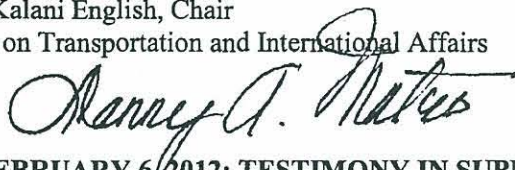


Director of Council Services
Ken Fukuoka

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

February 3, 2012

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

FROM: **Danny A. Mateo**
Council Chair 

SUBJECT: **HEARING OF FEBRUARY 6, 2012; TESTIMONY IN SUPPORT OF SB 2045,
RELATING TO TRAFFIC SAFETY**

Thank you for the opportunity to testify in support of 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.

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February 3, 2012

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

FROM: Joseph Pontanilla, Council Vice-Chair 

DATE: Monday February 6, 2012

SUBJECT: **SUPPORT OF SB 2045, 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 SB 2045** for the reasons cited in testimony submitted by Maui County Council Chair Danny A. Mateo and urge you to support this measure.

12:02:03:kbm/JP: SB 2045

Council Chair
Danny A. Mateo



Director of Council Services
Ken Fukuoka

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

FROM: **Don Couch** 
Council Member, South Maui District

DATE: Friday, February 3, 2012

SUBJECT: **SUPPORT OF SB 2045, RELATING TO TRAFFIC SAFETY**

The purpose of this measure is to restrict the use of motorized vehicles upon a bicycle path. I **support** the intent of this measure, however, the language of the bill as it currently reads allows for the use of mopeds on bike paths under certain circumstances. Bike paths should be designated for the use of bicycles and pedestrians.

Therefore, I would like to propose that mopeds be prohibited from bike paths. Specifically, my proposed amendment is as follows:

- Strike the text "or moped" from page 1, line 9. This amendment will only allow bicycles to be used on bike paths. This will provide consistency with our County of Maui code banning mopeds from bike paths, ensuring the safety of bicyclists and pedestrians.
- Strike the word "and" from page 3, line 2. The new text would read, "(a) Wherever bicycle lanes are provided on the roadway, moped drivers shall use such bicycle lanes[.] Mopeds [and] shall not use bicycle paths." This amendment establishes clear restrictions for the use of mopeds on bike paths. There are already requirements for mopeds to ride as near to the right-hand curb, on the edge of the roadway, or on the shoulder off of the roadway as practicable (HRS Section 291C-145).

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

Council Chair
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Vice-Chair
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February 2, 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 cursive script that reads "Robert Carroll".

DATE: Monday, February 6, 2012, 1:18 p.m.

SUBJECT: **SUPPORT SB 2045, RELATING TO TRAFFIC SAFETY**

I support SB 2045 for the reasons cited in testimony submitted by the Maui County Council Chair, and urge you to support this measure.

Maui Bicycle Alliance

Keeping Maui on the Right Path!

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

FROM: Walter Enomoto, President, Maui Bicycle Alliance

MEETING DATE: February 6, 2012. 1: 18PM

SUBJECT: Support for SB2045 with Corrections, RELATING TO TRAFFIC SAFETY

Aloha Chair English, Vice Chair Espero and TIA 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 Mokelele 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 291C—197 (a)

Delete the words "or moped". This will allow ONLY *bicycles* and NOT *mopeds* to be used on bikepaths.

The language on Page 3, line 2 should clearly state that mopeds shall not use bikepaths as shown below:

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."

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.

Moped use on bikepaths has been an issue in Maui since the first bikepaths appeared and more recently with the State DOT Highways Mokelele Bikepath which was completed in 2007. Because of this, we worked with Maui County officials to ban the use of mopeds on County

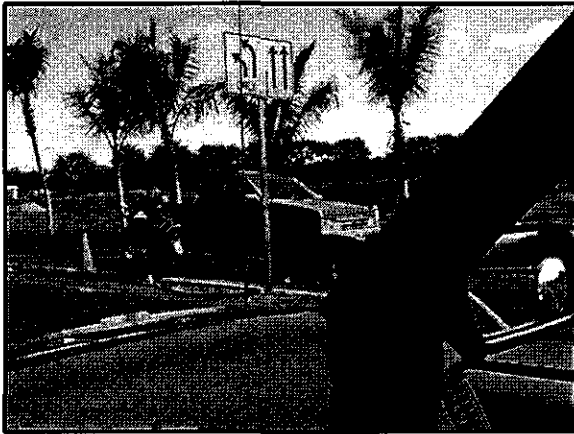
Maui Bicycle Alliance

Keeping Maui on the Right Path!

bikepaths effective last year. This measure would provide consistency between County and State bikepath facilities.

The overwhelming majority of testimony received for similar bills in the House, HB1759 and HB2760, was AGAINST MOPEDS ON BIKEPATHS for various reasons, all of which we strongly support.

The pictures below clearly confirm use of mopeds along the Mokulele Bikepath on Maui.



Moped and vehicle on bikepath 7/1/2008



Moped on Mokulele Bikepath 2/3/2009

In closing, we strongly feel that the members of the Senate Transportation and International Affairs Committee can improve our current and future bikepath facilities by banning the use of mopeds now.

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

TO: Members of the Committee on Transportation & International Affairs

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

HEARING: 1:18 p.m. Monday, February 6, 2012

SUBJECT: SB 2045 Traffic Safety – No Mopeds in Bike Paths (Support with Changes)

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on SB 2045 which would prohibit mopeds from using bike paths in certain situations. Bike paths are often also used by pedestrians, skateboarders and other users who appreciate the fact that the paths are separate from roadways and motorized traffic. Sometimes these paths are narrow, such as the Malaekahana Bike Path in Laie, which is eight feet wide, and the new path behind the Alapai Transit Station, which is only ten feet wide. Neither of these paths meets federal guidelines for width for their expected usage levels, although it is noted that the path in Laie is on private property.¹

Motorized vehicles **should not be allowed** on these paths because of the conflict they create with those going much slower. Therefore, I support this bill with the following changes.

Recommended Changes for Mopeds in Bike Paths

On page 1, line 9, please remove “or moped.”

On page 3, line 2, please keep the period after “lanes,” delete “and” and insert “Mopeds,” so that the line reads “drivers shall use such bicycle lanes. Mopeds shall not use bicycle . . .” This change will emphasize the fact that moped drivers should not be on bike paths.

Recommended Change for Mopeds in Bike Lanes

Currently moped drivers are required to use bike lanes if present. This causes conflict with bicyclists who are also in the bike lane, especially when traffic is heavy, and moped drivers have a difficult time getting in the regular travel lane to pass. Therefore, please also consider adding language that would allow moped drivers to use the traffic lane when they are traveling the speed limit or the speed of traffic. This change would apply to page 1, lines 5 and 12, and page 3 line 2.

¹ According to the U.S. Department of Transportation, Federal Highway Administration, shared use paths should be ten feet wide with two feet of graded area on each side of the path. (A minimum of eight feet may be used when paths have limited use.) When usage of the path is expected to be heavy, however, such as in the downtown area, the recommended width is 12 to 14 feet with 2 feet of graded area on each side. The guidelines are available at <http://www.fhwa.dot.gov/environment/sidewalk2/sidewalks214.htm>.