

JAN 23 2015

S.B. NO. 416

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# A BILL FOR AN ACT

RELATING TO CYCLE TRACKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to define cycle  
2 tracks, clarify the use of cycle tracks, and prohibit the use of  
3 mopeds on bicycle lanes, cycle tracks, and bicycle paths.

4           SECTION 2. Section 264-18, Hawaii Revised Statutes, is  
5 amended by amending subsections (a), (b), (c), and (d) to read  
6 as follows:

7           "(a) Out of the state highway fund amounts, whether state  
8 funds or federal funds, shall be expended as necessary by the  
9 State for the establishment of bikeways; provided that bikeways  
10 shall be established, whenever practicable, wherever a new or  
11 existing highway, road, or street is being designed, planned,  
12 constructed, reconstructed, relocated, or rehabilitated. At  
13 least two per cent of eligible federal funds, and in addition,  
14 other state highway fund moneys as available, shall be expended  
15 to:

16           (1) Establish multi-use paths, bicycle paths, cycle  
17           tracks, and bicycle lanes; and



1           (2) Install signage and safety devices along bikeways;  
2 provided that the department of transportation shall include the  
3 bicycling community in a public involvement process to determine  
4 the location of multi-use paths, bicycle paths, cycle tracks,  
5 bicycle lanes, and installation of signage and safety devices  
6 along bikeways.

7           Planning for any mass transit system shall include  
8 appropriate accommodation for bicycle lanes, bikeways, and  
9 bicycle routes, including bicycle racks on mass transit  
10 vehicles, to enable mass transit users to connect conveniently  
11 by bicycle to transit stations and bus stops.

12           This subsection shall not be construed as requiring the  
13 expenditure of a county surcharge on state tax under section  
14 46-16.8, on bicycle paths if the application of this subsection  
15 conflicts with section 46-16.8.

16           (b) Bikeways are not required to be established under  
17 subsection (a):

18           (1) Where the establishment of the lanes, paths, routes,  
19           [and] ways, and cycle tracks would be contrary to  
20           public safety; or



1 (2) If the cost of establishing the lanes, paths, routes,  
2 [and] ways, and cycle tracks would be excessively  
3 disproportionate to the need or probable use; or

4 (3) Where low population density, other available ways, or  
5 other factors indicate an absence of any need for the  
6 lanes, paths, routes, [and] ways~~[+]~~, and cycle tracks;

7 provided that the department of transportation shall involve  
8 representatives of the bicycling community, such as the Hawaii  
9 Bicycling League, Kauai PATH, Maui Bicycling Alliance, PATH (Big  
10 Island), and others in making a determination under paragraphs  
11 (1), (2), and (3); provided further that any decision under this  
12 subsection shall be documented, including but not limited to,  
13 the factors considered in making a decision; and provided  
14 further that the department of transportation shall have the  
15 burden of persuasion under paragraphs (2) and (3).

16 (c) The department of transportation, when requested,  
17 shall provide technical assistance and advice to counties in  
18 carrying out the purpose of this section. The department of  
19 transportation shall recommend construction standards for  
20 bikeways. The department of transportation, in the manner  
21 prescribed for marking highways under section 264-25, shall

1 provide a uniform system of marking and signing such lanes,  
 2 paths, routes, and ways which shall apply to lanes, paths,  
 3 routes, [~~and~~] ways, and cycle tracks under the jurisdiction of  
 4 the department of transportation and the counties.

5 Notwithstanding any provision to the contrary, the department of  
 6 transportation and the counties may restrict the use of the  
 7 lanes, paths, routes, [~~and~~] ways, and cycle tracks to  
 8 pedestrians and non-motorized vehicles.

9 (d) As used in this section, the terms "bikeway", "bicycle  
 10 path", [~~and~~] "bicycle lane", and "cycle track" shall have the  
 11 same meaning as in section 291C-1."

12 SECTION 3. Section 291-1, Hawaii Revised Statutes, is  
 13 amended by amending the definition of "public street, road, or  
 14 highway" to read as follows:

15 "Public street, road, or highway" includes the entire  
 16 width, including berm or shoulder, of every road, alley, street,  
 17 way, lane, trail, highway, bikeway, bridge, when any part  
 18 thereof is open for use by the public, including any bicycle  
 19 lane, bicycle path, cycle track, bikeway, controlled-access  
 20 highway, laned roadway, roadway, or street, as defined in



1 section 291C-1, and any public highway, as defined in section  
2 264-1."

3 SECTION 4. Section 291C-1, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By adding a new definition to be appropriately inserted  
6 and to read:

7 "Cycle track" means that portion of any highway set aside  
8 for the exclusive use of bicycles and physically separated from  
9 motor vehicles. Cycle tracks may be designated as one-way or  
10 two-way."

11 2. By amending the definition of "bikeway" to read:

12 "Bikeway" means a bicycle lane, cycle track, bicycle path,  
13 or bicycle route [~~, or any traffic control device, shelter,~~  
14 parking facility, or other support facility to serve bicyceles  
15 and persons using bicyceles]."

16 SECTION 5. Section 291C-64, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 **"§291C-64 Vehicle entering highway from private road or**  
19 **driveway.** The driver of a vehicle about to enter or cross a  
20 highway (including bicycle lane, cycle track, or bicycle path)  
21 from an alley, building, private road, or driveway or from any



1 public or private property other than a highway that is adjacent  
2 to the highway, shall yield the right-of-way to all vehicles or  
3 bicycles approaching on the highway (including bicycle lane,  
4 cycle track, or bicycle path) to be entered."

5 SECTION 6. Section 291C-76, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) Where sidewalks are provided, it shall be unlawful  
8 for any pedestrian to walk along and upon an adjacent roadway,  
9 bicycle lane, cycle track, or bicycle path~~[-]~~, except for the  
10 purpose of crossing a bikeway."

11 SECTION 7. Section 291C-94, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "**§291C-94 Emerging from alley, driveway, or building.** The  
14 driver of a vehicle emerging from an alley, building, private  
15 road, or driveway or from any public or private property other  
16 than a highway that is adjacent to a bicycle lane, cycle track,  
17 bicycle path, sidewalk, or sidewalk area shall stop the vehicle  
18 immediately prior to driving onto the bicycle lane, cycle track,  
19 bicycle path, sidewalk, or sidewalk area extending across the  
20 alley, building entrance, road, or driveway, or ~~[such]~~ the  
21 public or private property, or in the event there is no bikeway



1 or sidewalk area, shall stop at the point nearest the street to  
2 be entered where the driver has a view of approaching traffic  
3 thereon."

4 SECTION 8. Section 291C-101, Hawaii Revised Statutes, is  
5 amended to read as follows:

6 "§291C-101 **Basic rule.** No person shall drive a vehicle at  
7 a speed greater than is reasonable and prudent and having regard  
8 to the actual and potential hazards and conditions then  
9 existing. Consistent with the foregoing, every person shall  
10 drive at a safe and appropriate speed when approaching and  
11 crossing an intersection or railroad grade crossing, when  
12 approaching and going around a curve, when approaching a hill  
13 crest, when traveling upon any narrow or winding roadway, when  
14 crossing a bikeway, and when special hazards exist with respect  
15 to pedestrians or other traffic, or by reason of weather or  
16 highway conditions."

17 SECTION 9. Section 291C-123, Hawaii Revised Statutes, is  
18 amended by amending subsection (a) to read as follows:

19 "(a) No person shall drive any vehicle other than a  
20 bicycle [~~or moped~~] upon a bicycle lane, cycle track, or bicycle  
21 path, except upon a permanent or authorized temporary driveway[-



1 ~~or~~. No person shall park any vehicle upon a bicycle lane,  
2 cycle track, or bicycle path; provided that any vehicle may be  
3 driven or parked in a bicycle lane, cycle track, or bicycle path  
4 as applicable if:

- 5 (1) It is in the process of executing a legal turn, lane  
6 change, or parking maneuver;
- 7 (2) It is an authorized emergency vehicle performing the  
8 functions under section 291C-26;
- 9 (3) It is an official federal, state, or county vehicle in  
10 the performance of its actual duty;
- 11 (4) It is a stalled or broken vehicle;
- 12 (5) It is necessary to assist a stalled or broken vehicle;
- 13 (6) It is necessary to yield to an authorized emergency  
14 vehicle pursuant to section 291C-65; or
- 15 (7) It is otherwise provided by law."

16 SECTION 10. Section 291C-141, Hawaii Revised Statutes, is  
17 amended by amending subsection (c) to read as follows:

18 "(c) These regulations applicable to bicycles shall apply  
19 whenever a bicycle is operated upon any highway or upon any  
20 [~~bicycle path~~] bikeway set aside for the preferential or





1 exclusive use of bicycles subject to those exceptions stated  
2 herein."

3 SECTION 11. Section 291C-145, Hawaii Revised Statutes, is  
4 amended as follows:

5 1. By amending subsections (a) through (e) to read:

6 "(a) Every person operating a bicycle upon a roadway at a  
7 speed less than the normal speed of traffic moving in the same  
8 direction at [~~such~~] the time shall ride as near to the right-  
9 hand curb, on the edge of the roadway, or on the shoulder off of  
10 the roadway as practicable, exercising due care when passing a  
11 standing vehicle or one proceeding in the same direction; except  
12 under any of the following situations:

13 (1) When preparing for a left turn at an intersection or  
14 into a private road or driveway, except where  
15 prohibited by official traffic-control devices;

16 (2) When reasonably necessary to avoid conditions  
17 (including but not limited to fixed or moving objects,  
18 vehicles, bicycles, pedestrians, animals, surface  
19 hazards, or substandard width lanes) that make it  
20 unsafe to continue along the right-hand curb, on the  
21 edge of the roadway, or on the shoulder off of the



1 roadway. For purposes of this section, a "substandard  
2 width lane" is a lane that is too narrow for a bicycle  
3 and a vehicle to travel safely side-by-side within the  
4 lane; [~~or~~]

5 (3) When a roadway is designated and signposted to carry  
6 traffic in one direction only and has two or more  
7 marked traffic lanes, a person operating a bicycle may  
8 ride as near to the left-hand curb, on the edge of the  
9 roadway, or on the shoulder off of [~~such~~] the roadway  
10 as practicable[~~-~~]; or

11 (4) When riding in a two-way cycle track.

12 (b) Persons riding bicycles upon a roadway shall ride in  
13 single file; provided that where the flow of traffic is  
14 unimpeded, riding two abreast upon bicycle lanes [~~and~~], bicycle  
15 paths, and cycle tracks shall be permitted when such lane or  
16 path is of sufficient width to allow riding two abreast unless  
17 otherwise prohibited by rule or ordinance adopted by the  
18 director of transportation or by the counties.

19 (c) Whenever a usable bicycle lane or cycle track has been  
20 provided on a highway, any person operating a bicycle at a speed  
21 less than the normal speed of traffic [~~moving in the same~~



1 ~~direction]~~ at such time shall ride within such bicycle lane[~~-~~]  
2 or cycle track, except that such person may move out of the lane  
3 or cycle track under any of the following situations:

4 (1) When overtaking and passing another bicycle, vehicle,  
5 or pedestrian within the lane or cycle track or about  
6 to enter the lane or cycle track if such overtaking  
7 and passing cannot be done safely within the lane[~~-~~]  
8 or cycle track;

9 (2) When preparing for a [~~left~~] turn at an intersection or  
10 into a private road or driveway; or

11 (3) When reasonably necessary to leave the bicycle lane or  
12 cycle track to avoid debris or other hazardous  
13 conditions.

14 (d) No person operating a bicycle shall leave a bicycle  
15 lane or cycle track until the movement can be made with  
16 reasonable safety and then only after giving an appropriate  
17 signal in the event that any vehicle may be affected by the  
18 movement.

19 (e) No person shall operate or ride a bicycle within a  
20 bicycle lane in any direction except that permitted of vehicular  
21 traffic traveling on the same side of the highway[~~-~~], unless



1 operating in a two-way cycle track. Upon all cycle tracks and  
2 bicycle paths of sufficient width and providing for two-way  
3 movement of bicycle traffic, bicycles proceeding in opposite  
4 directions shall pass each other to the right."

5 2. By amending subsection (g) to read:

6 "(g) No person shall ride a bicycle equipped with a motor  
7 on any sidewalk. The counties may, by ordinance, post signs on  
8 bicycle lanes, cycle tracks, and bicycle paths to prevent  
9 persons riding a bicycle equipped with a motor from using them."

10 SECTION 12. Section 291C-196, Hawaii Revised Statutes, is  
11 amended by amending subsection (a) to read as follows:

12 "(a) Every person driving a moped, except a three-wheeled  
13 moped, upon a roadway at a speed less than the normal speed of  
14 traffic moving in the same direction at [~~such~~] the time shall  
15 ride as near to the right side of the roadway as practicable,  
16 without entering into a bicycle lane, cycle track, or bicycle  
17 path, exercising due care when passing a standing vehicle or one  
18 proceeding in the same direction, except under any of the  
19 following situations:



- 1 (1) When preparing for a left turn at an intersection or  
2 into a private road or driveway, except where  
3 prohibited by official traffic-control devices;
- 4 (2) When reasonably necessary to avoid conditions  
5 (including, but not limited to fixed or moving  
6 objects, vehicles, bicycles, pedestrians, animals,  
7 surface hazards, or substandard width lanes) that make  
8 it unsafe to continue along the right-hand curb or  
9 edge; and
- 10 (3) When a roadway is designated and signposted to carry  
11 traffic in one direction only and has two or more  
12 marked traffic lanes, a person operating a moped may  
13 ride as near to the left-hand side of the roadway as  
14 practicable."

15 SECTION 13. Section 291C-197, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§291C-197 Driving mopeds on bicycle lanes, cycle tracks,  
18 and bicycle paths. (a) [~~Wherever bicycle lanes are provided on~~  
19 ~~the roadway, moped drivers shall use such bicycle lanes.~~] Unless  
20 authorized by rule or ordinance pursuant to subsection (b), no

1 person shall drive a moped on any bicycle lane, cycle track, or  
2 bicycle path.

3 (b) The director of transportation by rule and the  
4 counties by ordinance may with respect to bicycle paths under  
5 their respective jurisdictions restrict or prohibit the use of  
6 [such] bicycle paths by mopeds. Signs clearly visible to an  
7 ordinarily observant person indicating the restriction or  
8 prohibition shall be placed along bicycle paths so designated  
9 and every moped driver shall obey the directions thereof.

10 [~~(e) This section shall not apply to a three wheeled~~  
11 ~~moped.] "~~

12 SECTION 14. This Act does not affect rights and duties  
13 that matured, penalties that were incurred, and proceedings that  
14 were begun before its effective date.

15 SECTION 15. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17 SECTION 16. This Act shall take effect upon its approval.

18

INTRODUCED BY: *James Mercedo K.*  
By Request



**Report Title:**

Bicycle; Cycle Tracks

**Description:**

Defines the term "cycle track" and clarifies the uses of a cycle track. Prohibits mopeds from using bicycle lanes, cycle tracks, and bicycle paths.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

