

SBI28

RELATING TO MOTOR VEHICLES.

Prohibits a motor vehicle from being operated within 1 meter of a moving bicycle.



February 17, 2015

**TESTIMONY BEFORE THE SENATE COMMITTEE ON JUDICIARY
ON SB 128 RELATING TO MOTOR VEHICLES**

Thank you Chair Nishihara and committee members. I am Gareth Sakakida, Managing Director of the Hawaii Transportation Association (HTA) with over 400 transportation related members throughout the state of Hawaii.

We oppose this bill as it places the onus entirely on the motor vehicle, and creates many concerns.

One problem is few people know what a meter is and even fewer can accurately estimate that distance.

Requiring wider lanes would be helpful. Automobiles can be generally smaller than in decades past, but so are some lanes. A mid-size sedan is about 5.5 feet wide. A bicyclist might generally ride within a foot of the curb, then when you add the one meter clearance there is not much space to work with.

Commercial vehicles can be as wide as nine feet making it impossible to operate in the same lane under this proposal.

In essence you lose a lane of traffic. This is especially galling to the population that pays fuel taxes and vehicle weight fees to construct and maintain lanes of traffic.

During peak traffic periods - particularly AM, lunch, and PM, and in areas with major construction, bicycle traffic can move faster than vehicular traffic at times. Naturally bicycles can, and do, ride past motor vehicles. The vehicle is being operated, and the bicycle is moving.

If the bicycle goes past inside of a meter, the vehicle is illegal under this proposal. If traffic is stopped and a bicycle begins to come along side, then traffic moves again and the bicyclist is not seen, the motor vehicle is illegal again!

The motorist has little or no control over the spacing, and no knowledge that the spacing is being jeopardized, yet only the motor vehicle can be cited.

The three meter prohibition needs to go both ways to be fair to motor vehicles and bicycles.

Mahalo.

TESTIMONY OF
Daniel P. de Gracia, Th.D., D.Min.

IN OPPOSITION TO THE MEASURE
SENATE BILL NO. 128, RELATING TO MOTOR VEHICLES

BEING HEARD BEFORE THE
SENATE COMMITTEE ON TRANSPORTATION
February 17, 2015, 3:30 p.m. Agenda, Conference Room 229

Chair Nishihara, Vice Chair Harimoto, Honorable Members of the Committee on Transportation:

Senate Bill No. 128 seeks to amend Chapter 291C of the Statewide Traffic Code by adding a new section which would criminalize operation of a motor vehicle within “one meter of a moving bicycle.”

While the legislative intent to enhance safety with this measure is greatly appreciated, Hawaii has unique geographic and infrastructure limitations which make this bill extremely problematic. To begin, many of Hawaii’s streets, especially in residential areas like Waipahu and Royal Kunia, are extremely compact due to the attempts by developers to maximize the number of homes built on the land. In Royal Kunia where I live, it is not an uncommon sight for residents to park large SUVs and trucks on both sides of a street, leaving barely enough room for one car to pass through the road at a time. Bicyclists routinely pass by motorists down these compact streets at distances of *less* than one meter (3.28 feet). Even if a driver were to come to a complete stop and allow a cyclist to pass, in such streets it would be unavoidable in some instances for a bicycle to pass down the road next to a drive at a range of less than one meter. This measure, as presently drafted, has no safe harbor provision for instances when motor vehicle and bicycle operation occur in close proximity as a result of narrow street design.

The other matter which complicates this measure is that a motor vehicle operator often cannot avoid being in close proximity to bicycles, as cyclists often are aggressive and hasty in crossing narrow streets. This measure places complete responsibility on the operator of a motor vehicle to avoid close encounters with a cyclist, but does not mandate similar responsibility for cyclists.

As currently drafted, this measure does not effectively target the issue of public safety and is too broad-brush in its scope and means. If this measure is to pass, there should be some distinction between safe operation of a motor vehicle and a bicycle at velocities and ranges which are slow and close as a result of narrow street design and reckless operation of a motor vehicle at dangerous velocities and ranges to a bicycle.

Thank you for this opportunity to testify.

Senator Clarence K. Nishihara, Chair
Senator Breene Harimoto, Vice Chair
Members of the Senate Committee on Transportation

Emily Woitas

Monday, February 16, 2015

In regards to SB No. 128, Relating to Motor Vehicles

Aloha! My name is Emily Woitas and I am currently a sophomore at Kalaheo High School in Kailua. I believe in amending SB 128, relating to motor vehicles.

According to the National Conference of State Legislatures, 24 states have imposed laws to "exercise due care by leaving a safe distance between the motor vehicle and the bicycle of not less than three feet until the motor vehicle is safely past the overtaken bicycle". Only one state, Pennsylvania, has a law to increase safe passing distance to over three feet. The infrequency of having a law to extend this distance past three feet illustrates that SB 128 allows for insignificant change to our proximity laws.

Hawaii's Department of Transportation states that between 10 and 20 people are killed each year while operating both bicycles and motorized scooters. This number, while abominable, is not significant enough to extend the safe passing distance to 1 meter.

If we extend the proximity laws to 1 meter, we will be creating useless laws that will be seemingly unimportant and difficult to enforce. I strongly support deferring SB 128 and I encourage the committee to make further amendments to this bill. Thank you for this opportunity to testify.