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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 authorize the use  
2 of the State highway fund for the establishment of cycle tracks,  
3 define cycle tracks, clarify the use of cycle tracks, and  
4 prohibit the use of mopeds on bicycle lanes, cycle tracks, and  
5 bicycle paths unless otherwise allowed by rule or ordinance.

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

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



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

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

14           This subsection shall not be construed as requiring the  
15 expenditure of a county surcharge on state tax under section  
16 46-16.8, on bicycle paths if the application of this subsection  
17 conflicts with section 46-16.8.

18           (b) Bikeways are not required to be established under  
19 subsection (a):



- 1 (1) Where the establishment of the lanes, paths, routes,  
2 [~~and~~] ways, and cycle tracks would be contrary to  
3 public safety; or
- 4 (2) If the cost of establishing the lanes, paths, routes,  
5 [~~and~~] ways, and cycle tracks would be excessively  
6 disproportionate to the need or probable use; or
- 7 (3) Where low population density, other available ways, or  
8 other factors indicate an absence of any need for the  
9 lanes, paths, routes, [~~and~~] ways[+], and cycle tracks;  
10 provided that the department of transportation shall involve  
11 representatives of the bicycling community, such as the Hawaii  
12 Bicycling League, Kauai PATH, Maui Bicycling Alliance, PATH (Big  
13 Island), and others in making a determination under paragraphs  
14 (1), (2), and (3); provided further that any decision under this  
15 subsection shall be documented, including but not limited to,  
16 the factors considered in making a decision; and provided  
17 further that the department of transportation shall have the  
18 burden of persuasion under paragraphs (2) and (3).
- 19 (c) The department of transportation, when requested,  
20 shall provide technical assistance and advice to counties in  
21 carrying out the purpose of this section. The department of



1 transportation shall recommend construction standards for  
2 bikeways. The department of transportation, in the manner  
3 prescribed for marking highways under section 264-25, shall  
4 provide a uniform system of marking and signing such lanes,  
5 paths, routes, and ways which shall apply to lanes, paths,  
6 routes, [~~and~~] ways, and cycle tracks under the jurisdiction of  
7 the department of transportation and the counties.

8 Notwithstanding any provision to the contrary, the department of  
9 transportation and the counties may restrict or authorize by  
10 rule or the adoption of an ordinance, as applicable and as is  
11 necessary, the use of the lanes, paths, routes, [~~and~~] ways, and  
12 cycle tracks to pedestrians and non-motorized vehicles.

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

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

19 "Public street, road, or highway" includes the entire  
20 width, including berm or shoulder, of every road, alley, street,  
21 way, lane, trail, highway, bikeway, bridge, when any part



1 thereof is open for use by the public, including any bicycle  
2 lane, bicycle path, cycle track, bikeway, controlled-access  
3 highway, laned roadway, roadway, or street, as defined in  
4 section 291C-1, and any public highway, as defined in section  
5 264-1."

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

8 1. By adding a new definition to be appropriately inserted  
9 and to read:

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

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

15 "Bikeway" means a bicycle lane, cycle track, bicycle path,  
16 or bicycle route~~[, or any traffic control device, shelter,~~  
17 ~~parking facility, or other support facility to serve bicycles~~  
18 ~~and persons using bicycles]."~~

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



1           **"§291C-64 Vehicle entering highway from private road or**  
2 **driveway.** The driver of a vehicle about to enter or cross a  
3 highway (including bicycle lane, cycle track, or bicycle path)  
4 from an alley, building, private road, or driveway or from any  
5 public or private property other than a highway that is adjacent  
6 to the highway, shall yield the right-of-way to all vehicles or  
7 bicycles approaching on the highway (including bicycle lane,  
8 cycle track, or bicycle path) to be entered."

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

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

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

17           **"§291C-94 Emerging from alley, driveway, or building.** The  
18 driver of a vehicle emerging from an alley, building, private  
19 road, or driveway or from any public or private property other  
20 than a highway that is adjacent to a bicycle lane, cycle track,  
21 bicycle path, sidewalk, or sidewalk area shall stop the vehicle



1 immediately prior to driving onto the bicycle lane, cycle track,  
2 bicycle path, sidewalk, or sidewalk area extending across the  
3 alley, building entrance, road, or driveway, or [~~such~~] the  
4 public or private property, or in the event there is no bikeway  
5 or sidewalk area, shall stop at the point nearest the street to  
6 be entered where the driver has a view of approaching traffic  
7 thereon."

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

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



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

3 "(a) No person shall drive any vehicle other than a  
4 bicycle [~~or moped~~] upon a bicycle lane, cycle track, or bicycle  
5 path, except upon a permanent or authorized temporary driveway[~~7~~  
6 ~~or~~]. No person shall park any vehicle upon a bicycle lane,  
7 cycle track, or bicycle path; provided that any vehicle may be  
8 driven or parked in a bicycle lane, cycle track, or bicycle path  
9 as applicable if:

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





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

3 "(c) These regulations applicable to bicycles shall apply  
4 whenever a bicycle is operated upon any highway or upon any  
5 [~~bicycle path~~] bikeway set aside for the preferential or  
6 exclusive use of bicycles subject to those exceptions stated  
7 herein."

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

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

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

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



1           (2) When reasonably necessary to avoid conditions  
 2           (including but not limited to fixed or moving objects,  
 3           vehicles, bicycles, pedestrians, animals, surface  
 4           hazards, or substandard width lanes) that make it  
 5           unsafe to continue along the right-hand curb, on the  
 6           edge of the roadway, or on the shoulder off of the  
 7           roadway. For purposes of this section, a "substandard  
 8           width lane" is a lane that is too narrow for a bicycle  
 9           and a vehicle to travel safely side-by-side within the  
 10          lane; [~~or~~]

11          (3) When a roadway is designated and signposted to carry  
 12          traffic in one direction only and has two or more  
 13          marked traffic lanes, a person operating a bicycle may  
 14          ride as near to the left-hand curb, on the edge of the  
 15          roadway, or on the shoulder off of [~~such~~] the roadway  
 16          as practicable[~~+~~]; or

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

18          (b) Persons riding bicycles upon a roadway shall ride in  
 19          single file; provided that where the flow of traffic is  
 20          unimpeded, riding two abreast upon bicycle lanes [~~and~~], bicycle  
 21          paths, and cycle tracks shall be permitted when [~~such~~] the



1 bicycle lane [~~or~~], bicycle path, or cycle track is of sufficient  
2 width to allow riding two abreast unless otherwise prohibited by  
3 rule or ordinance adopted by the director of transportation or  
4 by the counties.

5 (c) Whenever a usable bicycle lane or cycle track has been  
6 provided on a highway, any person operating a bicycle at a speed  
7 less than the normal speed of traffic [~~moving in the same~~  
8 ~~direction~~] at such time shall ride within such bicycle lane[~~r~~]  
9 or cycle track, except that such person may move out of the  
10 bicycle lane or cycle track under any of the following  
11 situations:

12 (1) When overtaking and passing another bicycle, vehicle,  
13 or pedestrian within the bicycle lane or cycle track  
14 or about to enter the bicycle lane or cycle track if  
15 such overtaking and passing cannot be done safely  
16 within the bicycle lane[~~r~~] or cycle track;

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

19 (3) When reasonably necessary to leave the bicycle lane or  
20 cycle track to avoid debris or other hazardous  
21 conditions.



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

6 (e) No person shall operate or ride a bicycle within a  
 7 bicycle lane or cycle track in any direction except that  
 8 permitted of vehicular traffic traveling on the same side of the  
 9 highway[-], unless operating in a two-way cycle track. Upon all  
 10 cycle tracks and bicycle paths of sufficient width and providing  
 11 for two-way movement of bicycle traffic, bicycles proceeding in  
 12 opposite directions shall pass each other to the right."

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

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

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

20 "(a) Every person driving a moped, except a three-wheeled  
 21 moped, upon a roadway at a speed less than the normal speed of



1 traffic moving in the same direction at [~~such~~] the time shall  
2 ride as near to the right side of the roadway as practicable,  
3 without entering into a bicycle lane, cycle track, or bicycle  
4 path, exercising due care when passing a standing vehicle or one  
5 proceeding in the same direction, except under any of the  
6 following situations:

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



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

3 **"§291C-197 Driving mopeds on bicycle lanes, cycle tracks,**  
4 **and bicycle paths.** (a) [~~Wherever bicycle lanes are provided on~~  
5 ~~the roadway, moped drivers shall use such bicycle lanes.~~] Unless  
6 authorized by rule or ordinance pursuant to subsection (b), no  
7 person shall drive a moped on any bicycle lane, cycle track, or  
8 bicycle path.

9 (b) The director of transportation by rule and the  
10 counties by ordinance may with respect to bicycle lanes, cycle  
11 tracks, and bicycle paths under their respective jurisdictions  
12 [~~restrict or prohibit~~] authorize the use of [~~such~~] bicycle  
13 lanes, cycle tracks, and bicycle paths by mopeds. Signs  
14 clearly visible to an ordinarily observant person indicating the  
15 [~~restriction or prohibition~~] authorization shall be placed along  
16 bicycle lanes, cycle tracks, and bicycle paths so designated and  
17 every moped driver shall obey the directions thereof.

18 [~~(c) This section shall not apply to a three wheeled~~  
19 ~~moped.~~] "



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

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

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



**Report Title:**

Bicycle; Cycle Tracks; Highway Fund

**Description:**

Authorizes the use of the state highway fund for the establishment of cycle tracks. Defines the term "cycle track" and clarifies the permitted uses of a cycle track. Authorizes pedestrians, non-motorized vehicles, and mopeds to use bicycle lanes, cycle tracks, and bicycle paths if adopted by rule or ordinance. (SD1)

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







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

IN REPLY REFER TO:

March 23 2015  
11:00 a.m.  
State Capitol, Room 309

**S.B. 416, S.D. 1**  
**RELATING TO CYCLE TRACKS**

House Committee on Transportation

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The Department of Transportation (DOT) **supports** the intent of this bill to define cycle tracks, clarify the use of cycle tracks, and prohibit mopeds on bikeways. Cycle tracks provide another alternative to help create "complete streets". The DOT encourages innovative alternatives like cycle tracks which build upon the flexible design approach.

However, DOT has the following concerns prohibiting mopeds on bicycle lanes, cycle tracks, or bicycle paths:

1. SECTION 2 proposes amendments to 264-18(c) H.R.S. to allow the DOT and counties to restrict or authorize by rule or ordinance, the use of bike lanes, paths, routes, ways and cycle tracks to pedestrians and non-motorized vehicles. It is not clear which facilities DOT and counties could restrict to pedestrians and non-motorized vehicles, and on which facilities they could authorize pedestrians and non-motorized vehicles to use.
2. 291C-145(f) H.R.S. currently states, "The director of transportation by rule and the counties by ordinance may with respect to bikeways under their respective jurisdictions restrict or prohibit the use of such bikeways by mopeds." This is not consistent with the proposed SECTION 2 amendments to 264-18(c) H.R.S. and SECTION 13 amendments to 291C-197(b) H.R.S.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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March 20, 2015

The Honorable Henry J.C. Aquino, Chair  
and Members of the Committee on Transportation  
House of Representatives  
State Capitol, Room 309  
Honolulu, Hawaii 96813

Dear Chair Aquino and Members of the Committee:

SUBJECT: Senate Bill No. 416, SD1 Relating to Cycle Tracks

The Department of Transportation Services supports Senate Bill No. 416, SD1, which defines cycle tracks, clarifies the uses of cycle tracks and prohibits mopeds on all bikeways. Our Department is working to make Honolulu a bicycle-friendly city through engineering, programs and policies. This bill is consistent with our efforts and would help to make bicycling safer, which is a healthy and clean mode of transportation.

Cycle tracks, also known as protected bike lanes, are bikeways that provide a physical separation between bicycles and motor vehicles. These facilities allow bicyclists of varying abilities and ages to comfortably ride on our roadways.

Currently, moped riders are required to use a bicycle lane if one is present. Due to the higher speeds that mopeds are capable of obtaining and their larger size, they can be dangerous for people who are bicycling in the same space. Mopeds should be driven outside of bicycle lanes, paths and cycle tracks.

Thank you for the opportunity to testify on Senate Bill No. 416.

Very truly yours,

  
Michael D. Formby  
Director

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March 23, 2015  
Representative Henry Aquino,  
Chair Transportation Committee

**Testimony Supporting SB416 SD1**

Aloha,  
Hawaii Bicycling League **supports SB416 SD1**. This bill addresses two very important issues: establishing regulations for cycle tracks; and prohibiting mopeds from using bikeways (bike lanes, bike paths, cycle tracks).

Cycle tracks are exclusive bikeways that are physically separated from motor traffic and distinct from the sidewalk. This "new" type of bikeway facility has been in use in Northern Europe since the 1960s and has grown in use and popularity in the US over the last decade. Cycle tracks are essential to get the "interested, but concerned" population out bicycling; this group makes up the around 60% of people who say they would like to bicycle but need a protected environment, such as a cycle track or bike path. In December, Honolulu became the 56<sup>th</sup> US city with a cycle track with the opening of King Street. SB416 will clearly integrate this new type of facility into our laws.

The average bicyclist rides 10-15mph. A standard moped is equipped to operate at a speed of 35 miles per hour, with many modified to go faster. At 2.5 to 3.5 times the speed of the average bicyclists, mopeds have no business in bikeways. This large speed difference creates serious safety issues. The primary rationale for bikeways is to remove slower moving bicyclists from the faster moving roadway traffic; allowing fast moving mopeds in bikeways violates this fundamental objective. In addition to the risk mopeds present to bicyclists, these risks are even graver for the slower moving pedestrians who legally use bikeways in several settings (on bike paths and when a sidewalk is not available). SB416 is needed to make our bikeways safer.

Thank you very much for considering the comments of the Hawaii Bicycling League. If you have any questions or would like to discuss further, please contact Chad Taniguchi (808-735-5756, [chad@hbl.org](mailto:chad@hbl.org)) or Daniel Alexander (808-275-6717, [daniel@hbl.org](mailto:daniel@hbl.org)).

Ride and Drive Aloha,

Chad Taniguchi  
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Hawaii Bicycling League

Daniel Alexander  
Advocacy Director  
Hawaii Bicycling League