



TESTIMONY BY:

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

March 13, 2019
1:00 p.m.
State Capitol, Room 225

H.B. 754, H.D.1
RELATING TO ELECTRIC FOOT SCOOTERS.

Senate Committee on Transportation

The Hawaii Department of Transportation (DOT) **supports** H.B. 754, H.D.1 with an amendment.

This bill gives an electric foot scooter the same rights as bicycles and allows the director of transportation by rule and counties by ordinance to regulate the operation of the electric foot scooters with regard to, but not limited to: (1) their operation upon roadways, in bikeways, bicycle paths and on sidewalks; (2) restrictions on maximum speed; and (3) safety considerations.

The bill further requires the use of lamps and reflective material when operated from the hours of dusk to dawn and sets forth a penalty for the operation of an electric foot scooter in reckless disregard for the safety of persons and property.

DOT recommends that the minimum age established in this bill be amended to fourteen years of age instead of eighteen years of age.

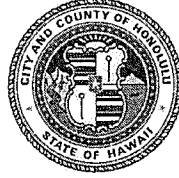
This measure will afford Hawaii's residents and visitors a different mode of transportation with theirs' and others' safety in mind.

Thank you for the opportunity to provide testimony.

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR



WES FRYSZTACKI
DIRECTOR

JON Y. NOUCHI
DEPUTY DIRECTOR

March 13, 2019

The Honorable Lorraine Inouye
and Members of the Senate
Committee on Transportation
State Capitol, Room 225
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Inouye and Members of the Committee:

SUBJECT: Testimony on House Bill 754 - Relating to Electric Foot Scooters

The Department of Transportation Services is in support of this measure and requests an amendment.

Our agency is responsible for providing a multimodal transportation system for the City and County of Honolulu. Shared micromobility vehicles, including bicycles, e-bikes, and electric foot scooters, are more frequently becoming part of multimodal transportation system in other cities across the country. We support this measure as it sets the groundwork for electric foot scooters to become a mobility and transportation option for Hawaii. We also appreciate the opportunity that each county has to regulate these vehicles within the statewide framework but in a manner that suits the respective counties.

In consideration of regulations in other cities as well as age 15 as the existing minimum age for operators of mopeds in Hawaii, we request that your committee consider a reduction of the minimum age to operate a scooter from 18 to 14 years of age (see page 2, lines 11-12).

Thank you for the opportunity to submit this testimony.

Very truly yours,

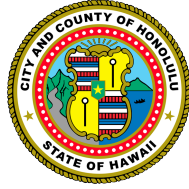
A handwritten signature in black ink, appearing to read "W Frysztacki", is written over a faint, larger version of the same signature.

Wes Frysztacki
Director

OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
MAYOR

JOSHUA W. STANBRO
EXECUTIVE DIRECTOR &
CHIEF RESILIENCE OFFICER

LATE

WEDNESDAY, MARCH 13, 2019 1:00PM

STATE OF HAWAII
SENATE COMMITTEE ON TRANSPORTATION

**TESTIMONY ON HOUSE BILL 754 HD1
A BILL RELATING TO ELECTRIC FOOT SCOOTERS**

BY,

JOSHUA STANBRO
EXECUTIVE DIRECTOR AND CHIEF RESILIENCE OFFICER
OFFICE OF CLIMATE CHANGE, SUSTAINABILITY AND RESILIENCY

Dear Chair Inouye, Vice Chair Harimoto, and Members of the Committee:

The City and County of Honolulu (City) Office of Climate Change, Sustainability and Resiliency (Resilience Office) **supports** House Bill (HB) 754 HD1, which establishes a framework for the Department of Transportation and the counties to regulate electric foot scooters.

The City is in the process of planning for and implementing ambitious energy, transportation, and climate resilience initiatives. The Resilience Office is responsible for developing a resilience strategy and climate action plan for the City. Shared mobility vehicles, including bicycles, e-bikes, and electric foot scooters, have the potential to become an important element of a multimodal transportation system that is cleaner, more sustainable, resilient, and affordable for residents and visitors. We support this measure because it lays the foundation for implementing electric foot scooters as an option. The Resilience Office defers to the City's Department of Transportation Services on regulatory matters associated with parking, curbside use, and roadway use related to these vehicles.

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



March 13, 2019

Senate Committee on Transportation
Hawaii State Capitol
415 South Beretania St.
Honolulu, HI 96813

Chairman Inouye, Vice Chair Harimoto, and Committee Members,

My name is Gabriel Scheer, Director of Government Relations for Lime, and I am here to testify in strong support of HB 754, HD1 - a bill which defines "electric foot scooter" in state law and establishes a framework for the Department of Transportation and the counties to regulate electric foot scooters.

As you know, Hawaii currently lacks a definition for Lime's electric scooters, which utilize a noncombustion 300 watt, battery-powered engine to move people at under 20mph. In the absence of a definition, they may be interpreted as a moped or motorcycle, the laws of which are designed for vehicles that go 30 mph or more with a 5 horsepower engine or less.

We continue to work closely with Honolulu and other municipalities as they look at developing policies around scooter-share. A state classification for scooters will help cities and counties develop and implement regulations for scooter-sharing. We applaud the Legislature for this bill, which provides a straightforward definition as well as placing responsibility for permitting and regulating scooter sharing with local jurisdictions.

Lime is a micromobility company offering scooter-share in communities around the globe, from Salt Lake City to Singapore, and Portland to Paris. With Lime, you can unlock a scooter ride for \$1 and pay 15 cents/minute. This clean mode of transportation is moving the needle in reducing vehicle congestion by providing residents and visitors with that first-mile, last mile connection to public transit, and providing an alternative to cars for short-trips. In fact, in review of our 2018 data in the over 100 markets we serve, we found that one-third of riders reported replacing a trip by car during their most recent trip, while one-fifth used it to connect to public transit. In cities, a person using a Lime scooter in conjunction with public transit pay on average 74% less than owning and operating a personal car.

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LATE

Testimony Supporting HB754 HD1 with amendments

Aloha Chair Inouye, Vice Chair Harimoto, and esteemed members of the Senate Committee on Transportation:

Hawaii Bicycling League supports **HB754 HD1 with amendments**, which establishes base regulations for “electric foot scooters” and enables the counties to enable their use for further ordinance.

We strongly opposed the original version of HB754, but with HD1 changes we are supporting the bill with the amendments outlined below. The HD1 amendments are extremely important and we urge that they be maintained, specifically:

- **Defining and regulating electric foot scooters separately from bicycles.** We had major concerns about the original language that defined electric foot scooters as bicycles. Electric foot scooters are not bicycles. They can be propelled solely by an electric engine and move distinctly different from bicycles in terms of acceleration and handling potholes, gravel, and other road obstructions. The bill as currently written defines and regulates electric foot scooters separately from bicycles.
- **Enabling legislation that has the counties determine where and how electric foot scooters should operate.** Should the scooters be allowed on sidewalks? No on sidewalks in business districts but find elsewhere? Allowed on multi-use paths? Allowed on all roads? Should the maximum speed be 15 miles-per-hour? These are among the challenging questions that will require much consideration, so it’s good that the counties will have the time needed to come to the right answers before the electric scooters are allowed to operate. Therefore, we applaud the enabling legislation approach that has the counties establish their own regulations via ordinance for where the electric foot scooters can operate, at what maximum speed, and other safety considerations.

In addition to emphasizing the changes to the HD1 version that we believe are crucial, we respectfully ask for your consideration of the following amendments:

- **Section 1 – Add requirement for electric foot scooters to use lights at night, including rear lights.** This section applies HRS 291c-147, lighting requirements for bicycling at night, to electric foot scooters. This is inappropriate as HRS 291c-147 only requires the use of a rear reflector and a rear reflector on an electric foot scooter would be too low to the ground to provide the needed visibility for nighttime safety. Therefore, we urge that this section be amended to specify the nighttime lighting requirements for electric foot scooters to include mandatory use of a sufficiently visible rear light.
- **Section 10 – Create a separate item for electric foot scooters.** This section adds electric foot scooters to the vulnerable users law, HRS 707-700, by adding them to item A bundled with bicycles. We urge that they be included under a separate line, just as the other user types are included.

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

Ride and Drive Aloha,

A handwritten signature in black ink, appearing to read 'Daniel Alexander', with a long horizontal flourish extending to the right.

Daniel Alexander
Co-Executive Director
Hawaii Bicycling League

A handwritten signature in black ink, appearing to read 'Chad Taniguchi', with a long horizontal flourish extending to the right.

Chad Taniguchi
Director Emeritus
Hawaii Bicycling League

HB-754-HD-1

Submitted on: 3/12/2019 12:48:36 PM

Testimony for TRS on 3/13/2019 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lee Steinmetz	Testifying for County of Kauai	Support	No

Comments:

To the Honorable Chair Inouye, Vice Chair Harimoto, and members of the Committee:

The County of Kaua'i **supports** HB 754 as amended. Like it or not, electric foot scooters are already sold in Hawai'i, and we should move to reasonably regulate this new technology instead of ignoring it. The County appreciates the structure of HB 754 as amended, which allows the flexibility for each county to regulate the operation of electric foot scooters as it deems best, with minimums established in this Bill.

The County requests that the minimum age established in this Bill be fourteen (14), instead of eighteen (18), similar to SB 665, and as noted in HDOT's testimony dated February 6, 2019. Again, this is a minimum, which can be raised by counties if they so choose. Given that Hawai'i residents can drive a car with a permit as early as the age of 15, the minimum age of 18 to ride a scooter seems excessive. This will provide counties more flexibility to determine a minimum age that fits into their overall micromobility strategy.

Your consideration is greatly appreciated.

HB-754-HD-1

Submitted on: 3/10/2019 12:56:49 PM

Testimony for TRS on 3/13/2019 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
John Rogers	Individual	Support	No

Comments:

I Support defining and regulating electric foot scooters into the HRS.

HB-754-HD-1

Submitted on: 3/12/2019 12:46:58 PM

Testimony for TRS on 3/13/2019 1:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Boulanger	Individual	Oppose	Yes

Comments:

TESTIMONY PER HB 754 – 2019.03.13

Speaking as a professional transportation planner with many years of work in mobility planning, traffic safety and public health, I am still concerned that the "House's" proposed definition of what an electric foot scooter "is" is still very very far from what products Lime (and others) have deployed in the past AND what they are currently marketing (Gen 3) for new markets like Hawaii. This definition of what the future should become for communities in Hawaii will occur unless modified.

If the definition is left as proposes, "we" will get it wrong and "we" will be left with the poor results after "they" (the proposers) leave town, as has happened to other communities that have been a "beta test" host.

PRUDENTLY DEFINING AN ELECTIC FOOT SCOOTER FOR THE SAFETY OF ALL

With HB 754, as now written, the definition that allows up to 100-pound scooters will potentially allow scooters that can have much higher than expected wattage and speeds even with a "governor". The Lime scooter (and similar) had been about 1/3 this suggested weight and new models (2019) are about 1/2 this maximum weight. Imagine tripping over an almost 100-pound scooter while walking on a sidewalk...the recent JAMA report* on standing electric foot scooter injuries found that 23.8 percent of reported pedestrian injuries with scooters where from parked scooters; and note these were the much lighter early generation scooters too. This study found that the only greater threat for pedestrians injured by scooters would be being struck by an electric foot scooter in motion.

SOFT WARE CAN MAKE FOR A FAST HARD FALL

Can bicyclists co-exist safely in typically narrow bike lanes when the speed differential with a 20-mph scooter for bicyclists is greater than 8 to 10 miles per hour? Do we need scooters to go up to 20 mph as a "first and last mile" solution, as currently defined, especially if Lime "sets" its scooters for only 15 mph, as stated in their past testimony?

Most e-scooters have software-based speed "regulators" so it is both invisibly easy to modify for higher unlawful speeds AND thus difficult for local police officers / county

licensing staff to field regulate based on visual inspections when dealing with larger scooters. Not all scooter owners or operators may be as enlightened, as Lime may be with designing its software to limit speeds prudently to 15 mph. But even Lime has been having difficulty with its software operating stably and safely, as reports of frequent malfunctioning software that has locked up brakes of moving scooters and throwing off its operators down in markets worldwide (Switzerland, New Zealand, etc.) thus causing some governments to halt its service.** This may be an emerging issue with new research studies underway, as the same article stated that New Zealand's Accident Compensation Corporation has recorded more than 1,200 electric foot scooter injuries since October 2018.

WHAT A 93 POUND SCOOTER IS:

Do our state representatives want to open the door for "humvee" electric foot scooters here in Hawaii, as a first step to legal adoption and management? I doubt their constituents want to share a sidewalk or bikeway with this type of monster-scooter even if its top speed is prudently capped.

<https://www.aliexpress.com/item/3200W-Powerful-Electric-Scooter-Off-Road-Skateboard-Longboard-Adult-Electric-Scooter-Electric-Foldable-Professional-Scooter/32861560927.html>

NOT A WATT?

Furthermore, the current definition no longer has any design limitation on the watts a scooter engine can produce. As reported in many recent press accounts (worldwide) and in the Jama research above, many communities with the mass adoption of electric foot scooters have experienced a higher than proportional increase in emergency room admissions by electric scooter operators using scooters with about 250 watts, so imagine the [negative] change in health outcomes once scooters with two to four times this wattage or "horsepower" are deployed rapidly en-mass in the local market?

Since my earlier February testimony, the press and professional journals continue to report negative health outcomes of mass electric foot scooter adopting in most if not all communities.

OUTCOMES FOR SAFETY

This definition should be revised for community safety with set a limit of 300 watts and a speed limit of 15 mph per device, similar to how Lime is currently operating in other markets. It can always be adjusted once more local oversight experience (per home rule) has been developed and admissions to the emergency rooms monitored. If the electric foot scooter companies are here in Hawaii for the long term then they should not be averse to waiting a year to see how more prudent operational safety rules work out with their consumer product vs. jumping the gun with the proposed definition and potentially under-tested*** equipment.

No one knows which scooter operators or on-line retail sellers will flood the Hawaii market once the definition as proposed by this house bill becomes law in July.

Thank you for this opportunity to speak and sorry for the late submittal.

*Injuries Associated With Standing Electric Scooter Use by Trivedi et al, JAMA Network - Emergency Medicine 25 January 2019.

**<https://www.theguardian.com/world/2019/feb/25/lime-e-scooters-temporarily-banned-in-two-new-zealand-cities>

***rapidly evolving

Todd Boulanger, MURP PO Box 2362
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