



**TESTIMONY BY:**

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

March 22, 2019  
10:00 A.M.  
State Capitol, Room 423

**H.C.R. 121 / H.R. 111**

**REQUESTING THAT THE CITY AND COUNTY OF HONOLULU PROHIBIT  
ELECTRIC SCOOTERS, ELECTRIC BICYCLES, AND ELECTRIC TRIKES ON  
SIDEWALKS.**

House Committee on Transportation

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The Department of Transportation **supports** H.C.R. 121 and H.R.111 and offers the following comments.

Pedestrian safety is an important concern especially with the increase of fatalities. However, operators of electric scooters, electric bicycles and electric trikes are also considered vulnerable road users. It is important to identify where these vehicles can be operated safely and less likely to have conflicts with pedestrians.

Additionally, including electric scooters, electric bicycles and electric trikes into the category of mopeds may make it a challenge to legislate these types of vehicles in the future. It may be best to put these types of vehicles in a separate category from mopeds.

As we move to becoming a more energy efficient State, there will be a need to address the new and different modes of transportation.

Thank you for the opportunity to provide testimony.



## DISABILITY AND COMMUNICATION ACCESS BOARD

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March 22, 2019

### TESTIMONY TO THE HOUSE COMMITTEE ON TRANSPORTATION

House Concurrent Resolution 121 and House Resolution 111 – Requesting that the City and County of Honolulu Prohibit Electric Scooters, Electric Bicycles, and Electric Trikes on Sidewalks

The Disability and Communication Access Board (DCAB) offers comments on House Concurrent Resolution 121 and House Resolution 111 – Requesting that the City and County of Honolulu Prohibit Electric Scooters, Electric Bicycles, and Electric Trikes on Sidewalks. These resolutions ask the City and County of Honolulu, Honolulu Police Department, Honolulu Department of Transportation Services and the state Department of Transportation to work collaboratively to prohibit riding electric scooters, electric bicycles, and electric trikes on sidewalks through county-level regulations. Our comments address the needs of the population of people with disabilities.

While we understand and empathize with the problems faced with riding these “mobility devices” on sidewalks and acknowledge legislators for trying to create a solution to make sidewalks safer for pedestrians, we also respectfully emphasize that people with disabilities may use any one of these types of “mobility devices” to transport themselves independently.

We ask to be consulted or involved in the drafting of any ordinance or rules. Our comments are provided to inform legislators that modifications of policies and procedures to allow people with mobility impairments to use “mobility devices” may need to be made to rules to permit people with disabilities to use “mobility devices” on sidewalks to comply with the Americans with Disabilities Act (ADA).

Thank you for the opportunity to provide comments on these measures.

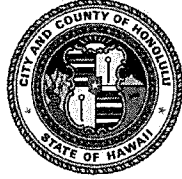
Respectfully submitted,

FRANCINE WAI  
Executive Director

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

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WES FRYSZTACKI  
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JON Y. NOUCHI  
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March 22, 2019

The Honorable Henry J. C. Aquino  
The Honorable Troy N. Hashimoto  
and Members of the House  
Committee on Transportation  
State Capitol, Room 423  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Aquino, Vice Chair Hashimoto, and Members of the Committee:

**SUBJECT: Testimony on House Concurrent Resolution 121 &  
House Resolution 111**

The Department of Transportation Services provides comments on this measure.

Micromobility vehicles, including electric bicycles and electric foot scooters, are more frequently becoming part of multimodal transportation systems here and in other cities across the country. Our department is implementing complete street solutions, is updating our Oahu Bike Plan, and developing an Oahu Pedestrian Plan to ensure our infrastructure can accommodate all modes of transportation.

While we work on the physical infrastructure, the legal and policy infrastructure must set the parameters for micromobility vehicles. Under existing state traffic code, electric foot scooters are classified as mopeds, and are generally prohibited from being operated, regardless of location. These are different from electric personal assistive mobility devices, which include segways. The regulation of electric bicycles is also unclear under existing law. If these vehicles are not permitted by state law, the counties do not have authority to further regulate such vehicles.

Thank you for the opportunity to submit these comments.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Frysztacki".

Wes Frysztacki  
Director

**HCR-121**

Submitted on: 3/20/2019 11:31:06 AM

Testimony for TRN on 3/22/2019 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Scott Smart	Individual	Oppose	No

Comments:

I OPPOSE HCR121 and the identical HR111. There currently are various bills under consideration to create new categories of devices including electric scooters and electric bicycles. These bills should first be enacted into law to provide a clear basis for determining in which class of vehicle a particular instance belongs. Only then does it make sense to regulate how/where these classes of vehicle operate.

It generally is recognized that sidewalks (improved or unimproved) are used by various classes of pedestrians and vehicles primarily to ensure physical separation from motor vehicles. Of course, the density and type of pedestrian/vehicle present on a sidewalk will impact the relative "safety" of the users. Current Hawaii law and county ordinances provide a means of balancing the needs and safety of sidewalk users. A blanket prohibition does not.

While these resolutions seem to be primarily concerned with "sidewalks", they also include "bike paths" within the proposed prohibitions. "Bike paths" represent a different solution to providing vehicle separation from sidewalks and must be considered separately. My personal experience as a cyclist using the Pearl Harbor Bike Path, is that it is used to some extent by moped operators even though that is illegal. I have never had a problem caused by a moped operator. I have not seen an electric bike or scooter on the bike path but don't see any reason why that would be a problem.

A blanket ban on sidewalk use is unwarranted, and seems to be based on a speculative safety concern. The state should allow Honolulu (as well as the other counties) the ability to regulate sidewalk use based on the principle of "home rule".

Scott Smart

Mililani HI