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# A BILL FOR AN ACT

RELATING TO HIGH OCCUPANCY VEHICLE (HOV) LANES.

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

1           SECTION 1. Section 291C-53, Hawaii Revised Statutes, is  
2 amended to read as follows:  
3           "**§291C-53 Restrictions on use of controlled-access**  
4 **roadway or highway.** (a) The director of transportation by rules  
5 adopted in accordance with chapter 91, and the counties by  
6 ordinance, may regulate or prohibit the use of any controlled-  
7 access roadway or highway within their respective jurisdictions  
8 by any class or kind of traffic which is found to be  
9 incompatible with the normal and safe movement of traffic.  
10 Persons operating motorcycles which are otherwise permitted on a  
11 controlled-access roadway or highway shall be permitted to use  
12 any high occupancy vehicle lane designated on such roadway or  
13 highway. For the purposes of this subsection, "high occupancy  
14 vehicle lane" means a designated lane of a laned roadway where  
15 the use of such designated lane is restricted to vehicles  
16 carrying at least ~~[two]~~ the minimum number of persons designated  
17 by the director of transportation as indicated on official signs

1 and other official traffic-control devices, and to other  
2 vehicles as provided by rules adopted in accordance with chapter  
3 91, or by county ordinance. Notwithstanding any law to the  
4 contrary, no person shall operate a neighborhood electric  
5 vehicle on any controlled-access roadway or highway.

6 (b) The director of transportation or a county adopting  
7 any such prohibition shall erect and maintain official traffic-  
8 control devices on the controlled-access roadway or highway on  
9 which such prohibitions are applicable and when in place no  
10 person shall disobey the restrictions stated on such devices."

11 SECTION 2. Section 291C-221, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "§291C-221 Definitions. As used in this part unless the  
14 context otherwise requires:

15 "High occupancy vehicle" means a vehicle carrying at least  
16 [~~two~~] the minimum number of persons [-] designated by the  
17 director of transportation as indicated on official signs and  
18 other official traffic-control devices, and other vehicles as  
19 provided by rules adopted in accordance with chapter 91 or by  
20 county ordinance.

21 "High occupancy vehicle lane" means a designated lane of a  
22 laned roadway where the use of the designated lane is restricted

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1 to school buses, vehicles carrying at least [two] the minimum  
2 number of persons [7] designated by the director of  
3 transportation on official signs and other official traffic-  
4 control devices, and to other vehicles as provided by rules  
5 adopted in accordance with chapter 91, or by county ordinance."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: \_\_\_\_\_

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~~\_\_\_\_\_~~  
BY REQUEST

JUSTIFICATION SHEET

DEPARTMENT: Transportation

TITLE: A BILL FOR AN ACT RELATING TO HIGH OCCUPANCY VEHICLE (HOV) LANES.

PURPOSE: To allow the Director of Transportation and highway engineers to use evaluation of traffic demand and traffic volumes to establish occupancy requirements for high occupancy vehicle lanes.

MEANS: Amend sections 291C-53 and 291C-221, Hawaii Revised Statutes.

JUSTIFICATION: The Department of Transportation (DOT) is limited by current statutes from meeting the needs of the motoring public in the operation of high occupancy vehicle lanes. The DOT cannot adjust operations of these lanes to meet changing traffic demands and traffic volumes. The DOT needs the flexibility to change the occupancy requirements of HOV lanes to meet the needs of the motoring public.

Impact on the public: The operations of HOV lanes will improve and will benefit traffic flow for motorists.

Impact on the department and other agencies: This bill will give the DOT the flexibility to properly operate HOV lanes. Other agencies and Transportation Departments benefiting from improved operation of HOV lanes include the Department of Education (DOE), Department of Health (DOH), Honolulu Police Department (HPD), the Police Departments of Maui, Kauai and Hawaii, and City and County of Honolulu bus systems.

GENERAL FUND: None.

OTHER FUNDS: None.

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PPBS PROGRAM  
DESIGNATION:

TRN 595.

OTHER AFFECTED  
AGENCIES:

Department of Education (DOE), Department of Health (DOH), Honolulu Police Department (HPD), and City and County of Honolulu bus systems.

EFFECTIVE DATE:

Upon approval.