



Deputy Directors  
MICHAEL D. FORMBY  
FRANCIS PAUL KEENO  
BRIAN H. SEKIGUCHI  
JIRO A. SUMADA

IN REPLY REFER TO:

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

February 14, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 1632

COMMITTEE ON TRANSPORTATION

House Bill 1632 creates the offense of infliction of serious physical injury or death to a vulnerable user of a public way, requires motor vehicles to pass bicycles on the left at a safe distance, prohibits motor vehicles from making a sudden right turn within 100 feet after passing a bicycle on the left, and entitles bicycles to use an entire traffic lane.

**The Department supports this bill but with concerns.**

The Department of Transportation feels that this bill's establishment of a misdemeanor offense for the infliction of serious physical injury or death to a vulnerable user of a public way is redundant with the existing negligent homicide and negligent injury laws found in Section 707, Hawaii Revised Statutes (HRS).

We recommend that the language of the proposed amendments to Section 291C-43, HRS of the bill be clarified. The following language is vague and may be interpreted differently by motorists:

"...shall pass at a distance sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver's lane of traffic..."

The DOT recommends that the amendment establishing turning movements with regards to bicyclists be moved from Section 291C-81, HRS to 291C-84, HRS. Section 291C-84 states, "No person shall turn a vehicle at an intersection...or turn a vehicle to enter a private road or driveway...unless and until such movement can be made with reasonable safety."

We also recommend that the language in the proposed amendments to Section 291C-145, HRS be clarified. The bill needs to state that bicyclists must ride in the right most through lane except under the circumstances listed in the current language of the statute. As the bill is currently written, it may be interpreted to mean that bicyclists could take any lane and therefore several bicyclists could ride side by side, one per lane of the roadway. In addition, we oppose the amendment removing the requirement that bicyclists ride as near to the right hand curb as practicable, except under certain conditions. Under these conditions, such as when preparing for a left turn, when avoiding obstacles, or when riding in a lane too narrow for a bicycle and a vehicle to travel safely side by side within, it is already allowable for bicyclists to use the full lane.



**Office of the Public Defender  
State of Hawaii  
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,  
State of Hawaii to the House Committee on Transportation**

February 14, 2009, 9:00 a.m.

H.B. No. 1632: RELATING TO BICYCLING

Chair Souki and Members of the Committee:

This measure would create a new misdemeanor offense when a driver of a motor vehicle injures a pedestrian, bicyclist and others. The Office of the Public Defender opposes H.B. 1632.

Accidents happen on our roadways, and unfortunately, people get hurt. We do not agree with criminalizing accidents, because they do not involve a criminal state of mind. This measure imposes strict liability on anyone who fails to yield to a right-of-way and injures a "vulnerable user." Furthermore, this measure would be classified a misdemeanor offense, punishable by up to a year in jail. A misdemeanor charge entitles the defendant to a jury trial. A person charged with this offense would certainly fare better with a jury of their peers. However, the problem with the constant criminalization of traffic offenses and accidents has led to court congestion. Jury trials take more time, cost more and lead to even more court congestion.

If a driver operates a motor vehicle in a negligent manner and causes injury to another person, regardless of whether or not he failed to yield to the other person's right-of-way, he can be charged with the offense of negligent injury in the second degree, a misdemeanor. If his action causes serious bodily injury, he may be charged with negligent injury in the first degree, a class C felony.

We ask that H.B. 1632 be held in committee. Thank you for the opportunity to be heard on this matter.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE  
PROSECUTING ATTORNEY

Douglas S. Chin  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JOE SOUKI, CHAIR  
HOUSE COMMITTEE ON TRANSPORTATION  
Twenty-fifth State Legislature  
Regular Session of 2009  
State of Hawai'i**

February 14, 2009

**RE: H.B. 1632; RELATING TO BICYCLING.**

Chair Souki and members of the House Committee on Transportation, the Department of the Prosecuting Attorney submits the following comments on H.B. 1632.

The purpose of this bill is to create a new offense of infliction of serious physical injury or death to a vulnerable user of a public way. The offense will be a misdemeanor and will be committed when a person operates a motor vehicle and fails to yield or provide the lawful right-of-way to a vulnerable user of public way in violation of a provision of chapter 291C and causes serious physical injury or death to the vulnerable user of a public way. Vulnerable user of a public way is defined as a pedestrian, wheelchair user, person riding an animal, person riding a skateboard or skates, operator of a bicycle, moped, motorcycle or unenclosed farm equipment, or any person who is not enclosed within the protective shell of a motor vehicle and is lawfully occupying a place on or besides a roadway, shoulder, crosswalk, or sidewalk. In addition, several amendments are made to Hawaii Revised Statutes chapter 291C relating to the movement of bicycles in traffic.

We believe this bill was created to enhance the protection of pedestrians and bicyclists, but may actually have the opposite effect by creating a lower grade of offense for injuring or killing a pedestrian or bicyclist. We note that this proposed offense does not include a state of mind which pursuant to 702-204 means that a reckless state of mind is applied. Thus, the proposed offense applies to specified reckless acts which cause serious physical injury or death of a person and result in a **misdemeanor** offense. This is a lower grade of offense that the current offenses of negligent homicide in the second and negligent injury in the second degree, which are class **C felonies** and which are committed when a person kills or causes serious bodily injury to another person by the operation of a vehicle in a negligent manner. Furthermore, negligent homicide in the second degree and negligent injury in the second degree are easier to prove since negligence is a lower standard than recklessness and since proof of specific elements such as the operator failing to yield and the victim being a "vulnerable user of a public way" is not required. We have attached copies of the negligent homicide in the second degree and negligent injury in the second degree statutes to our testimony for your reference.

Finally, we observe that this bill includes the term, "serious physical injury" which is not defined in the bill. Since the penal code does not use that term, it would have to be defined.

For these reasons, we believe this bill may actually diminish the consequences for operator of vehicles who fail to yield and strike bicyclists or pedestrians.

Thank you for this opportunity to testify.

(3) Physical force.

“Substantial bodily injury” means bodily injury which causes:

- (1) A major avulsion, laceration, or penetration of the skin;
- (2) A burn of at least second degree severity;
- (3) A bone fracture;
- (4) A serious concussion; or
- (5) A tearing, rupture, or corrosive damage to the esophagus, viscera, or other internal organs. [L 1972, c 9, pt of § 1; am L 1973, c 136, § 6; am L 1980, c 223, § 1; am L 1981, c 213, § 1; am L 1986, c 314, § 48; am L 1987, c 181, § 7; gen ch 1993; am L 2001, c 30, § 1; am L 2004, c 61, § 3; am L 2006, c 116, § 4; am L 2006, c 230, § 26.]

## PART II. CRIMINAL HOMICIDE

### § 707-701. Murder in the first degree.

(1) A person commits the offense of murder in the first degree if the person intentionally or knowingly causes the death of:

- (a) More than one person in the same or separate incident;
- (b) A law enforcement officer, judge, or prosecutor arising out of the performance of official duties;
- (c) A person known by the defendant to be a witness in a criminal prosecution and the killing is related to the person's status as a witness;
- (d) A person by a hired killer, in which event both the person hired and the person responsible for hiring the killer shall be punished under this section; or
- (e) A person while the defendant was imprisoned.

(2) Murder in the first degree is a felony for which the defendant shall be sentenced to imprisonment as provided in section 706-656. [L 1972, c 9, pt of § 1; am L 1986, c 314, § 49; am L 2006, c 230, § 27]

### [§ 707-701.5.] Murder in the second degree.

(1) Except as provided in section 707-701, a person commits the offense of murder in the second degree if the person intentionally or knowingly causes the death of another person.

(2) Murder in the second degree is a felony for which the defendant shall be sentenced to imprisonment as provided in section 706-656. [L 1986, c 314, § 50]

### § 707-702. Manslaughter.

(1) A person commits the offense of manslaughter if:

- (a) The person recklessly causes the death of another person; or
- (b) The person intentionally causes another person to commit suicide.

(2) In a prosecution for murder or attempted murder in the first and second degrees it is an affirmative defense, which reduces the offense to manslaughter or attempted manslaughter, that the defendant was, at the time the defendant caused the death of the other person, under the influence of extreme mental or emotional disturbance for which there is a reasonable explanation. The reasonableness of the explanation shall be determined from the viewpoint of a reasonable person in the circumstances as the defendant believed them to be.

(3) Manslaughter is a class A felony. [L 1972, c 9, pt of § 1; am L 1987, c 181, § 8; am L 1996, c 197, § 2; am L 2003, c 64, § 1; am L 2006, c 230, § 28]

### [§ 707-702.5.] Negligent homicide in the first degree.

(1) A person is guilty of the offense of negligent homicide in the first degree if that person causes the death of another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol.

(2) Negligent homicide in the first degree is a class B felony. [L 1988, c 292, § 1]

### § 707-703. Negligent homicide in the second degree.

(1) A person is guilty of the offense of negligent homicide in the second degree if that person causes the death of another person by the operation of a vehicle in a negligent manner.

(2) Negligent homicide in the second degree is a class C felony. [L 1972, c 9, pt of § 1; am L 1988, c 292, § 2]

### § 707-704. Negligent homicide in the third degree.

(1) A person is guilty of the offense of negligent homicide in the third degree if that person causes the death of another person by the operation of a vehicle in a manner which is simple negligence.

(2) “Simple negligence” as used in this section:

(a) A person acts with simple negligence with respect to the person's conduct when the person should be aware of a risk that the person engages in that conduct.

(b) A person acts with simple negligence with respect to attendant circumstances when the person should be aware of a risk that those circumstances exist.

(c) A person acts with simple negligence with respect to a result of the person's conduct when the person should be aware of a risk that the person's conduct will cause that result.

(d) A risk is within the meaning of this subsection if the person's failure to perceive it, considering the nature and purpose of the person's conduct and the circumstances known to the person, involves a deviation from the standard of care that

a law-abiding person would observe in the same situation.

(3) Negligent homicide in the third degree is a misdemeanor. [L 1972, c 9, pt of § 1; am L 1988, c 292, § 3]

**[§ 707-705.] Negligent injury in the first degree.**

(1) A person is guilty of the offense of negligent injury in the first degree if that person causes serious bodily injury to another person by the operation of a motor vehicle in a negligent manner.

(2) Negligent injury in the first degree is a class C felony. [L 1988, c 292, § 1]

**[§ 707-706.] Negligent injury in the second degree.**

(1) A person is guilty of negligent injury in the second degree if that person causes substantial bodily injury to another person by the operation of a motor vehicle in a negligent manner.

(2) Negligent injury in the second degree is a misdemeanor. [L 1988, c 292, § 1]

**PART III. CRIMINAL ASSAULTS AND RELATED OFFENSES**

**§ 707-710. Assault in the first degree.**

(1) A person commits the offense of assault in the first degree if the person intentionally or knowingly causes serious bodily injury to another person.

(2) Assault in the first degree is a class B felony. [L 1972, c 9, pt of § 1; ren L 1986, c 314, § 51; gen ch 1993]

**§ 707-711. Assault in the second degree.**

(1) A person commits the offense of assault in the second degree if:

(a) The person intentionally or knowingly causes substantial bodily injury to another;

(b) The person recklessly causes serious or substantial bodily injury to another;

(c) The person intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility;

(d) The person intentionally or knowingly causes bodily injury to another with a dangerous instrument;

(e) The person intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For the purposes of this paragraph, "educational worker" means: any administrator, specialist, counselor, teacher, or employee of the department of education or an employee of a charter school; a person who is a

volunteer, as defined in section 90-1, in a school program, activity, or function that is established, sanctioned, or approved by the department of education; or a person hired by the department of education on a contractual basis and engaged in carrying out an educational function; or

(f) The person intentionally or knowingly causes bodily injury to any emergency medical services personnel who is engaged in the performance of duty. For the purposes of this paragraph, "emergency medical services personnel" shall have the same meaning as in section 321-222.

(2) Assault in the second degree is a class C felony. [L 1972, c 9, pt of § 1; am L 1979, c 84, § 1; am L 1986, c 314, § 52; am L 1987, c 257, § 1; am L 1988, c 279, § 1; am L 2006, c 230, § 29, 298, § 16; am L 2007, c 9, § 19.; am L 2007, c 79, § 1]

**§ 707-712. Assault in the third degree.**

(1) A person commits the offense of assault in the third degree if the person:

(a) Intentionally, knowingly, or recklessly causes bodily injury to another person; or

(b) Negligently causes bodily injury to another person with a dangerous instrument.

(2) Assault in the third degree is a misdemeanor unless committed in a fight or scuffle entered into by mutual consent, in which case it is a petty misdemeanor. [L 1972, c 9, pt of § 1; gen ch 1993]

**§ 707-712.5. Assault against a law enforcement officer in the first degree.**

(1) A person commits the offense of assault against a law enforcement officer in the first degree if the person:

(a) Intentionally or knowingly causes bodily injury to a law enforcement officer who is engaged in the performance of duty; or

(b) Recklessly or negligently causes, with a dangerous instrument, bodily injury to a law enforcement officer who is engaged in the performance of duty.

(2) Assault of a law enforcement officer in the first degree is a class C felony. The court shall, at a minimum, sentence the person who has been convicted of this offense to:

(a) An indeterminate term of imprisonment of five years, pursuant to section 706-660; or

(b) Five years probation, with conditions to include a term of imprisonment of not less than thirty days without possibility of suspension of sentence. [L 1990, c 192, § 1; am L 2003, c 66, § 2]

**[707-712.6.] Assault against a law enforcement officer in the second degree.**

(1) A person commits the offense of assault against a law enforcement officer in the second degree if the person recklessly causes bodily injury

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

MUFI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL D. PUTZULU  
KARLA GODSEY  
DEPUTY CHIEFS

OUR REFERENCE TTN-LC

February 14, 2009

The Honorable Joseph M. Souki, Chair  
and Members  
Committee on Transportation  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

Subject: House Bill No. 1632, Relating to Bicycling

I am Major Thomas Nitta of the Traffic Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 1632, Relating to Bicycling. This bill will impact current laws under section 707, Hawaii Revised Statutes (HRS) and to a large extent dilute their effectiveness. This bill utilizes vague terms in the definition of injury, lacks a state of mind and could limit the causing of "serious physical injury or death" to a misdemeanor.

The proposed amendments to section 291C, HRS are currently addressed in the existing statutes. The amendment to section 291C-145, HRS entitling a bicycle operating a "less than normal speed of moving traffic" to a full lane of traffic could impede the already congested traffic situation.

Thank you for this opportunity to testify.

Sincerely,

  
THOMAS T. NITTA, Major  
Traffic Division

APPROVED:

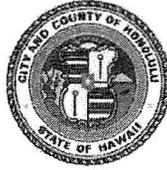
for:   
BOISSE P. CORREA  
Chief of Police

*Serving and Protecting With Aloha*

DEPARTMENT OF TRANSPORTATION SERVICES  
CITY AND COUNTY OF HONOLULU

850 SOUTH KING STREET, 3RD FLOOR  
HONOLULU, HAWAII 96813  
Phone: (808) 768-8304 • Fax: (808) 523-4730 • Internet: www.honolulu.gov

MUFI HANNEMANN  
MAYOR



WAYNE Y. YOSHIOKA  
ACTING DIRECTOR

SHARON ANN THOM  
DEPUTY DIRECTOR

February 12, 2009

The Honorable Joseph M. Souki, Chair  
and Members of the Committee on Transportation  
State House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Souki and Members:

**Subject: House Bill No. 1632, Relating to Bicycling**

The Department of Transportation Services (DTS) supports the intent of House Bill No. 1632, to make our roadways safer for bicyclists and other vulnerable users. The intent is consistent with our efforts to make Honolulu a bicycle-friendly city through engineering, programs and policies.

We suggest the following modifications to the bill:

- SECTION 2, regarding motor vehicles overtaking bicyclists, would require a motorist to "pass at a distance sufficient to prevent contact with the person operating the bicycle if the person were to fall into the driver's lane of traffic." While we support the intent to have motor vehicles pass bicyclists at a safe distance, this requirement may be unreasonable. It would be difficult to determine how far away a motorist must be from the bicyclist.
- SECTION 5, would entitle bicyclists traveling less than the normal speed of traffic, the full use of a traffic lane. Entitling bicyclists traveling less than the normal speed of traffic the full use of traffic lanes at any time would have significant traffic impacts and may actually cause other safety issues. While we support allowing bicyclists to have the full use of a traffic lane in certain situations, the current law appears to allow this when conditions warrant it. Section 291C-145, Hawaii Revised Statutes, states that bicyclists shall ride as far to the right of a roadway as practicable except in certain situations, such as to avoid riding in a lane that is too narrow for a bicycle and motor vehicle to travel safely side by side. Currently, this law allows for bicyclists to leave the right hand curb but does not specifically state that they may use the full lane. Therefore, we recommend that the current language in this section be retained but specific language allowing bicyclists to use the full lane in the specified situations be added for clarification purposes.

Thank you for the opportunity to testify.

Very truly yours,

A handwritten signature in black ink, appearing to read "Wayne Y. Yoshioka".

Wayne Y. Yoshioka  
Acting Director



## PATH ~ PEOPLES ADVOCACY FOR TRAILS HAWAII

### Board of Directors

John Simmerman  
Gerry L. Rott, R  
Jeannette Vidgen  
Jeff McDevitt, MD  
Rick Mersdorf  
Jonel Higa Miller  
Michael J. Riehm  
Frank H. Sayre, DDS  
Robert Ward

### Executive Director

Laura Dierenfield

### Mission

To safely connect the people and places on Hawaii Island with pathways and bikeways.

### Serving

the Island of Hawai'i since 1986

### Web-site:

[www.pathhawaii.org](http://www.pathhawaii.org)

PO Box 62 ♦ KAILUA-KONA, HAWAII 96745 ♦ 808 -329-9718 ♦ [sharetheroad@pathhawaii.org](mailto:sharetheroad@pathhawaii.org)

February 13, 2009

### Testimony in Support of HB1632

House Committee on Transportation  
Representative Joesph Souki, Chair  
Representative Karen Leinani Awana- Vice Chair  
Saturday, February 14<sup>th</sup>, 2009  
Conference Room 309, 9:00am

Aloha Chairman Souki, Vice Chair Awana and members of the Committee:

Mahalo for the opportunity to submit testimony in support of HB1632, with several suggested amendments. This bill is an important step forward in recognizing the safety of all users of the roadway.

Right now, a small child waits for her father's chest tube to be removed so further surgery can be done to repair his many broken bones and punctured lung caused by a motorists side swiping him while riding on Hina Lani road. A woman struggles to find witnesses to a hit and run that happened to her on the Queen Ka'ahumanu Highway. A good friend just got out of the hospital after a 5 + day recovering from a car turning suddenly in front of him. Over a dozen people have reported bottles being thrown at them while riding. All these bicyclists have made it through awful acts of terror on our roadways, but many more have not.

HB1632 clarifies how motorists and bicyclists may safely share the road.

The following amendments to HB1632 are suggested:

- 🚲 **Page 1, line 12:** Change "physical" to "bodily" and add a reference to Sec. 291C-1;
- 🚲 **Pages 2 & 3, lines 21-22 & 1:** Remove "shall give way to the right in favor of the overtaking vehicle on audible signal and" as this phrase would require a bicyclist to let a motorist who honks a horn go by; and
- 🚲 **Page 3, lines 4-8:** Remove "into the driver's lane of traffic" as it implies the lane is only for motor vehicle drivers.

Mahalo for your consideration of the above amendments.

Laura Dierenfield  
Executive Director

TO: Committee on Transportation

DATE: Friday, February 13, 2009

FROM: Natalie Iwasa  
aka Bicycle Mom  
1331 Lunalilo Home Road  
Honolulu, HI 96825  
808-395-3233



HEARING: 9 a.m. Saturday, February 14, 2009

SUBJECT: HB 1632 - Relating to Bicycling (support with changes)

Aloha Representatives,

Thank you for this opportunity to testify in support, with changes, of HB 1632, Relating to Bicycling. This bill clarifies language in the state traffic code and will make Hawaii a safer place for bicyclists. There is widespread support for bicycle safety in Hawaii as evidenced by the following:

- 70% of respondents to a 2002 Bike Plan Hawaii User Survey indicated they would support changes to make Hawaii more "bicycle friendly;"
- 77% of voters on Oahu supported Charter Amendment 8 in November 2006 asking the city to make Honolulu a pedestrian- and bicycle-friendly city;
- 29 out of 33 Oahu Neighborhood Boards, the Oahu Metropolitan Planning Organization, City and County of Honolulu, and County of Kauai have either adopted or supported the Bicycle Safety Resolution; and
- 41 businesses and organizations and 371 individuals on the attached list also support bicycle safety in Hawaii.

In addition, on June 2, 2008, Congress adopted House Concurrent Resolution #305 that supports bicycling in general and specifically states, *"That the Congress . . . supports policies that provide Federal tax or funding incentives to - States that adopt motor vehicle laws that protect the rights of bicyclists to share the road."*

I would like to suggest the following changes to improve the bill:

Page 1, line 12: Change "physical" to "bodily" and add a reference to Sec. 291C-1;

**Pages 2 & 3, lines 21-22 & 1:** Remove "shall give way to the right in favor of the overtaking vehicle on audible signal and" as this phrase would require a bicyclist to let a motorist who honks a horn go by; and

**Page 3, lines 4-8:** Remove "into the driver's lane of traffic" as it implies the lane is only for motor vehicle drivers.

Thank you for your consideration.

The following organizations, businesses and individuals support bicycle safety and request the counties and state work together to make Hawaii a better place for all bicyclists.

OAHU

Hawaii Bicycling League  
AARP Hawaii  
BIKEFACTORY Hawaii  
Bike Hawaii  
Blue Planet Surf & Bike  
Bionic Wheels, LLC  
Central YMCA  
Eki Cyclery  
Hawaii Association of Independent Schools (HAIS)  
Hawaii Public Health Association  
Hawaii Speed and Quickness  
Healthy Mothers Healthy Babies Coalition of Hawaii  
Honolulu Waldorf School  
Injury Prevention Advisory Committee (IPAC)  
Island Triathlon & Bike  
Kamiloiki PTSA Ohana  
Kokua Hawaii Foundation  
Kokua Kalihi Valley and the K-VIBE Program  
McCully Bike  
Momentum MultiSport  
Sierra Club, Oahu Group  
UH Graduate Student Organization

Andy's Pool Service Corp.  
CCI, dba Custom Contractors, Inc.  
Gyotaku Japanese Restaurants  
Hawaii Financial Store, Inc.  
Hawaii Capital Management  
Kale's Natural Food Store  
Kamilonui Farmers' Co-op  
Team Real Estate, Inc.  
Yama's Fish Market

Iwasa Family (Natalie, Dwight, Orion and Asa), bicyclists  
Lynn Aaberg, teacher  
Dr. Gary Ahn, internal medicine/sports medicine, bicyclist  
Taruna and Ashwani Ahuja, parents

Alfonso Alvarez, bicyclist  
Lydia Alvarez, bicyclist  
Laurie Andre, concerned resident  
Therese Argoud, bicyclist  
Charles and Sonni Au, parents and bicyclists  
Karen Awana, Representative District 44  
Wayne Batt, bicyclist  
Maria Beltran, former bicyclist, teacher  
Kari Benes, bicyclist  
Bob Bengtson, bicyclist  
Lyla Berg, Representative District 18  
Joe Bertram, Representative District 11  
Leah Bevis, bicyclist  
John Bibby, bicyclist, project manager  
Christophe Blumenstetter, bicyclist  
Jenifer Bossert, O.D., former bicyclist  
Rick Bratt, bicyclist, Boy Scout Scoutmaster and Bicycling Merit Badge Counselor  
Carl Brooks, bicyclist  
Browning Family (Heather, Kailee, Caden), community supporters  
Carla Buscaglia, bicyclist  
Karen Bullard, bicyclist, administrative assistant  
Carl Busse, bicyclist and teacher  
Stella P. Cabana, cyclist  
Cadelinia Family (Donna, Steven, Noah and Madison), bicyclists  
Bob and Lorrie Cahn, bicyclists  
Wade Cambern, parent  
Canevari Family (Brian, Suzanne, Gabriel and Gemma), bicyclists  
Gayle Carr, former bicyclist  
Ed Case, attorney  
Dr. Tanya L. Castro, bicyclist  
Joseph R. Castro, bicyclist  
Tatyana Cerullo, triathlete and attorney  
Rosemarie Chang, OB/GYN  
Lawrence, Rina, Arthur and Lukee Cheung, concerned family  
Randy Ching, bicyclist  
Steven and Sheri Chirco, bicyclists  
John Climaldi, parent and bicyclist  
Kevin and Lissa Cockett, recreational bicyclists  
Joel and Suma Cohn, cyclists  
Alexander Culley, Ph.D.  
Chris Dacus, bicyclist & MACB Chair  
David DeFilippo, bicycle commuter  
Denise Cummings, bicyclist & parent

Derauf Family (Donald, Stephanie, Zoe and Hawea), pediatrician & bicyclists  
Dorian Cuccia, bicyclist  
Bill Danyluk, bicyclist  
John and Nina Davis, bicyclists  
DeWeese Family (Christina, Nathan, Gerrit and Dagan), bicyclists  
Kay DeWeese, Ph.D.  
Ralph Dobson, triathlete  
Patricia Dunn, bicyclist  
David Dunson, bicyclist  
Erika Eberhart, cyclist  
Wally and Lorrie Enos, bicyclists  
Fa Family (Peter, Patricia, Alissa and Nicole), bicyclists  
James Facette, bicyclist  
Justin Fanslau, bicyclist  
Melissa Fernholz, parent & occasional bicyclist  
David Fisher, parent  
Ruth Foster, bicyclist, parent and teacher's assistant  
Diane Fujioka, bicyclist  
Robert Gardiner, bicyclist  
Christopher Garth, bicyclist  
Betty Gearen, recreational bicyclist  
Glenn and Faith Gibb, parents  
Philip Gilbertson, bicyclist  
John Girmsey, President, Hickam Area Cycling Club (HACC)  
Sean Gongwer, bicyclist  
John Goody, bicyclist  
B. Greenwood, bicyclist  
Allen Griffin, bicyclist, office manager  
Patricia and AJ Halagao, parents  
Halcro Family (DJ, Debi, Sydnee and Kayla), bicyclists  
Rich Halverson and Christine David, parents and teacher  
Tegan Hammond, bicyclist  
Donna Hanson, bicyclist  
Alicia Hanta, parent & occasional bicyclist  
Ken Harding, runner  
Kathryn Harper, bicyclist  
Walt and Arla Harvey, realtors  
James P. Hasselman, parent  
Aaron Hebshi, bicyclist  
William Higgins, Kaneohe, bicyclist  
Peter Hinely, bicyclist  
Dale Hoffmann, bicyclist  
Rebecca Horne, Instructor University of Hawaii

Jim Horton, bicyclist and Bicycling Merit Badge Counselor for Boy Scouts  
Nancy Howarth, bicyclist  
Whitney Houck, bicyclist  
Olwen Huxley, bicyclist  
Lloyd P. Ignacio, bicyclist  
Craig A. Iriye, MD & recreational bicyclist  
Ed Johnson, cyclist, jogger & pedestrian  
Patricia Johnson, bicyclist  
Will Johnston, bicyclist  
Rex Earl Jones, Jr., bicyclist  
Thomas H. Jones, runner  
William J. Jones, USAF (Ret), triathlete  
Gwen Judd, bicyclist and lactation consultant  
Russell Kadooka, cyclist  
Piilani Kaopuiki, bicyclist  
Thomas Kersch, bicyclist  
Chris Kidouski, bicyclist, carpenter  
Kevin Killeen, bicyclist  
Kim Family (Jay, Jayne and Erika), bicyclists  
Kelii Kotubetey, runner  
Alice Lachmau, bicyclist, teacher  
Todd Lajiness, bicyclist  
Raymond A. Lalosin, McCully Citizens Patrol  
Daniel Langford, bicyclist  
Luis Larcina, bicyclist  
Laurie Lee, parent  
Jayson Lee Mitchell, mountain biker, runner, parent  
Leinau Family (Josh, Jacque, Hayden and Taite), cyclists  
Paula Levin, bicyclist  
Jesse Lipman and Cristina Valenzuela, parents  
Gilbert Loomis, bicyclist  
Lopes Family (Roberto, Elizabeth, Caio and Jade), bicyclists  
Miriam Loui, cyclist  
Dave Low, bicyclist  
Bonnie S. Lowe, bicyclist  
Jen Macagnone, bicyclist and parent  
Cherise V.N. Madriaga, bicyclist  
Felicidad A. Madiaga, grandmother  
Ferdinand A. and Darlene V.N. Madriaga, bicyclists  
Justin N. Madriaga, bicyclist  
Mehana Makainai, bicyclist  
Janice Marsters, bicyclist  
Peter A. Matsumoto, grandparent

James, Shanti and Keali McCarter, bicyclists  
Manuel Mejia, bicyclist, parent  
Jeff Mikulina, bicyclist  
Felix Militante, bicyclist & parent  
Melissa Mock, cyclist  
Steven Mock, cyclist  
Alana Mock, cyclist  
Evan Mock, cyclist  
Alika Mock, cyclist  
Machiko Mohri, parent & teacher's assistant  
Lydi Morgan, bicycle commuter  
Joe and Jackie Murphy, bicyclists  
Carol Murry, bicyclist  
Mitchell Nakagawa, bicyclist  
Katrina Nakamura, bicyclist & parent  
Kaze Nakamura, junior bicyclist  
Yoshinari Nakamura, parent  
Shane T. Neal, cyclist, bicycle commuter and parent  
Patricia Neils, bicyclist, UH-LCC Professor  
Keidi Niemann, bicyclist  
Glenn and Nora Nii, grandparents  
Mary Nilges, bicyclist  
Jocelyn Norcross, bicyclist  
Edward Nugent, bicyclist  
Warren Oda, bicyclist  
Richard Okamoto, member Hawaii Kai Lions Club  
Julia and Chad Okinaka, cyclists  
Diana-Joy Ostroff, parent and naturopathic physician  
Bonnie Ozaki-James, grandparent & teacher  
Packer Family (Bryan, Tracy, Kalei and Kanani), parents & bicyclists  
Wally Parcels, bicyclist  
Deanna Parrott, bicyclist  
Jodie Pinkley, bicyclist  
Jack Pitcher, bicyclist  
Bibiana Potter, teacher & parent  
Craig R. Powers, bicyclist  
Panos D. Prevedouros, PhD, professor  
Renee Ramsey and Steve Morris, bicyclists and parents  
Elizabeth Reilley, Neighborhood Board Member  
Rodger Reilly, community supporter  
David Rhombus, bicyclist  
Eduardo Sa, bicyclist  
Bill and Nancy Sager, former bicyclists

Mastoma Sahn, M.D., bicyclist  
Rudy Salazar, bicyclist  
Eric Sanders, bicyclist  
Gregg and Kim Sanders, bicyclists  
Lamberto Sanez, Jr. and son Anjelo, bicyclists  
Warren Santoki, bicyclist  
Frank and Donna Schmidt, parents  
Ben Schorr, bicyclist  
Schow Family (Teresa Wright, Matthew, Anna and Nicholas), bicyclists  
Kristi Schulenberg, bicyclist  
Maile Shimabukuro, Representative District 45 – via separate letter  
Keo Skudlarick, bicyclist  
Cora Speck, Injury Prevention Coordinator, Queen's Trauma Center  
Mark Speck, cyclist and parent  
Petula J. Shimabukuro, bicyclist  
Steve Shimoda, bicyclist  
Julie Shiohita, recreational bicyclist  
Tim and Jackie Smith, concerned parents and bicyclists  
Wally Soares and Valerie Miehlestein, parents  
Jeff Soots, bicyclist  
Meredith Speicher, bicyclist  
Bill Standley, bicyclist and pedestrian  
John Steinmiller, bicyclist and realtor  
Stempien-Scollon Family (Dan, Kim, Sonja and Samuel), bicyclists  
Stewart Family (Michael, Lisa, Kaimana and Anela), bicyclists  
Greg Stock, bicyclist & teacher  
Jason L. Stone, US Navy Chief & bicyclist  
Richard Sullivan, bicycle commuter  
Robert and Kathy Sweet, bicyclists  
Janel Takasaki, bicyclist and R.N.  
Wade and Victoria Tandberg, cyclists, concerned parents of cyclists, bicycle commuters  
Chad Taniguchi, bicyclist  
Doug Taylor, bicyclist  
Matt Teho, bicyclist  
Matt Thomas, bicyclist  
Rob and Laura Thompson, uncle and auntie  
Doug and Dasha Trent, bicyclists  
Thomas Trenz, former bicyclist  
Bryan Truckenmiller, bicyclist  
Sherry Uyeda, bicyclist  
Lynn Vasquez, member Kalihi-Palama Neighborhood Board  
Noel S. Verano, bicyclist  
April Wagner, bicyclist

Paul Waller, concerned motorist  
Gene Ward, Representative District 17 and former bicyclist  
Craig Warren, bicyclist  
Suzanne Westerly, bicyclist and photographer  
Ralph Wheelock, bicyclists  
Jeff and Shelley White, bicyclists  
Dave Wielins, bicyclist, manager  
Robin Wielins, bicyclist, audiologist  
Robert "Dr. Bob" Wilkinson, Pediatrician  
Jessica Wooley, mother, former bicycle rider, Representative District 47  
Chris Wordall and Family, bicyclists  
Pleonpit Wuttayagon, bicyclist  
Georgette Yaindl, bicyclist  
Bonnie Yamamoto, Yutaka Hachiya & Taiga Yamamoto, parents and bicyclist  
Brian K. Yamamoto, bicyclist  
Wil Yamamoto, bicyclist  
Crystal Young, bicyclist  
Young Family (Scott, Rose, Christian, Kayla, Kalei, Michol), bicyclists  
Jeff Zimpfer, bicyclist  
Richard Zitzke, bicyclist

#### OUTER ISLANDS ORGANIZATIONS

Apollo Kauai  
Coconut Coasters Beach Bike Rentals  
Hawaii Island Bike System Advocates (HIBSA)  
Kauai Path, Inc.  
Laupahoehoe Train Museum  
Malama Pono: Kauai AIDS Project  
Maui Bicycle Alliance  
PATH Peoples Advocacy for Trails Hawaii (Big Island)  
Tsunami Marketing

#### KAUAI

Maluhia Abhayada, bicycle commuter  
Anandra, bicyclist  
Linda Arn, bicyclist  
Troy Arnold, bicyclist  
Wendy Beckett, motorist  
Tor Chantara, bicyclist  
Sue Coan, bicyclist  
Ron Dixon

IWASA

Melissa and Alexander (Sandy) Fisher, bicyclists  
Heatherbell Fong, bicyclist  
Nick Good, bicyclist  
Claudia Herfurt, bicyclist  
Susan Higgins-Stalher, bicyclist  
Susan Hoerner, bicyclist  
D. Q. Jackson, bicyclist  
Pua La`a and son, Timoteo Hew Len, bicyclists  
Kelly R. Lee, bicyclist  
Lora Lynne, bicyclist  
Lori Lyster, bicyclist  
Carole Madsen, bicyclist  
Maria Maitino, bicyclist  
Vanessa Massoud, bicyclist  
Thomas Noyes, bicyclist  
Mark Olson, Ph.D.  
Andrew Preston, bicyclist  
Robert and Valerie Rekward, bicyclists  
Greg Robison, bicyclist  
Jeanne Russell, bicyclist  
Kurt Rutter, bicyclist  
Gary D. Seals, bicyclist, father and business owner  
Gary Smith, bicyclist  
John Stern, bicyclist

#### BIG ISLAND

Connors Family (Doug, Sue, Patti, Robert, Toni, Andy, Terri), bicyclists  
Jude Riley, parent  
Karen Shaw, bicyclist and parent

#### MAUI

John Byrne, bicyclist  
Walter Enamoto, bicyclist

#### VISITORS FROM OUT OF STATE

Paul Brown, bicyclist, cleaner (CA)  
Carol Brown, bicyclist, teacher (CA)

From: whigg007@aim.com  
Sent: Thursday, February 12, 2009 10:48 PM  
To: TRNtestimony  
Subject: Committee of Transportation, Saturday 2/24/09

This testimony is directed to the COMMITTEE OF TRANSPORTATION, which is meeting on FEBRUARY 14TH 2009 at 0900 in Conference Room 309, State Capitol, 415 S. Beretania St., Honolulu, HI

My name is William Higgins from Kaneohe. I am a Certified Registered Nurse Anesthetist at Kaiser Moanalua Facility. More importantly I am a cyclist and pedestrian and am deeply concerned with the safety of those two activities.

I wish to comment on two measures you plan to discuss on Saturday.

**HB1632** Concerning specific cycling safety measures  
**HB1697** Concerning bicycle registration fees

**I strongly support HB1632.** This bill brings Hawaii up to par with a number of other states who are proactively trying to protect their "other" roadway users. I support it in it's entirety with the following comments:

1. There seems to be an absence of what the penalties might be with infractions to this law, or even the degree of the infraction, ie misdemeanor or felony etc. I also feel a definition of bodily injury might be added for completeness.
2. I feel the "safe passing margin" would better be defined as a distinct distance. It is five feet in Arizona and the League of American Cyclists recommends 3 to 5 feet for instance. This is a very important part of the bill and will give the motor vehicle driver some concrete direction to their driving practice. Then again...as I write...perhaps your wording may be more effective because it gives a visualization of the distance, but how does this concern enforcement.
3. Page 2 line 20-23 and Page 3 lines 1-3. are difficult to understand. I have reread them many times and still I am unsure what the thought is.

I applaud you and thank you for the consideration given to the cyclists safety. It is in the best interest of everyone in Hawaii. Please pass this measure.

**I do not support HB 1697.**

First I can think of no justification for increasing bicycle registration fees. Inflation is not a good reason. The state of Hawaii should encourage it's citizens to bicycle. Increasing registration fees is not a way to do this and is actually a disincentive.

As I mentioned I am a active cyclist, practically by thrice weekly commutes to work and recreationally. I speak from experience. While I feel the State, City and the DOT has shown some improvement in it's efforts to create some equality with it's "other" roadway users, the progress has been painfully slow.

I would like to see meaningful improvement before you start charging us more to use the roads. I think most Hawaii cyclists would feel the same.

This testimony is respectfully submitted.

William Higgins  
Kaneohe, HI 96744

---

**A Good Credit Score is 700 or Above. See yours in just 2 easy steps!**