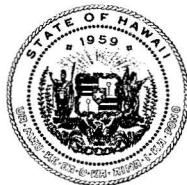


LINDA LINGLE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
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IN REPLY REFER TO:

February 9, 2009

TESTIMONY OF THE DEPARTMENT OF TRANSPORTATION

HOUSE BILL NO. 557

COMMITTEE ON TRANSPORTATION

House Bill 557 amends the definition of "bicycle" to include a bicycle powered by an electronic motor.

The Department supports this bill, however recommends amendments.

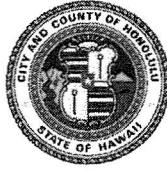
We recommend amending the language in the bill to make it consistent with the Federal Highway Administration's definition of an "electric bicycle", which establishes a maximum speed of 20 mph and a maximum weight of 100 pounds.

The Department also recommends that the definition of a moped be amended, in order to not overlap with the definition of a bicycle with an electronic motor. Currently, a moped is defined as having a "maximum power output capability of two horsepower or less" and a bicycle with an electronic motor is defined as having an "electric motor that produces less than one and one half gross brake horsepower".

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

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MUFI HANNEMANN
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

SHARON ANN THOM
DEPUTY DIRECTOR

February 6, 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. 557
Relating to Electric Bicycles**

The Department of Transportation Services opposes House Bill No. 557, which would change the definition of a bicycle to include a bicycle-like vehicle with an electric motor. The types of vehicles that would fall under this proposed definition change are widely varied, from vehicles that look like bicycles to ones that are essentially mopeds.

The speed of these vehicles also poses a safety concern. Currently, bicycles are allowed on sidewalks in many areas and on multi-used paths where there are pedestrians and other non-motorized users. This change would allow these faster moving vehicles, traveling up to twenty-five miles per hour, (as opposed to what is now allowed - 10 miles per hour maximum) to ride on sidewalks and paths which would create a potentially dangerous situation.

Consequently, we recommend that the definition of bicycle as being a vehicle [propelled solely by human power] be retained.

We feel that it would be better to create a new category of vehicles, such as "electric bicycle", rather than change said definition of a bicycle. "Electric bicycles" can then be restricted on sidewalks or multi-use paths.

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

TESTIMONY IN SUPPORT OF HB 557

From

REPRESENTATIVE JOE BERTRAM III

February 5, 2009

Aloha Representative Joe Souki, Chair, of the House Transportation Committee and members of the Committee on Transportation..

I write in strong support of HB 557 RELATING TO TRANSPORTATION.

Thank you for your support of this measure.

Committee on Transportation (TRN)

To: Honorable Joseph M. Souki, Chair
and Committee members

From: Randal Draper

Bill scheduled to be heard by TRN on Monday, 02-09-09 9:00AM in House conference room 309

Thank you for the opportunity to give my personal written testimony in support of Bill HB557 that amends the definition of "bicycle" to include a bicycle powered by an electronic motor.

I fully support this bill in it's entirety for the sake of allowing Hawaii residents and visitors a alternate form of clean and quiet transportation that is affordable to most anyone who would like to conserve on oil or energy and promote conservition in the process.

Hawaii had a great Electric Bicycle (motorized bicycle) law in place that included a electric bicycle or motorized bicycle to be registered as a bicycle and they were included in the definition of "Bicycle" prior to the Segway legislation's a few years ago. Now Hawaii and New York are the only places in our nation that electric bicycles are illegal. Most people have probably never heard of electric bicycles but they are still being sold in Hawaii by people not knowing the law change. With moderm technology a 20 lb bicycle can fitted with a 5 lb electric motor along with a 7 lb battery pack in the frame that make up the light weight electric bicycle. These electric bicycles can go at bicycle speeds for 20 miles with light pedaling or go for 30 miles with moderate pedaling if you want to get more exercise to increase the range.

In most countries around the globe millions of electric bikes are sold and used for affordable and efficient transportation. There are examples 1000s of electric bicycle manufactures that exist around the world on the Internet to allow clean transportation without toxic admissions. Batteries can easily be charged in any home or office by a socket or by a small solar panel on the roof of your home. How many cars could be eliminated off the roads and hotel parking lots if employees had electric bicycles to go to work? Let s say to ride to Kaaanapali from Lahaina or Napili and back? Not to mention the savings at a cost of less than 15 cents a charge for a one hour twenty mile round trip. The bottom line is lets get these worlds most efficient vehicles (bicycles) out on our unused bike ways and provide a alternate to almost anyone that otherwise have to drive there gas guzzling cars needlessly. Electric bicycles could be used as island wide transportation in the bikeways of course at a slower pace than a car but more affordable. At times riding a electric bicycle you can save on time, especially when auto traffic is gridlock and you only need to go a few miles.

In these changing times Electric Bicycles should be first on the list towards renewable energy, a diversified economy, and transportation projects here in Hawaii.

Thank you for your consideration in passing this bill intact that Hawaii and the people of the world can be proud of.

For anyone to see what a electric bicycle is and how they operate here is a short video clip that was done by KGMB TV 9 News.

<http://kgmb9.com/main/content/view/9053/40/>

Aloha, Randal Draper

From: John P. Wendell [john.p.wendell@gmail.com]
Sent: Saturday, February 07, 2009 6:45 AM
To: TRNtestimony
Subject: HB 557 Monday, February 9, 2009, 9:00 a.m. Conference Room 309

Testimony to be presented regarding HB557, Monday, February 9, 2009, 9:00 a.m. Conference Room 309, State Capital by John Wendell.

Chair Souki, Vice Chair Awana, and the members of the House Transportation Committee I appreciate the opportunity to comment on HB 557, HD1. I support this bill if it is appropriately amended as detailed below.

Under current law a bicycle with any type of motor is classified as a moped and not as a bicycle (see §291C-1). However, the performance characteristics of a bicycle with a small electric motor of 750 watts (one horse power) or less is more like a bicycle powered solely by human power than a moped. This is fairly obvious if you consider that the maximum speed on flat terrain for a bicycle with such an electric engine is 20 mph while §291C-1 sets it at 30 mph for a moped. Moderately fit bicyclists can reach a speed of 20 mph on level terrain and many can maintain that speed for long distances. The benefit of a 750 watt electric motor is that it allows people who have physical limitations to be able to bicycle in a manner comparable to other cyclists. Since there is essentially no difference in the performance characteristics between such an electric bicycle and a completely human powered bicycle it makes sense to subject them both to the same rules of the road, which is exactly what HB557 does for these bicycles.

However, HB557 sets the maximum power of the electric bicycle motor at 1.5 horsepower (1,120 watts) with a maximum speed on level terrain of 25 mph. The distinction in the operating characteristics of a 1.5 horsepower electric bicycle and a moped is less clear than for the one horsepower bicycle. Only very strong bicyclists can maintain 25 mph on the flats for very long, so a 1.5 horsepower engine will yield a bicycle that is substantially more powerful than most human powered bicycles. Consequently I advise that HB557 be amended to make the power limit for the electric motor 750 watts and the speed on level terrain 20 mph.

HB557, in addition to allowing bicycles with small electric motors to be classified as bicycles attempts to regulate the dimensions, tire size and weight of bicycles that can be transported on public buses. This is misguided and unnecessary micro-management. Public transportation operations already have the authority to regulate the dimensions of the bicycles they transport. The proposed guidelines in the legislation do provide reasonable restrictions to ensure safe accommodation for bicycles given the design of the bicycle racks currently in use by the City and County of Honolulu's buses. The drivers of those buses can and do deny boarding to bicycles that are outside these dimensions. They do not need legislation to enable them to do so. Further, the future may bring other bicycle rack designs to Hawai'i that have different design specifications. If Maui county uses bicycle racks on their buses that are of a different from O'ahu's should they be forced to abide by O'ahu's restrictions? Of course not! Further, if the legislature feels compelled to regulate which bicycles can be carried on buses §291C-1 is the wrong place to do it. §291C-1 is concerned solely with providing definitions used in the other parts of §291C, it does not regulate behavior. It will establish a very poor precedent to use the opening definitional part of a section of law in this way.

Finally in part (1) of HB557 the "vehicle powered solely by human power" is struck but it is part (2) that deals with bicycles with electric motors. Keep in mind that (1) and (2) are separated by "or," removing "human powered" from (1) results in a definition where a motorcycle is a bicycle because it is "A vehicle upon which any person may ride, having two tandem wheels"

What follows is my suggestion for HB557 HD1 that will address my concerns:

SECTION 1. Section 291C-1, Hawaii Revised Statutes, is amended by amending the definition of "bicycle" to read as follows:

""Bicycle" means [~~every~~]:

(1) A vehicle propelled solely by human power upon which any person may ride, having two tandem wheels, and including any vehicle generally recognized as a bicycle though equipped with two front or two rear wheels except a toy bicycle[-]; or

(2) A vehicle upon which any person may ride that has two tandem wheels, including any vehicle generally recognized as a bicycle even if equipped with two front or two rear wheels and an electric motor that produces than 750 watts or less and is capable of propelling the vehicle at a maximum speed of not more than twenty miles per hour on level ground."

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

Sincerely,

John P. Wendell