

Honolulu, Hawaii

MAR 06 2015

RE: S.B. No. 128  
S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred S.B.  
No. 128, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOTOR VEHICLES,"

begs leave to report as follows:

The purpose and intent of this measure is to promote highway  
safety and alleviate traffic congestion.

Specifically, the measure:

- (1) Prohibits operation of a motor vehicle within one meter  
of a moving bicycle; and
- (2) Appropriates moneys as a grant-in-aid to the City and  
County of Honolulu for the operation of a van pool  
program on Oahu.

Your Committee received written comments in support of this  
measure from the Department of Transportation and two individuals.  
The Hawaii Transportation Association and one individual submitted  
written comments on the measure.

Your Committee finds that bicycling is a safe and sustainable  
method of transportation for many in Hawaii. However, there are  
places where bicyclists must share the road with motor vehicles,  
making bicycling more dangerous for cyclists. Your Committee  
believes that placing clear restrictions on motorists will  
increase the safety of bicyclists and also encourage members of



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the public to use bicycling as an alternative mode of transportation.

Your Committee also finds that van pools promote sustainability by reducing the number of motor vehicles on the road using fossil fuels and may help to relieve traffic congestion in the City and County of Honolulu.

Your Committee has amended this measure by:

- (1) Changing the restriction on the operation of a motor vehicle from within "one meter of a moving bicycle," to "one yard of a person operating a bicycle";
- (2) Appropriating the grant-in-aid from the state highway fund rather than from general revenues;
- (3) Changing the amount appropriated to an unspecified amount;
- (4) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (5) Making technical nonsubstantive amendments for clarity, consistency, and style.

Your Committee respectfully requests the Attorney General to review the prohibition language in this measure concerning operating a motor vehicle within one yard of a person operating a bicycle, and make recommendations as to its enforceability. Your Committee further requests the Attorney General to submit its findings and recommendations, including any proposed amendments, to the Standing Committees that will consider this measure later in the legislative process.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 128, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 128, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,



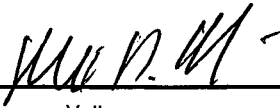
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JILL N. TOKUDA, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB128 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">TRA, WAM</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/26/15</div>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div> <input type="checkbox"/> Pass, unamended 2312         </div> <div> <input checked="" type="checkbox"/> Pass, with amendments 2311         </div> <div> <input type="checkbox"/> Hold 2310         </div> <div> <input type="checkbox"/> Recommit 2313         </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TOKUDA, Jill N. (C)	✓			
KOUCHI, Ronald D. (VC)	✓			
CHUN OAKLAND, Suzanne				✓
DELA CRUZ, Donovan M.				✓
ENGLISH, J. Kalani	✓			
GALUTERIA, Brickwood				✓
HARIMOTO, Breene	✓			
INOUE, Lorraine R.	✓			
RIVIERE, Gil	✓			
RUDERMAN, Russell E.	✓			
SLOM, Sam				✓
<b>TOTAL</b>	7	0	0	4
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 5px;"> <input checked="" type="checkbox"/> Adopted         <input type="checkbox"/> Not Adopted         </div>				
Chair's or Designee's Signature: <div style="text-align: center; font-size: 1.5em; font-family: cursive; margin-top: 10px;">  </div>				
Distribution: <div style="display: flex; justify-content: space-between; margin-top: 5px;"> <div>Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

\*Only one measure per Record of Votes