

JAN 27 2021

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# A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

1           SECTION 1. Act 54, Session Laws of Hawaii 2009, enacted  
2 the complete streets law, codified as section 264-20.5, Hawaii  
3 Revised Statutes, to require the department of transportation  
4 and the county transportation departments to adopt a complete  
5 streets policy that seeks to reasonably accommodate convenient  
6 access and mobility for all users of the public highways within  
7 their respective jurisdictions, including pedestrians,  
8 bicyclists, transit users, motorists, and persons of all ages  
9 and abilities.

10           The legislature finds that clarification of the complete  
11 streets policy is necessary to assure its proper implementation  
12 and ensure its effectiveness as intended.

13           The purpose of this Act is to:

14           (1) Require the department of transportation to submit an  
15 annual report to the legislature detailing compliance  
16 with complete streets policy and principles;



- 1           (2) Require the department of transportation to establish
- 2                   and publish performance standards with measurable
- 3                   benchmarks reflecting the capacity for all users to
- 4                   travel safely and conveniently along state roadways;
- 5           (3) Require that the complete street policies of the state
- 6                   apply to new construction, reconstruction, repaving,
- 7                   operations, and maintenance activities;
- 8           (4) Require the department of transportation to create a
- 9                   complete streets policy checklist for each project and
- 10                  post the checklist on its website; and
- 11           (5) Require the counties to consider complete street
- 12                   policies when adopting or amending land use
- 13                   ordinances.

14           SECTION 2. Chapter 264, Hawaii Revised Statutes, is  
15 amended by adding a new section to be appropriately designated  
16 and to read as follows:

17           "§264-    Ground transportation infrastructure project  
18 planning, design, and implementation. (a) When planning,  
19 designing, and implementing ground transportation  
20 infrastructure, the department shall consider and pursue goals  
21 for each project that:



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- 1        (1) Assess and maximize the total throughput of persons
- 2            using all modes of transportation;
- 3        (2) Meet complete streets goals as defined in section
- 4            264-20.5;
- 5        (3) Reduce vehicle miles traveled;
- 6        (4) Provide capacity to meet future mode share goals
- 7            established by the State;
- 8        (5) Provide equity for all communities and users;
- 9        (6) Consider the zero vision policy goals pursuant to
- 10           section 286-7.5;
- 11        (7) Reduce user cost of transportation and living;
- 12        (8) Improve public health;
- 13        (9) Reduce carbon emissions and greenhouse gasses to meet
- 14           state climate and zero emissions clean economy goals
- 15           as defined in sections 269-92 and 225P-5;
- 16        (10) Reduce urban temperatures by incorporating tree canopy
- 17           and foliage over hardened surfaces; and
- 18        (11) Beautify public infrastructure.
- 19        (b) On or before December 31, 2021, and on or before
- 20        December 31 of each year thereafter, the director of
- 21        transportation shall submit to the legislature a report



1 detailing progress towards compliance with the complete streets  
2 policy and principles during the preceding fiscal year."

3 SECTION 3. Section 264-18, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Out of the state highway fund amounts, whether state  
6 funds or federal funds, shall be expended as necessary by the  
7 State for the establishment of bikeways; provided that bikeways  
8 shall be established, whenever practicable, wherever a new or  
9 existing highway, road, or street is being designed, planned,  
10 constructed, reconstructed, relocated, or rehabilitated. At  
11 least [~~two~~] eight per cent of eligible federal funds, and in  
12 addition, other state highway fund moneys as available, shall be  
13 expended to:

- 14 (1) Establish multi-use paths, bicycle paths, and bicycle  
15 lanes; and
- 16 (2) Install signage and safety devices along bikeways;  
17 provided that the department of transportation shall  
18 include the bicycling community in a public  
19 involvement process to determine the location of  
20 multi-use paths, bicycle paths, bicycle lanes, and



1 installation of signage and safety devices along  
2 bikeways.

3 Planning for any mass transit system shall include  
4 appropriate accommodation for bicycle lanes, bikeways, and  
5 bicycle routes, including bicycle racks on mass transit  
6 vehicles, to enable mass transit users to connect conveniently  
7 by bicycle to transit stations and bus stops.

8 This subsection shall not be construed as requiring the  
9 expenditure of a county surcharge on state tax under section  
10 46-16.8, on bicycle paths if the application of this subsection  
11 conflicts with section 46-16.8."

12 SECTION 4. Section 264-20.5, Hawaii Revised Statutes, is  
13 amended to read as follows:

14 **"§264-20.5 Complete streets.** (a) The department of  
15 transportation and the county transportation departments shall  
16 adopt a complete streets policy that seeks to reasonably  
17 accommodate convenient access and mobility for all users of the  
18 public highways within their respective jurisdictions as  
19 described under section 264-1, including pedestrians,  
20 bicyclists, transit users, motorists, and persons of all ages  
21 and abilities.



1           (b) This section shall apply to new construction,  
2 reconstruction, and maintenance of highways, roads, streets,  
3 ways, and lanes located within urban, suburban, and rural areas,  
4 if appropriate for the application of complete streets.

5           (c) This section shall not apply if:

6           (1) Use of a particular highway, road, street, way, or  
7 lane by bicyclists or pedestrians is prohibited by  
8 law, including within interstate highway corridors;

9           (2) The costs would be excessively disproportionate to the  
10 need or probable use of the particular highway, road,  
11 street, way, or lane;

12           (3) There exists a sparseness of population, or there  
13 exists other available means, or similar factors  
14 indicating an absence of a future need; or

15           (4) The safety of vehicular, pedestrian, or bicycle  
16 traffic may be placed at unacceptable risk.

17           (d) On or before December 31, 2021, and on or before  
18 December 31 of each year thereafter, the director of  
19 transportation shall submit to the legislature a report  
20 detailing compliance with the complete streets policy and



1 principles during the preceding fiscal year. The report shall  
2 include:

- 3       (1) A list of transportation facilities and projects  
4           initiated during that fiscal year as well as the  
5           complete streets features incorporated therein;  
6       (2) Exceptions made under subsection (c);  
7       (3) Beginning July 1, 2023, measurable performance  
8           standards and benchmarks, as established in  
9           conjunction with the Moving Ahead for Progress in the  
10          21st Century Act process applicable to each project;  
11          and  
12       (4) Problems and suggested solutions and recommendations  
13          to improve the process.

14       (e) The department of transportation shall establish and  
15 publish performance standards with measurable benchmarks  
16 reflecting the capacity for all users to travel with appropriate  
17 safety and convenience along roadways under the jurisdiction of  
18 the State.

19       (f) The department of transportation shall ensure that:



- 1        (1) Complete streets policies of the State apply to new  
2        construction, reconstruction, repaving, operations,  
3        and maintenance activities;
- 4        (2) A complete streets policy checklist of duties of the  
5        department of transportation is published in  
6        accordance with section 1-28.5. The complete streets  
7        checklist shall apply from initial planning through  
8        final design, construction and operation for all new  
9        construction, reconstruction, and repaving surface  
10       transportation initiatives. The complete streets  
11       checklist shall be updated from time to time as  
12       necessary to facilitate the implementation of the  
13       complete streets policy. As used in this paragraph,  
14       "complete streets checklist" refers to a tool to  
15       collect data and information about the status of the  
16       roadway and the surrounding area, as well as the  
17       details of the transportation facility or project,  
18       with a goal of identifying specific elements that can  
19       be incorporated to support and balance the needs of  
20       all users; and



1       (3) The complete streets policy checklist with  
2       accompanying documentation shall become a public  
3       record and shall be accessible on the department of  
4       transportation's website within sixty days of  
5       completion of the checklist and accompanying  
6       documentation.

7       (g) In adopting or amending land use ordinances, the  
8       counties shall consider complete street policies to ensure that:

9       (1) A context-sensitive and multi-modal approach is  
10       considered in ordinances;

11       (2) Consideration is given to allow flexibility in the  
12       zoning requirements; and

13       (3) Other factors peculiar to the community are considered  
14       when:

15       (A) The application of this section conflicts with  
16       the context of the particular community; or

17       (B) A land use ordinance conflicts with the  
18       principles of complete streets."

19       SECTION 5. The director of transportation shall provide  
20       training for the department of transportation's design,  
21       operations, and maintenance staff in complete streets policies,



1 principles, and implementation procedures that may be applicable  
2 to the performance of their duties.

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

5 SECTION 7. This Act shall take effect upon its approval.

6

INTRODUCED BY: 



# S.B. NO. 1401

**Report Title:**

Transportation; Department of Transportation; Complete Streets Law

**Description:**

Directs the department of transportation to fashion a complete streets policy and reporting requirements.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

