

A Bill for an Act Relating to Bicycle Rules of the Road.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Findings and intent. The legislature finds that improvements in safety and health factors affecting bicyclists are sufficient reasons to amend the traffic laws and rules of the road. The legislature concurs with the department of transportation's Bikeplan Hawaii that two advantages can be gained if bicyclists are permitted to operate on the left side of one-way streets. A bicyclist's visibility would be increased since the bicyclist would be on the same side as vehicle drivers. A bicyclist's exposure to emissions and air turbulence from buses and large trucks would be lessened. These advantages would increase the safety and health of bicyclists without impeding motor vehicle traffic. The legislature further finds that the orderly and safe operation of bicycles requires the uniform application of certain rules of the road on nonroadway as well as roadway portions of public streets and highways.

It is therefore the intent of the legislature to amend Hawaii's traffic laws to permit bicyclists to ride on the left side of one-way streets, and to regulate the operation of bicycles on highway shoulders, bicycle lanes, and bicycle paths physically separate from the roadway.

SECTION 2. Section 291C-145, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 291C-145 Riding on roadways and bikeways. (a) Every person operating a bicycle upon a roadway at a speed less than the normal speed of traffic moving in the same direction at such time shall ride as near to the right-

hand curb or edge of the roadway as practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction; except under any of the following situations:

- (1) When preparing for a left turn at an intersection or into a private road or driveway, except where prohibited by official traffic control devices;
- (2) When reasonably necessary to avoid conditions (including, but not limited to, fixed or moving objects, vehicles, bicycles, pedestrians, animals, surface hazards, or substandard width lanes) that make it unsafe to continue along the right-hand curb or edge. For purposes of this section, a "substandard width lane" is a lane that is too narrow for a bicycle and a vehicle to travel safely side by side within the lane; or
- (3) When a roadway is designated and signposted to carry traffic in one direction only and has two or more marked traffic lanes, a person operating a bicycle may ride as near to the left-hand curb or edge of such roadway as practicable.

(b) Persons riding bicycles upon a roadway shall ride in single file; provided that upon bicycle lanes and bicycle paths, riding two abreast shall be permitted when such lane or path is of sufficient width to allow riding two abreast unless otherwise prohibited by rule or ordinance adopted by the director of transportation or by the counties.

(c) Whenever a usable bicycle lane has been provided on a highway, any person operating a bicycle at a speed less than the normal speed of traffic moving in the same direction at such time shall ride within such bicycle lane, except that such person may move out of the lane under any of the following situations:

- (1) When overtaking and passing another bicycle, vehicle, or pedestrian within the lane or about to enter the lane if such overtaking and passing cannot be done safely within the lane;
- (2) When preparing for a left turn at an intersection or into a private road or driveway; or
- (3) When reasonably necessary to leave the bicycle lane to avoid debris or other hazardous conditions.

(d) No person operating a bicycle shall leave a bicycle lane until the movement can be made with reasonable safety and then only after giving appropriate signal in the event that any vehicle may be affected by the movement.

(e) No person shall operate or ride a bicycle within a bicycle lane in any direction except that permitted of vehicular traffic traveling on the same side of the highway. Upon all bicycle paths of sufficient width and providing for two-way movement of bicycle traffic, bicycles proceeding in opposite directions shall pass each other to the right.

(f) No person shall ride a bicycle equipped with a motor on any sidewalk. The counties may, by ordinance, post bicycle lanes and bicycle paths to prevent persons riding a bicycle equipped with a motor from using them."

SECTION 3. Section 291C-123, Hawaii Revised Statutes, is amended to read as follows:

"Sec. 291C-123 Driving upon bikeway or sidewalk. No person shall drive any vehicle upon a bicycle lane, bicycle path, sidewalk, or sidewalk area except

ACT 30

upon a permanent or authorized temporary driveway; provided that any vehicle may be driven in a bicycle lane or bicycle path as applicable if:

- (1) It is in the process of executing a legal turn, lane change, or parking maneuver;
- (2) It is an authorized emergency vehicle performing the functions under section 291C-26;
- (3) It is an official federal, state, or county vehicle in the performance of its actual duty;
- (4) It is a stalled or broken vehicle;
- (5) It is necessary to assist a stalled or broken vehicle;
- (6) It is necessary to yield to an authorized emergency vehicle pursuant to section 291C-65; or
- (7) It is otherwise provided by law.

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

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

(Approved April 17, 1978.)

*Edited accordingly.