

ACT 222

H.B. NO. 123

A Bill for an Act Relating to Alternative Methods of Transportation.

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

SECTION 1. The legislature finds that Hawaii remains twenty years behind many states in providing safe, viable, and comprehensive bikeways for residents and tourists. Many mainland cities and states have enacted laws that fund bikeways and bikeway development that provide alternate transportation and improve the urban and rural landscape.

Bikeways offer numerous benefits: they encourage the use of alternate transportation for commuters and other legitimate users of highways which alleviates traffic congestion; they promote physical fitness thereby reducing health care costs; they support Hawaii as the "Health State"; they aid in providing green

corridors throughout urban areas; they promote neighborhood scale development which supports small businesses and communities; and they provide infrastructure for international, national, state and local events, and sport-tourism which economically benefits Hawaii.

The legislature would like to express strong support for the establishment of bikeways, which is long overdue. The department of transportation services of the city and county of Honolulu and the state department of transportation have completed bikeway plans for Hawaii, and it is time to provide the necessary funding to make bikeways a reality. The legislature believes that Hawaii offers ideal climatic and topographic conditions to develop comprehensive bikeways, and that many citizens who refrain from bicycling because of inadequate facilities would utilize more adequate bikeways.

The legislature further finds that by allocating funds for bikeway development, Hawaii will enhance its eligibility to receive federal moneys through the Intermodal Surface Transportation Efficiency Act (ISTEA) to rapidly create comprehensive bikeways and bicycle facilities. By modeling laws after Oregon's model bike laws and acknowledging other states' acceptance of the American Association of State Highway and Transportation Officials (AASHTO) criteria for bikeways and associated facilities while applying them when they are not in conflict with criteria currently in place at the local or state levels, Hawaii will take the necessary steps toward creating viable alternative transportation.

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

“§264- Use of highway fund for bikeways. (a) Out of the state highway fund reasonable amounts shall be expended as necessary by the state for the establishment of bikeways. Bikeways shall be established, whenever practicable, wherever a highway, road, or street is being constructed, reconstructed, relocated, or rehabilitated.

(b) Bikeways are not required to be established under subsection (a):

- (1) Where the establishment of the lanes, paths, routes, and ways would be contrary to public safety; or
- (2) If the cost of establishing the lanes, paths, routes, and ways would be excessively disproportionate to the need or probable use; or
- (3) Where low population density, other available ways, or other factors indicate an absence of any need for the lanes, paths, routes, and ways.

(c) The department of transportation, when requested, shall provide technical assistance and advice to counties in carrying out the purpose of this section. The department of transportation shall recommend construction standards for bikeways. The department of transportation, in the manner prescribed for marking highways under section 264-25, shall provide a uniform system of marking and signing such lanes, paths, routes, and ways which shall apply to lanes, paths, routes, and ways under the jurisdiction of the department of transportation and the counties. Notwithstanding any provision to the contrary, the department of transportation and the counties may restrict the use of the lanes, paths, routes, and ways to pedestrians and non-motorized vehicles.

(d) As used in this section, the term “bikeway” shall have the same meaning as in section 291C-1.

(e) The department of transportation shall report annually to the legislature before the convening of each regular session as to bikeway expenditures and current projects.”

SECTION 3. New statutory material is underscored.¹

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SECTION 4. This Act shall take effect on July 1, 1995.

(Approved June 29, 1995.)

Note

1. Edited pursuant to HRS §23G-16.5.