

**ACT 286**

H.B. NO. 497

A Bill for an Act Relating to Transportation.

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

SECTION 1. Section 248-9, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Moneys in the state highway fund may be expended for the following purposes:

- (1) To pay the costs of operation, maintenance, and repair of the state highway system, including without limitation, the cost of equipment and general administrative overhead;
- (2) To pay the costs of acquisition (including real property and interests therein), planning, designing, construction, and reconstruction of the state highway system and bikeways, including, without limitation, the cost of equipment and general administrative overhead; [~~provided that the director of transportation shall allot and expend two per cent of federally eligible moneys in the state highway fund for bikeways;~~]
- (3) To reimburse the general fund for interest on and principal of general obligation bonds issued to finance highway projects where the bonds are designated to be reimbursable out of the state highway fund; and
- (4) To pay the costs of construction, maintenance, and repair of county roads; provided that none of the funds expended on a county road or program shall be federal funds when such expenditure would cause a violation of federal law or a federal grant agreement.”

SECTION 2. Section 264-18, Hawaii Revised Statutes, is amended to read as follows:

1. By amending subsection (a) to read:

“(a) Out of the state highway fund [~~reasonable~~] amounts, whether state funds or federal funds, shall be expended as necessary by the State for the establishment of bikeways[~~-Bikeways~~]; provided that bikeways<sup>1</sup> shall be established, whenever practicable, wherever a new or existing highway, road, or street is being designed, planned, constructed, reconstructed, relocated, or rehabilitated. At least two per cent of eligible federal funds, and in addition, other state highway fund moneys as available, shall be expended to:

- (1) Establish multi-use paths, bicycle paths, and bicycle lanes; and
- (2) Install signage and safety devices along bikeways;

provided that the department of transportation shall include the bicycling community in a public involvement process to determine the location of multi-use paths, bicycle paths, bicycle lanes, and installation of signage and safety devices along bikeways.

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

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

2. By amending subsection (b) to read:

“(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[~~-~~];

provided that the department of transportation shall involve representatives of the bicycling community, such as the Hawaii Bicycling League, Kauai PATH, Maui

Bicycling Alliance, PATH (Big Island), and others in making a determination under paragraphs (1), (2), and (3); provided further that any decision under this subsection shall be documented, including but not limited to, the factors considered in making a decision; and provided further that the department of transportation shall have the burden of persuasion under paragraphs (2) and (3)."

3. By amending subsection (d) to read:

"(d) As used in this section, the ~~term~~ terms "bikeway", "bicycle path", and "bicycle lane" shall have the same meaning as in section 291C-1."

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

SECTION 4. This Act shall take effect on July 1, 2007.

(Became law on July 10, 2007, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)

**Note**

1. "Bikeways" should be underscored.