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

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

12           The purpose of this Act is to:

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

16           (2) Require the department of transportation to establish  
17 and publish performance standards with measurable



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

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

15 "§264- Ground transportation infrastructure project  
 16 planning, design, and implementation. (a) When planning,  
 17 designing, and implementing ground transportation  
 18 infrastructure, the department shall consider and pursue goals  
 19 for each project that:

- 20 (1) Assess and maximize the total throughput of persons
- 21 using all modes of transportation;



- 1        (2) Meet complete streets goals as defined in section
- 2                264-20.5;
- 3        (3) Reduce vehicle miles traveled;
- 4        (4) Provide capacity to meet future mode share goals
- 5                established by the State;
- 6        (5) Provide equity for all communities and users;
- 7        (6) Consider the vision zero policy goals pursuant to
- 8                section 286-7.5;
- 9        (7) Reduce user cost of transportation and living;
- 10       (8) Improve public health;
- 11       (9) Reduce carbon emissions and greenhouse gasses to meet
- 12                state climate and zero emissions clean economy goals
- 13                as defined in sections 269-92 and 225P-5;
- 14       (10) Reduce urban temperatures by incorporating tree canopy
- 15                and foliage over hardened surfaces; and
- 16       (11) Beautify public infrastructure.
- 17       (b) 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 progress towards compliance with the complete streets
- 21 policy and principles during the preceding fiscal year."



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

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

12 (1) Establish multi-use paths, bicycle paths, and bicycle  
13 lanes; and

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

19 Planning for any mass transit system shall include  
20 appropriate accommodation for bicycle lanes, bikeways, and  
21 bicycle routes, including bicycle racks on mass transit



1 vehicles, to enable mass transit users to connect conveniently  
2 by bicycle to transit stations and bus stops.

3 This subsection shall not be construed as requiring the  
4 expenditure of a county surcharge on state tax under section  
5 46-16.8, on bicycle paths if the application of this subsection  
6 conflicts with section 46-16.8."

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

9 "§264-20.5 Complete streets. (a) The department of  
10 transportation and the county transportation departments shall  
11 adopt a complete streets policy that seeks to reasonably  
12 accommodate convenient access and mobility for all users of the  
13 public highways within their respective jurisdictions as  
14 described under section 264-1, including pedestrians,  
15 bicyclists, transit users, motorists, and persons of all ages  
16 and abilities.

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

21 (c) This section shall not apply if:



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

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

7 (3) There exists a sparseness of population, or there  
8 exists other available means, or similar factors  
9 indicating an absence of a future need; or

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

12 (d) On or before December 31, 2021, and on or before  
13 December 31 of each year thereafter, the director of  
14 transportation shall submit to the legislature a report  
15 detailing compliance with the complete streets policy and  
16 principles during the preceding fiscal year. The report shall  
17 include:

18 (1) A list of transportation facilities and projects  
19 initiated during that fiscal year as well as the  
20 complete streets features incorporated therein;

21 (2) Exceptions made under subsection (c);



- 1        (3) Beginning July 1, 2023, measurable performance  
2        standards and benchmarks, as established in  
3        conjunction with the Moving Ahead for Progress in the  
4        21st Century Act process applicable to each project;  
5        and
- 6        (4) Problems and suggested solutions and recommendations  
7        to improve the process.
- 8        (e) The department of transportation shall establish and  
9        publish performance standards with measurable benchmarks  
10       reflecting the capacity for all users to travel with appropriate  
11       safety and convenience along roadways under the jurisdiction of  
12       the State.
- 13       (f) The department of transportation shall ensure that:
- 14       (1) Complete streets policies of the State apply to new  
15       construction, reconstruction, repaving, operations,  
16       and maintenance activities;
- 17       (2) A complete streets policy checklist of duties of the  
18       department of transportation is published in  
19       accordance with section 1-28.5. The complete streets  
20       checklist shall apply from initial planning through  
21       final design, construction and operation for all new



1 construction, reconstruction, and repaving surface  
2 transportation initiatives. The complete streets  
3 checklist shall be updated from time to time as  
4 necessary to facilitate the implementation of the  
5 complete streets policy. As used in this paragraph,  
6 "complete streets checklist" refers to a tool to  
7 collect data and information about the status of the  
8 roadway and the surrounding area, as well as the  
9 details of the transportation facility or project,  
10 with a goal of identifying specific elements that can  
11 be incorporated to support and balance the needs of  
12 all users; and

13 (3) The complete streets policy checklist with  
14 accompanying documentation shall become a public  
15 record and shall be accessible on the department of  
16 transportation's website within sixty days of  
17 completion of the checklist and accompanying  
18 documentation.

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





- 1        (1) A context-sensitive and multi-modal approach is
- 2            considered in ordinances;
- 3        (2) Consideration is given to allow flexibility in the
- 4            zoning requirements; and
- 5        (3) Other factors peculiar to the community are considered
- 6            when:
- 7            (A) The application of this section conflicts with
- 8            the context of the particular community; or
- 9            (B) A land use ordinance conflicts with the
- 10           principles of complete streets."

11        SECTION 5. The director of transportation shall provide

12 training for the department of transportation's design,

13 operations, and maintenance staff in complete streets policies,

14 principles, and implementation procedures that may be applicable

15 to the performance of their duties.

16        SECTION 6. Statutory material to be repealed is bracketed

17 and stricken. New statutory material is underscored.

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

19



S.B. NO. 1401  
S.D. 1

**Report Title:**

Transportation; Department of Transportation; Complete Streets Law

**Description:**

Directs the department of transportation to fashion a complete streets policy and reporting requirements. (SD1)

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

