
A BILL FOR AN ACT

RELATING TO CYCLE TRACKS.

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

1 SECTION 1. The purpose of this Act is to authorize the use
2 of the State highway fund for the establishment of cycle tracks,
3 define cycle tracks, clarify the use of cycle tracks, and
4 prohibit the use of mopeds on bicycle lanes, cycle tracks, and
5 bicycle paths unless otherwise allowed by rule or ordinance.

6 SECTION 2. Section 264-18, Hawaii Revised Statutes, is
7 amended by amending subsections (a), (b), (c), and (d) to read
8 as follows:

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



1 (1) Establish multi-use paths, bicycle paths, cycle
2 tracks, and bicycle lanes; and
3 (2) Install signage and safety devices along bikeways;
4 provided that the department of transportation shall include the
5 bicycling community in a public involvement process to determine
6 the location of multi-use paths, bicycle paths, cycle tracks,
7 bicycle lanes, and installation of signage and safety devices
8 along bikeways.

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

14 This subsection shall not be construed as requiring the
15 expenditure of a county surcharge on state tax under section
16 46-16.8, on bicycle paths if the application of this subsection
17 conflicts with section 46-16.8.

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



- 1 (1) Where the establishment of the lanes, paths, routes,
2 [~~and~~] ways, and cycle tracks would be contrary to
3 public safety; or
- 4 (2) If the cost of establishing the lanes, paths, routes,
5 [~~and~~] ways, and cycle tracks would be excessively
6 disproportionate to the need or probable use; or
- 7 (3) Where low population density, other available ways, or
8 other factors indicate an absence of any need for the
9 lanes, paths, routes, [~~and~~] ways[+], and cycle tracks;
10 provided that the department of transportation shall involve
11 representatives of the bicycling community, such as the Hawaii
12 Bicycling League, Kauai PATH, Maui Bicycling Alliance, PATH (Big
13 Island), and others in making a determination under paragraphs
14 (1), (2), and (3); provided further that any decision under this
15 subsection shall be documented, including but not limited to,
16 the factors considered in making a decision; and provided
17 further that the department of transportation shall have the
18 burden of persuasion under paragraphs (2) and (3).
- 19 (c) The department of transportation, when requested,
20 shall provide technical assistance and advice to counties in
21 carrying out the purpose of this section. The department of



1 transportation shall recommend construction standards for
2 bikeways. The department of transportation, in the manner
3 prescribed for marking highways under section 264-25, shall
4 provide a uniform system of marking and signing such lanes,
5 paths, routes, and ways which shall apply to lanes, paths,
6 routes, [~~and~~] ways, and cycle tracks under the jurisdiction of
7 the department of transportation and the counties.

8 Notwithstanding any provision to the contrary, the department of
9 transportation and the counties may restrict or authorize by
10 rule or the adoption of an ordinance, as applicable and as is
11 necessary, the use of the lanes, paths, routes, [~~and~~] ways, and
12 cycle tracks to pedestrians and non-motorized vehicles.

13 (d) As used in this section, the terms "bikeway", "bicycle
14 path", [~~and~~] "bicycle lane", and "cycle track" shall have the
15 same meaning as in section 291C-1."

16 SECTION 3. Section 291-1, Hawaii Revised Statutes, is
17 amended by amending the definition of "public street, road, or
18 highway" to read as follows:

19 "Public street, road, or highway" includes the entire
20 width, including berm or shoulder, of every road, alley, street,
21 way, lane, trail, highway, bikeway, bridge, when any part



1 thereof is open for use by the public, including any bicycle
2 lane, bicycle path, cycle track, bikeway, controlled-access
3 highway, laned roadway, roadway, or street, as defined in
4 section 291C-1, and any public highway, as defined in section
5 264-1."

6 SECTION 4. Section 291C-1, Hawaii Revised Statutes, is
7 amended as follows:

8 1. By adding a new definition to be appropriately inserted
9 and to read:

10 "Cycle track" means that portion of any highway set aside
11 for the exclusive use of bicycles and physically separated from
12 motor vehicles. Cycle tracks may be designated as one-way or
13 two-way."

14 2. By amending the definition of "bikeway" to read:

15 "Bikeway" means a bicycle lane, cycle track, bicycle path,
16 or bicycle route~~[, or any traffic control device, shelter,
17 parking facility, or other support facility to serve bicycles
18 and persons using bicycles]."~~

19 SECTION 5. Section 291C-64, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§291C-64 Vehicle entering highway from private road or**
2 **driveway.** The driver of a vehicle about to enter or cross a
3 highway (including bicycle lane, cycle track, or bicycle path)
4 from an alley, building, private road, or driveway or from any
5 public or private property other than a highway that is adjacent
6 to the highway, shall yield the right-of-way to all vehicles or
7 bicycles approaching on the highway (including bicycle lane,
8 cycle track, or bicycle path) to be entered."

9 SECTION 6. Section 291C-76, Hawaii Revised Statutes, is
10 amended by amending subsection (a) to read as follows:

11 "(a) Where sidewalks are provided, it shall be unlawful
12 for any pedestrian to walk along and upon an adjacent roadway,
13 bicycle lane, cycle track, or bicycle path[-], except for the
14 purpose of crossing a bikeway."

15 SECTION 7. Section 291C-94, Hawaii Revised Statutes, is
16 amended to read as follows:

17 **"§291C-94 Emerging from alley, driveway, or building.** The
18 driver of a vehicle emerging from an alley, building, private
19 road, or driveway or from any public or private property other
20 than a highway that is adjacent to a bicycle lane, cycle track,
21 bicycle path, sidewalk, or sidewalk area shall stop the vehicle



1 immediately prior to driving onto the bicycle lane, cycle track,
2 bicycle path, sidewalk, or sidewalk area extending across the
3 alley, building entrance, road, or driveway, or [~~such~~] the
4 public or private property, or in the event there is no bikeway
5 or sidewalk area, shall stop at the point nearest the street to
6 be entered where the driver has a view of approaching traffic
7 thereon."

8 SECTION 8. Section 291C-101, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§291C-101 Basic rule.** No person shall drive a vehicle at
11 a speed greater than is reasonable and prudent and having regard
12 to the actual and potential hazards and conditions then
13 existing. Consistent with the foregoing, every person shall
14 drive at a safe and appropriate speed when approaching and
15 crossing an intersection or railroad grade crossing, when
16 approaching and going around a curve, when approaching a hill
17 crest, when traveling upon any narrow or winding roadway, when
18 crossing a bikeway, and when special hazards exist with respect
19 to pedestrians or other traffic, or by reason of weather or
20 highway conditions."



1 SECTION 9. Section 291C-123, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) No person shall drive any vehicle other than a
4 bicycle [~~or moped~~] upon a bicycle lane, cycle track, or bicycle
5 path, except upon a permanent or authorized temporary driveway[~~7~~
6 ~~or~~]. No person shall park any vehicle upon a bicycle lane,
7 cycle track, or bicycle path; provided that any vehicle may be
8 driven or parked in a bicycle lane, cycle track, or bicycle path
9 as applicable if:

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



1 SECTION 10. Section 291C-141, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:

3 "(c) These regulations applicable to bicycles shall apply
4 whenever a bicycle is operated upon any highway or upon any
5 [~~bicycle path~~] bikeway set aside for the preferential or
6 exclusive use of bicycles subject to those exceptions stated
7 herein."

8 SECTION 11. Section 291C-145, Hawaii Revised Statutes, is
9 amended as follows:

10 1. By amending subsections (a) through (e) to read:

11 "(a) Every person operating a bicycle upon a roadway at a
12 speed less than the normal speed of traffic moving in the same
13 direction at [~~such~~] the time shall ride as near to the right-
14 hand curb, on the edge of the roadway, or on the shoulder off of
15 the roadway as practicable, exercising due care when passing a
16 standing vehicle or one proceeding in the same direction; except
17 under any of the following situations:

18 (1) When preparing for a left turn at an intersection or
19 into a private road or driveway, except where
20 prohibited by official traffic-control devices;



1 (2) When reasonably necessary to avoid conditions
 2 (including but not limited to fixed or moving objects,
 3 vehicles, bicycles, pedestrians, animals, surface
 4 hazards, or substandard width lanes) that make it
 5 unsafe to continue along the right-hand curb, on the
 6 edge of the roadway, or on the shoulder off of the
 7 roadway. For purposes of this section, a "substandard
 8 width lane" is a lane that is too narrow for a bicycle
 9 and a vehicle to travel safely side-by-side within the
 10 lane; [~~or~~]

11 (3) When a roadway is designated and signposted to carry
 12 traffic in one direction only and has two or more
 13 marked traffic lanes, a person operating a bicycle may
 14 ride as near to the left-hand curb, on the edge of the
 15 roadway, or on the shoulder off of [~~such~~] the roadway
 16 as practicable[~~+~~]; or

17 (4) When riding in a two-way cycle track.

18 (b) Persons riding bicycles upon a roadway shall ride in
 19 single file; provided that where the flow of traffic is
 20 unimpeded, riding two abreast upon bicycle lanes [~~and~~], bicycle
 21 paths, and cycle tracks shall be permitted when [~~such~~] the



1 bicycle lane [~~or~~], bicycle path, or cycle track is of sufficient
2 width to allow riding two abreast unless otherwise prohibited by
3 rule or ordinance adopted by the director of transportation or
4 by the counties.

5 (c) Whenever a usable bicycle lane or cycle track has been
6 provided on a highway, any person operating a bicycle at a speed
7 less than the normal speed of traffic [~~moving in the same~~
8 ~~direction~~] at such time shall ride within such bicycle lane[~~r~~]
9 or cycle track, except that such person may move out of the
10 bicycle lane or cycle track under any of the following
11 situations:

- 12 (1) When overtaking and passing another bicycle, vehicle,
13 or pedestrian within the bicycle lane or cycle track
14 or about to enter the bicycle lane or cycle track if
15 such overtaking and passing cannot be done safely
16 within the bicycle lane[~~r~~] or cycle track;
- 17 (2) When preparing for a [~~left~~] turn at an intersection or
18 into a private road or driveway; or
- 19 (3) When reasonably necessary to leave the bicycle lane or
20 cycle track to avoid debris or other hazardous
21 conditions.



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

6 (e) No person shall operate or ride a bicycle within a
7 bicycle lane or cycle track in any direction except that
8 permitted of vehicular traffic traveling on the same side of the
9 highway[-], unless operating in a two-way cycle track. Upon all
10 cycle tracks and bicycle paths of sufficient width and providing
11 for two-way movement of bicycle traffic, bicycles proceeding in
12 opposite directions shall pass each other to the right."

13 2. By amending subsection (g) to read:

14 "(g) No person shall ride a bicycle equipped with a motor
15 on any sidewalk. The counties may, by ordinance, post signs on
16 bicycle lanes, cycle tracks, and bicycle paths to prevent
17 persons riding a bicycle equipped with a motor from using them."

18 SECTION 12. Section 291C-196, Hawaii Revised Statutes, is
19 amended by amending subsection (a) to read as follows:

20 "(a) Every person driving a moped, except a three-wheeled
21 moped, upon a roadway at a speed less than the normal speed of



1 traffic moving in the same direction at [~~such~~] the time shall
2 ride as near to the right side of the roadway as practicable,
3 without entering into a bicycle lane, cycle track, or bicycle
4 path, exercising due care when passing a standing vehicle or one
5 proceeding in the same direction, except under any of the
6 following situations:

- 7 (1) When preparing for a left turn at an intersection or
8 into a private road or driveway, except where
9 prohibited by official traffic-control devices;
- 10 (2) When reasonably necessary to avoid conditions
11 (including, but not limited to fixed or moving
12 objects, vehicles, bicycles, pedestrians, animals,
13 surface hazards, or substandard width lanes) that make
14 it unsafe to continue along the right-hand curb or
15 edge; and
- 16 (3) When a roadway is designated and signposted to carry
17 traffic in one direction only and has two or more
18 marked traffic lanes, a person operating a moped may
19 ride as near to the left-hand side of the roadway as
20 practicable."



1 SECTION 13. Section 291C-197, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§291C-197 Driving mopeds on bicycle lanes, cycle tracks,**
4 **and bicycle paths.** (a) [~~Wherever bicycle lanes are provided on~~
5 ~~the roadway, moped drivers shall use such bicycle lanes.~~] Unless
6 authorized by rule or ordinance pursuant to subsection (b), no
7 person shall drive a moped on any bicycle lane, cycle track, or
8 bicycle path.

9 (b) The director of transportation by rule and the
10 counties by ordinance may with respect to bicycle lanes, cycle
11 tracks, and bicycle paths under their respective jurisdictions
12 [~~restrict or prohibit~~] authorize the use of [~~such~~] bicycle
13 lanes, cycle tracks, and bicycle paths by mopeds. Signs
14 clearly visible to an ordinarily observant person indicating the
15 [~~restriction or prohibition~~] authorization shall be placed along
16 bicycle lanes, cycle tracks, and bicycle paths so designated and
17 every moped driver shall obey the directions thereof.

18 [~~(c) This section shall not apply to a three wheeled~~
19 ~~moped.~~] "



1 SECTION 14. This Act does not affect rights and duties
2 that matured, penalties that were incurred, and proceedings that
3 were begun before its effective date.

4 SECTION 15. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 16. This Act shall take effect upon its approval.



Report Title:

Bicycle; Cycle Tracks; Highway Fund

Description:

Authorizes the use of the state highway fund for the establishment of cycle tracks. Defines the term "cycle track" and clarifies the permitted uses of a cycle track. Authorizes pedestrians, non-motorized vehicles, and mopeds to use bicycle lanes, cycle tracks, and bicycle paths if adopted by rule or ordinance. (SD1)

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

