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# A BILL FOR AN ACT

RELATING TO BICYCLES.

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

1           SECTION 1. Section 264-18, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§264-18 Use of highway fund for bikeways.** (a) [~~Out of~~  
4 ~~the state~~] State highway fund amounts, whether state funds or  
5 federal funds, shall be expended as necessary by the State for  
6 the establishment of bikeways; provided that bikeways shall be  
7 established, whenever practicable, wherever a new or existing  
8 highway, road, or street is being designed, planned,  
9 constructed, reconstructed, relocated, or rehabilitated.

10           (b) At least two per cent of eligible federal funds, and  
11 in addition, other state highway fund moneys as available, shall  
12 be expended to:

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

15           (2) Install signage and safety devices along bikeways;

16 provided that the department of transportation shall include the  
17 bicycling community in a public involvement process to determine



1 the location of multi-use paths, bicycle paths, bicycle lanes,  
2 and installation of signage and safety devices along bikeways.

3 (c) Planning for any mass transit system shall include  
4 appropriate accommodation for bicycle lanes, bikeways, and  
5 bicycle routes, including bicycle racks on mass transit  
6 vehicles, to enable mass transit users to connect conveniently  
7 by bicycle to transit stations and bus stops[~~.—This~~]; provided  
8 that this subsection shall not be construed [~~as requiring~~] to  
9 require the expenditure of a county surcharge on state tax under  
10 section 46-16.8, on bicycle paths if the application of this  
11 subsection conflicts with section 46-16.8.

12 [~~(b) Bikeways are not required to be established under~~  
13 ~~subsection (a):]~~

14 (d) Subsection (a) shall not require establishment of  
15 bikeways:

16 (1) Where the establishment of the lanes, paths, routes,  
17 and ways would be contrary to public safety; [~~or~~]

18 (2) If the cost of establishing the lanes, paths, routes,  
19 and ways would be excessively disproportionate to the  
20 need or probable use; or



1 (3) Where low population density, other available ways, or  
2 other factors indicate an absence of any need for the  
3 lanes, paths, routes, and ways [~~provided that the~~].

4 (e) The department of transportation shall [~~involve~~  
5 consult with representatives of the bicycling community, such as  
6 the Hawaii Bicycling League, Kauai PATH, Maui Bicycling  
7 Alliance, PATH (Big Island), and others, in making a  
8 determination under [~~paragraphs (1), (2), and (3); provided~~  
9 ~~further that any~~] subsection (d). Any decision made under  
10 [~~this~~] subsection (d) shall be documented, including but not  
11 limited to [~~7~~] the factors considered in making a decision [~~+~~],  
12 and [~~provided further that~~] the department of transportation  
13 shall have the burden of persuasion under [~~paragraphs (2) and~~  
14 ~~(3)~~]. subsection (d) (2) and (d) (3). Whenever the department of  
15 transportation determines that establishment of bikeways as  
16 required by subsection (a) is not practicable for the reasons  
17 set forth in subsection (d), the department shall also consult  
18 with the bicycling community to identify an alternative bikeway  
19 project or projects, which shall be established using the funds  
20 that would otherwise have been expended pursuant to subsection  
21 (a).



1        [~~e~~] (f) The department of transportation, when  
2 requested, shall provide technical assistance and advice to  
3 counties in carrying out the purpose of this section. The  
4 department of transportation shall recommend construction  
5 standards for bikeways. The department of transportation, in  
6 the manner prescribed for marking highways under section 264-25,  
7 shall provide a uniform system of marking and signing such  
8 lanes, paths, routes, and ways which shall apply to lanes,  
9 paths, routes, and ways under the jurisdiction of the department  
10 of transportation and the counties. Notwithstanding any  
11 provision to the contrary, the department of transportation and  
12 the counties may restrict the use of the lanes, paths, routes,  
13 and ways to pedestrians and non-motorized vehicles.

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

17        [~~e~~] (h) The department of transportation shall report  
18 annually to the legislature no later than twenty days before the  
19 convening of each regular session as to bikeway expenditures and  
20 current projects. The report shall also identify any instances  
21 in which it was determined pursuant to subsection (d) that



1 establishing the bikeways required by subsection (a) was not  
2 practicable."

3 SECTION 2. Statutory material to be repealed is bracketed  
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Bikeway Projects; Annual Reporting

**Description:**

Requires the Department of Transportation to identify, fund, and establish alternative bikeway projects when establishment of bikeways on new or reconstructed roads is not practicable. Requires annual reporting to the Legislature. Effective July 1, 2050. (HB1080 HD1)

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

