



GOV. MSG. NO. 1084

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

July 11, 2007

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

RE: House Bill No. 497 HD2 SD2

On July 10, 2007, House Bill 497 HD2 SD2 entitled "A Bill for an Act Relating to Transportation" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

House Bill No. 497 amends Sections 248-9 and 264-18, Hawaii Revised Statutes, to expand the obligations of the State highway fund to require it to fund multi-use paths and bicycle lanes on new or existing roadways under design, plan, construction, or reconstruction. Additionally, this bill requires that the planning for mass transit shall include the accommodation for bikeways, bicycle lanes, bicycle routes, and bicycle racks on mass transit vehicles.

While it is understandable that multi-use paths are desirable along certain roadways, it should be recognized that this requirement will add cost burdens to highway projects because these types of facilities require acquisition of wider rights-of-way.

This bill requires the Department of Transportation to work with certain groups of the bicycling community in making determinations where bikeways will not be established. The Department is already working with the biking community to update the Bike Plan Hawaii. Thus, this provision is not needed and may not name some groups that should be involved in the process.

Additionally, the bill fails to recognize that the planning and design of Oahu's mass transit system has been an ongoing undertaking by the City and County of Honolulu. This bill sets requirements on the project that may not be in keeping with Oahu's plans, may not meet federal mass transit criteria, and may impose additional financial and engineering burdens on that project. Further, if the vision is a high speed train system, it is unclear how bike racks on mass transit vehicles will allow these vehicles to move at the speed envisioned in the plan.

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and Members of the Senate
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For the foregoing reasons, I allowed House Bill No. 497 to become law as Act 286,
effective July 10, 2007, without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle", written in a cursive style.

LINDA LINGLE

A BILL FOR AN ACT

RELATING TO TRANSPORTATION.

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

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

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

5 (1) To pay the costs of operation, maintenance, and repair
6 of the state highway system, including without
7 limitation, the cost of equipment and general
8 administrative overhead;

9 (2) To pay the costs of acquisition (including real
10 property and interests therein), planning, designing,
11 construction, and reconstruction of the state highway
12 system and bikeways, including, without limitation,
13 the cost of equipment and general administrative
14 overhead; [~~provided that the director of~~
15 ~~transportation shall allot and expend two per cent of~~
16 ~~federally eligible moneys in the state highway fund~~
17 ~~for bikeways.~~]



1 (3) To reimburse the general fund for interest on and
2 principal of general obligation bonds issued to
3 finance highway projects where the bonds are
4 designated to be reimbursable out of the state highway
5 fund; and

6 (4) To pay the costs of construction, maintenance, and
7 repair of county roads; provided that none of the
8 funds expended on a county road or program shall be
9 federal funds when such expenditure would cause a
10 violation of federal law or a federal grant
11 agreement."

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

14 1. By amending subsection (a) to read:

15 "(a) Out of the state highway fund [~~reasonable~~] amounts,
16 whether state funds or federal funds, shall be expended as
17 necessary by the State for the establishment of bikeways[~~-~~
18 Bikeways]; provided that bikeways shall be established, whenever
19 practicable, wherever a new or existing highway, road, or street
20 is being designed, planned, constructed, reconstructed,
21 relocated, or rehabilitated. At least two per cent of eligible



1 federal funds, and in addition, other state highway fund moneys
2 as available, shall be expended to:

3 (1) Establish multi-use paths, bicycle paths, and bicycle
4 lanes; and

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

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

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

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

19 2. By amending subsection (b) to read:

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



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

9 provided that the department of transportation shall involve
10 representatives of the bicycling community, such as the Hawaii
11 Bicycling League, Kauai PATH, Maui Bicycling Alliance, PATH (Big
12 Island), and others in making a determination under paragraphs
13 (1), (2), and (3); provided further that any decision under this
14 subsection shall be documented, including but not limited to,
15 the factors considered in making a decision; and provided
16 further that the department of transportation shall have the
17 burden of persuasion under paragraphs (2) and (3)."

18 3. By amending subsection (d) to read:

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



- 1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 4. This Act shall take effect on July 1, 2007.

