

COUNCIL OF THE COUNTY OF MAUI  
**INFRASTRUCTURE MANAGEMENT  
COMMITTEE**

August 5, 2011

**Committee  
Report No.** \_\_\_\_\_

Honorable Chair and Members  
of the County Council  
County of Maui  
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure Management Committee, having met on July 11, 2011, makes reference to County Communication No. 11-173, from the Director of Public Works, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, TO PROHIBIT MOPEDS ON BICYCLE PATHS".

The purpose of the proposed bill is to prohibit mopeds on bicycle paths.

Your Committee notes that Section 291C-123, Hawaii Revised Statutes ("HRS"), states that no vehicle other than a bicycle or moped may be driven on a bicycle path. Your Committee further notes that Section 291C-197, HRS, grants to the counties the power to restrict or prohibit by ordinance the use of mopeds on bicycle paths under their jurisdiction.

The Director of Public Works and the Traffic Safety Council support the proposed bill. A Sergeant from the Department of Police stated that the Department would support the proposed bill if it were revised to clarify that mopeds would only be prohibited on specific bicycle paths where restricted by signs.

Your Committee notes that there is a distinction between bicycle lanes and bicycle paths that may cause confusion among riders and drivers. Section 10.04.030, Maui County Code, defines a bicycle path as a pathway for bicycles and pedestrians physically separated from motor traffic. A bike lane is defined as that portion of the roadway set aside for the use of either one-way or two-way bicycle traffic. Section 291C-197, HRS, states "Wherever bicycle lanes are provided on the roadway, moped drivers shall use such bicycle lanes."

The Sergeant stated that the Department was concerned that moped riders would be confused by the proposed bill and would not utilize existing bike lanes. He hoped that revising the proposed bill to prohibit mopeds only on bicycle paths where restricted by

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signs would reduce confusion among riders and drivers. He stated that the Department of Police continues to encourage mopeds to use bicycle lanes.

Your Committee revised the proposed bill to clarify that the prohibition on mopeds would apply only to the North Shore Bikeway and the Kihei Greenway as restricted by signs.

Your Committee voted 6-0 to recommend passage of the revised proposed bill on first reading and filing of the communication. Committee Chair Cochran, Vice-Chair Victorino, and members Carroll, Couch, Hokama, and Pontanilla voted "aye". Committee member Mateo was excused.

Your Committee is in receipt of a revised proposed bill, approved as to form and legality by the Department of the Corporation Counsel, incorporating your Committee's recommended revisions.

Your Infrastructure Management Committee RECOMMENDS the following:

1. That Bill No. \_\_\_\_\_ (2011), as revised herein and attached hereto, entitled "A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52, MAUI COUNTY CODE, TO PROHIBIT MOPEDS ON BICYCLE PATHS", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 11-173 be FILED.

This report is submitted in accordance with Rule 8 of the Rules of the Council.

  
\_\_\_\_\_  
ELLE COCHRAN, Chair

ORDINANCE NO. \_\_\_\_\_

BILL NO. \_\_\_\_\_ (2011)

A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.52,  
MAUI COUNTY CODE, TO PROHIBIT MOPEDES ON BICYCLE PATHS

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Chapter 10.52, Maui County Code, is amended by adding a new section to be appropriately designated and to read as follows:

**"10.52.270 Mopeds prohibited on bicycle paths.**  
**No person shall drive a moped upon the following**  
**bicycle paths where restricted by signs:**  
1. The North Shore Bikeway; and  
2. The Kihei Greenway."

SECTION 2. New material is underscored. In printing this bill, the County Clerk need not include the underscoring.

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM  
AND LEGALITY:



MICHAEL J. HOPPER  
Deputy Corporation Counsel  
County of Maui