

At the 9/7/16 Council meeting,

Committee Report 240

and

Bill 41, CD1

were recommitted back to the
Committee on Public Works, Infrastructure
and
Sustainability

REPORT OF THE COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY

Voting Members:

Carol Fukunaga, Chair; Trevor Ozawa, Vice-Chair;
Ikaika Anderson, Brandon J.C. Elefante, Joey Manahan

ADVANCE COPY

Committee Meeting Held
August 17, 2016

Honorable Ernest Y. Martin
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Public Works, Infrastructure and Sustainability, which considered Bill 41 (2016) entitled:

“A BILL FOR AN ORDINANCE RELATING TO THE INFRASTRUCTURE,”

which passed second reading and was the subject of a public hearing at the July 6, 2016 Council meeting, reports as follows:

The purpose of the Bill is to clarify the applicability of state laws to vehicles and traffic upon private roads, highways, thoroughfares, bicycle paths, and parking stalls that have been continuously used by the general public or are intended for dedication to public use.

The Director of the Department of Transportation Services testified in support of the measure, and the Committee heard oral testimony from one individual.

Your Committee considered and approved the proposed posted CD1 version that makes the following amendments:

- A. In subsections (d) and (e), changes references to: 1) a bicycle path to a bicycle path constructed on easements granted to the city; and 2) a parking stall to a parking stall for persons with disability pursuant to Section 41-28.3.

CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 240

**REPORT OF THE COMMITTEE ON
PUBLIC WORKS, INFRASTRUCTURE AND SUSTAINABILITY**

Voting Members:

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- B. Makes miscellaneous technical and non-substantive amendments.

Your Committee on Public Works, Infrastructure and Sustainability is in accord with the intent and purpose of Bill 41 (2016) as amended herein and recommends that it pass third reading in the form attached hereto as Bill 41 (2016), CD1. (Ayes: Fukunaga, Elefante, Manahan, Ozawa – 4; Noes: None; Excused: Anderson – 1.)

Respectfully submitted,



Committee Chair

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON _____

COMMITTEE REPORT NO. 240

ADVANCE COPY



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL 41(2016), CD1

A BILL FOR AN ORDINANCE

RELATING TO THE INFRASTRUCTURE.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. Purpose. The purpose of this ordinance is to clarify the applicability of state laws to vehicles and traffic upon private roads, highways, thoroughfares, bicycle paths, and parking stalls that have been continuously used by the general public or are intended for dedication to public use.

SECTION 2. Section 15-1.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 15-1.1 **[Purpose of ordinance.] Title, purpose, scope, and applicability of this chapter and of state laws related to vehicles and traffic.**

[The provisions hereinafter set forth are to provide for the regulation of traffic upon the public streets of the City and County of Honolulu; and such private streets, highways or thoroughfares which for six months or more have been continuously used by the general public or which are intended for dedication to the public use as provided in HRS Section 264-1 and are open for public travel but have not yet been accepted by the city, except private roads used primarily for agricultural purposes; and for bicycle paths constructed on easements granted to the City and County of Honolulu, and this chapter may be cited as the traffic code (1990) of the City and County of Honolulu.]

(a) This chapter may be cited as the traffic code of the city. The provisions set forth in this chapter are to provide for the regulation of traffic in the city upon the following:

(1) The public streets of the city;

(2) Private streets, highways, and thoroughfares that:

(A) Have been continuously used by the general public for not less than six months; or

(B) Are intended for dedication to public use as provided in HRS Section 264-1 and are open for public travel but have not yet been accepted by the city;



A BILL FOR AN ORDINANCE

- (3) Such private properties as have been designated and identified as a special parking stall for persons with disability pursuant to Section 41-28.3; and
- (4) Bicycle paths constructed on easements granted to the city.
- (b) Private streets, highways, thoroughfares, bicycle paths, and parking stalls used primarily for actual agricultural and ranching purposes are exempt from this chapter.
- (c) Pursuant to the authority delegated to the city by HRS Section 46-16, all streets that have been used by the general public for a period of not less than six months are hereby designated by the council to be subject to the provisions of HRS Chapters 249, 286, 291, 291C, and 291E; HRS Chapter 431, Articles 10C and 10G; HRS Chapter 486, part III; and this chapter.
- (d) The city will not be responsible for the maintenance and repair of any private street, highway, thoroughfare, bicycle path, or parking stall when it imposes or enforces traffic regulations and highway safety laws or places or permits to be placed appropriate traffic control devices on that private street, highway, thoroughfare, bicycle path constructed on easements granted to the city, or parking stall for persons with disability pursuant to Section 41-28.3.
- (e) No adverse or prescriptive rights will accrue to the general public when the city imposes or enforces traffic regulations and highway safety laws or places appropriate traffic control devices on any private street, highway, thoroughfare, bicycle path constructed on easements granted to the city, or parking stall for persons with disability pursuant to Section 41-28.3."

SECTION 3. Ordinance material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, the bracketed material or the underscoring.



A BILL FOR AN ORDINANCE

SECTION 4. This ordinance takes effect upon its approval.

INTRODUCED BY:

Carol Fukunaga

DATE OF INTRODUCTION:

May 25, 2016
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

KIRK CALDWELL, Mayor
City and County of Honolulu