

DEPARTMENT OF TRANSPORTATION

Adoption of Chapter 19-108
Hawaii Administrative Rules

September 18, 2006

SUMMARY

Chapter 19-108, Hawaii Administrative Rules,
entitled "High Occupancy Vehicle Lanes", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 5 MOTOR VEHICLE SAFETY OFFICE

CHAPTER 108

HIGH OCCUPANCY VEHICLE LANES

§19-108-1	Purpose
§19-108-2	Definitions
§19-108-3	Applicability
§19-108-4	Designation of high occupancy vehicle lanes
§19-108-5	Demonstration sections of highways
§19-108-6	Traffic controls
§19-108-7	Vehicle exceptions
§19-108-8	Severability

§19-108-1 Purpose. The purpose of this chapter is to maximize the people moving capability of the state highway system, mitigate transportation-related pollution, and reduce dependency on fossil fuels, through the use of high occupancy vehicle lanes.
[Eff: ~~SEP 18 2006~~ HRS §291-C-222) (Imp: HRS §291-C-222)

§19-108-2 Definitions. As used in this chapter:
"Bus" means every motor vehicle designed for carrying more than ten passengers and used for the transportation of persons; and every motor vehicle, other than a school bus or a taxicab, designed and used for the transportation of persons for compensation.

"Demonstration section" means a section of roadway used as an experimental project for improvements to validate cost-benefits.

"Department" means the Department of Transportation, State of Hawaii.

"Director" means the Director of the Department of Transportation or an authorized representative.

"Driver" means every person who drives or is in actual physical control of a vehicle.

"Emergency vehicle" includes such fire department vehicles, police vehicles, ambulances, and ocean safety vehicles as are publicly owned and such other publicly or privately owned vehicles as are designated by the city or county council.

"Express lane" means a rapid travel lane and may include high occupancy vehicle lanes.

"High occupancy vehicle" means a motor vehicle, carrying at least two or more persons, including carpools, vanpools, and buses.

"High occupancy vehicle lane" means a designated lane of a laned roadway where the use of the designated lane is restricted to school buses, vehicles carrying at least two persons, and other vehicles as provided herein or by county ordinance.

"Motorcycle" means every motor vehicle having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground but excludes a farm tractor and a moped.

"Official traffic-control devices" means all signs, signals, markings, and devices not inconsistent with this chapter placed or erected by authority of the director, for the purpose of regulating, warning, or guiding traffic.

"Police Officer" means every officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

"Public transit bus" means a bus used in the county bus system and owned by the county or a contractor with the county.

"School bus" means every motor vehicle as defined in section 286-181, Hawaii Revised Statutes, and any regulations promulgated pursuant to that section by the Department of Education.

"Zip or zipper lane" means a barrier-separated HOV lane. [Eff. **SEP 18 2006** (Auth: HRS §291C-222)
(Imp: HRS §291C-221, 291C-222)]

§19-108-3 Applicability. These rules shall be applicable to roadways under the jurisdiction of the Department of Transportation. [Eff **SEP 18 2006**]
(Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-4 Designation of high occupancy vehicle lanes. The following are designated as high occupancy vehicle lanes by the director when signed and marked by official traffic control devices:

(1) Interchange Route H-1, Manager's Drive to Keehi Interchange,

(2) Interstate Route H-2, Waiawa Interchange to Mililani Interchange,

(3) Route H201, Moanalua Freeway, Halawa Interchange to Puuloa Road,

(4) Route 72, Kalaniana'ole Highway, West Halemaumau Street to Ainakoa Avenue,

(5) Route 92, Nimitz Highway, Keehi Interchange to Pacific Street.

[Eff **SEP 18 2006** (Auth: HRS §291C-222) (Imp: HRS §291C-222)]

§19-108-5 Demonstration sections of highways. The director may designate demonstration sections of other portions of highways as high occupancy vehicle lanes by installation of official traffic control devices when deemed necessary to improve traffic conditions. Designated demonstration sections may be in operation for a period not to exceed one calendar year. In order to make a demonstration section effective beyond the one year period, it must be designated as a high occupancy vehicle lane by an amendment of section 19-108-4. [Eff **SEP 18 2006**]
(Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-6 Traffic controls. The director shall place, install and maintain traffic signs, signals, pavement markings, and other official traffic control devices to advise drivers of the high

§19-108-6

occupancy vehicle requirement and the hours of usage. Motor vehicles shall be operated in high occupancy vehicle lanes in conformance with the instructions on the signs and other official traffic control devices. [Eff.] (Auth: HRS §291C-222) (Imp: HRS §291C-222) **SEP 18 2006**

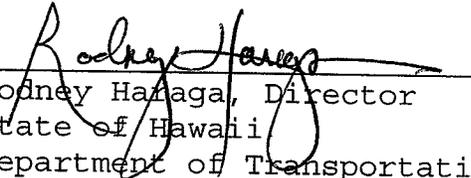
§19-108-7 Vehicle exceptions. Motorcycles, school buses, public transit buses, and emergency vehicles may use any high occupancy vehicle lane, regardless of the number of occupants. [Eff.] (Auth: HRS §291C-222, 291C-222.5) (Imp: HRS §291C-222, 291C-222.5) **SEP 18 2006**

§19-108-8 Severability. If any provision of this chapter is held invalid, the invalidity shall not affect the remaining provisions of this chapter. [Eff.] (Auth: HRS §291C-222) (Imp: HRS §291C-222) **SEP 18 2006**

DEPARTMENT OF TRANSPORTATION

Chapter 19-108, Hawaii Administrative Rules, on the Summary Page dated September 18, 2006, was adopted on September 18, 2006, following a public hearing held on July 12, 2006, after public notice was given on June 25, 2006, in the Honolulu Star-Bulletin, the Garden Island News, the Maui News, the Hawaii Tribune-Herald and the West Hawaii Today.

The adoption of chapter 19-108 shall take effect ten days after filing with the Office of the Lieutenant Governor.

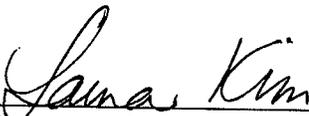

Rodney Haraga, Director
State of Hawaii
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APPROVED:


Linda Lingle
Governor
State of Hawaii

Dated: SEP - 6 2006

APPROVED AS TO FORM


Deputy Attorney General

Filed

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LIEUTENANT GOVERNOR'S
OFFICE