

DEPARTMENT OF TRANSPORTATION

Amendment and Compilation of Chapter 19-108
Hawaii Administrative Rules

March 22, 2021

SUMMARY

1. §§19-108-2 and 19-108-7 are amended.
2. Chapter 19-108 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 19

DEPARTMENT OF TRANSPORTATION

SUBTITLE 4 HIGHWAYS DIVISION

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 09/18/06; comp 03/10/16; comp **MAY 27 2021**]
(Auth: HRS §291C-222) (Imp: HRS §291C-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

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 state department of transportation.

"Director" means state director of transportation or an authorized representative.

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

"Electric Vehicle" means a vehicle as defined in §291-71, HRS.

"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 §286-181, HRS, and any rules promulgated pursuant to that section by the department of education.

"Zip or zipper lane" means a barrier-separated high occupancy vehicle lane. [Eff 09/18/06; am and comp 03/10/16; am and comp **MAY 27 2021**]
(Auth: HRS §291C-222) (Imp: HRS §§291C-221, 291C-222, 291C-222.5)

§19-108-3 Applicability. This chapter shall be applicable to roadways under the jurisdiction of the department of transportation. [Eff 09/18/06; am and comp 03/10/16; comp **MAY 27 2021**] (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) Interstate 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; and
- (5) Route 92, Nimitz Highway, Keehi Interchange to Pacific Street. [Eff 09/18/06; am and comp 03/10/16; comp **MAY 27 2021**]
(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 the 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, the demonstration section must be designated as a high occupancy vehicle lane by an amendment of section 19-108-4. [Eff 09/18/06; am and comp 03/10/16; comp **MAY 27 2021**] (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 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 09/18/06; am and comp 03/10/16; comp **MAY 27 2021**] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

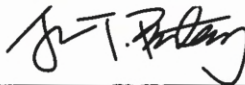
§19-108-7 Vehicle exceptions. The following vehicles or persons may use a high occupancy vehicle lane regardless of the number of persons in the vehicle:

- (1) Motorcycles, school buses, public transit buses, emergency vehicles, and electric vehicles on which an electric vehicle license plate is affixed; or
- (2) Drivers that utilize Kalanianaʻole Highway, located on the island of Oahu, by permit issued by the director to persons who reside on the east-bound, oceanside of Kalanianaʻole Highway between West Halemaumau Street and Ainakoa Avenue, and have no traffic signalized access onto Kalanianaʻole Highway. [Eff 09/18/06; am and comp 03/10/16; am and comp **MAY 27 2021**] (Auth: HRS §§291C-221.5, 291C-222, 291C-222.5) (Imp: HRS §§291C-221.5, 291C-222, 291C-222.5)

§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 09/18/06; comp 03/10/16; comp **MAY 27 2021**] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

Amendments to and compilation of chapter 19-108, Hawaii Administrative Rules, on the Summary Page dated March 22, 2021 were adopted on May 27, 2021 following a public hearing held on February 9, 2021, after public notice was given in the Maui News on January 2, 2021, also Honolulu Star Advertiser, The Garden Island, The Hawaii Tribune-Herald, and The West Hawaii Today on January 3, 2021.

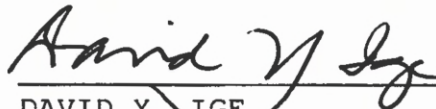
The rules shall take effect ten days after filing with the Office of the Lieutenant Governor.



JADE T. BUTAY
Director of Transportation

Dated: Apr 27, 2021

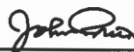
APPROVED:



DAVID Y. IGE
Governor, State of Hawaii

Dated: May 17, 2021

APPROVED AS TO FORM:



Deputy Attorney General

Filed

Amendment and Compilation of Chapter 19-108
Hawaii Administrative Rules

March 22, 2021

1. Chapter 19-108, Hawaii Administrative Rules, entitled "High Occupancy Vehicle Lanes", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

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DEPARTMENT OF TRANSPORTATION

SUBTITLE 4 HIGHWAYS DIVISION

CHAPTER 108

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§19-108-1 Purpose. The purpose of this chapter is to maximize the people moving capability of the state highway system, mitigate transportation-related

§19-108-1

pollution, and reduce dependency on fossil fuels, through the use of high occupancy vehicle lanes. [Eff 09/18/06; comp 03/10/16; comp **MAY 27, 2021**] (Auth: HRS §291C-222) (Imp: HRS §291C-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.

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vehicles carrying at least two persons, and other vehicles as provided herein or by county ordinance.

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"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]~~HRS, and any rules promulgated pursuant to that section by the department of education.

"Zip or zipper lane" means a barrier-separated high occupancy vehicle lane. [Eff 09/18/06; am and comp 03/10/16; am and comp **MAY 27, 2021**] (Auth: HRS §291C-222) (Imp: HRS §§291C-221, 291C-222, 291C-222.5)

§19-108-3 Applicability. This chapter shall be applicable to roadways under the jurisdiction of the department of transportation. [Eff 09/18/06; am and comp 03/10/26; comp **MAY 27, 2021**] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

§19-108-4

§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) Interstate Route H-1, Manager's Drive to Keehi Interchange;
- (2) Interstate Route H-2, Waiawa Interchange to [~~Miliani~~] Mililani Interchange;
- (3) Route H201, Moanalua Freeway, Halawa Interchange to Puuloa Road;
- (4) Route 72, Kalaniana'ole Highway, West Halemaumau Street to Ainakoa Avenue; and
- (5) Route 92, Nimitz Highway, Keehi Interchange to Pacific Street. [Eff 09/18/06; am and comp 03/10/16; comp **MAY 27, 2021**]
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The director may designate demonstration sections of other portions of highways as high occupancy vehicle lanes by the 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, the demonstration section must be designated as a high occupancy vehicle lane by an amendment of section 19-108-4. [Eff 09/18/06; am and comp 03/10/16; comp **MAY 27, 2021**] (Auth HRS §291C-222) (Imp: HRS §291C-222)

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§19-108-7 Vehicle exceptions. The following vehicles or persons may use a high occupancy vehicle lane regardless of the number of persons in the vehicle:

- (1) Motorcycles, school buses, public transit buses, [~~and~~] emergency vehicles[+], and electric vehicles on which an electric vehicle license plate is affixed; or
- (2) Drivers that utilize Kalanianaʻole Highway, located on the island of Oahu, by permit issued by the director to persons who reside on the east-bound, oceanside of Kalanianaʻole Highway between West Halemaumau Street and Ainakoa Avenue, and have no traffic signalized access onto Kalanianaʻole Highway. [Eff 09/18/06; am and comp 03/10/16; am and comp **MAY 27, 2021**] (Auth: HRS §§291C-221.5, 291C-222, 291C-222.5) (Imp: HRS §§291C-221.5, 291C-222, 291C-222.5)

§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 09/18/06; comp 03/10/16; comp **MAY 27, 2021**] (Auth: HRS §291C-222) (Imp: HRS §291C-222)

1. Material, except source notes, to be repealed is bracketed and stricken. New material is underscored.

2. Additions to update source notes and other notes to reflect these amendments and compilation are not underscored.

3. These amendments to and compilation of chapter 19-108, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules, drafted in the Ramseyer format pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on March 22, 2021, and filed with the Office of the Lieutenant Governor.



JADE T. BUTAY
Director of Transportation

APPROVED AS TO FORM:



Deputy Attorney General