

NOTICE OF PUBLICATION AND NOTICE OF PUBLIC HEARING

OFFICE OF
THE COUNTY CLERK
COUNTY OF KAUAI

Notice is hereby given that the Council of the County of Kaua'i will hold a public hearing on Wednesday, July 7, 2021, at 1:30 p.m., or soon thereafter, at the Council Chambers, 4396 Rice Street, Room 201, Historic County Building, Lihu'e, on the following:

Bill No. 2824

A BILL FOR AN ORDINANCE AMENDING CHAPTER 16, KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO TRAFFIC CODE

This Bill proposes to amend Chapter 16, Kaua'i County Code 1987, as amended, relating to the Traffic Code, to broaden the types of traffic calming measures available to the County Engineer and the County Council to employ across the spectrum of road types islandwide. Further, this Bill proposes to clarify several elements of the Traffic Administration section of the Traffic Code to better match national standards and guidelines, and documents the actual past practice in the County of Kaua'i pursuant to the County Council's authority as set forth under Article IV, Section 4.02.J., Charter of the County of Kaua'i.

All interested persons who wish to present their comments may do so at the public hearing. Written testimony prior to the hearing would be appreciated. Written testimony can be submitted to the Office of the County Clerk, Council Services Division by mail, facsimile, or via E-mail to counciltestimony@kauai.gov. Copies of the Bill are available at the Office of the County Clerk, Council Services Division.

(The Council Committee or Council may amend this Bill at their subsequent meetings. Meeting notices are posted at least six (6) days in advance at the County Clerk's Office and the public may also testify at any of these meetings.)

CERTIFICATE OF THE COUNTY CLERK

I hereby certify that the foregoing Bill No. 2824 was passed on first reading and ordered to print by the Council of the County of Kaua'i at its meeting held on June 2, 2021, by the following vote:

AYES:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL - 7,
NOES:	None	TOTAL - 0,
EXCUSED & NOT VOTING:	None	TOTAL - 0,
RECUSED & NOT VOTING:	None	TOTAL - 0.

Lihu'e, Hawai'i
June 2, 2021

/s/ Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i

NOTE: IF YOU NEED AN AUXILIARY AID/SERVICE, OTHER ACCOMMODATION DUE TO A DISABILITY, OR AN INTERPRETER FOR NON-ENGLISH SPEAKING PERSONS, PLEASE CONTACT THE OFFICE OF THE COUNTY CLERK, COUNCIL SERVICES DIVISION AT (808) 241-4188 OR COKCOUNCIL@KAUAI.GOV AS SOON AS POSSIBLE. REQUESTS MADE AS EARLY AS POSSIBLE WILL ALLOW ADEQUATE TIME TO FULFILL YOUR REQUEST.

UPON REQUEST, THIS NOTICE IS AVAILABLE IN ALTERNATE FORMATS SUCH AS LARGE PRINT, BRAILLE, OR ELECTRONIC COPY.

(One publication - The Garden Island - June 14, 2021)

**A BILL FOR AN ORDINANCE AMENDING CHAPTER 16,
KAUA'I COUNTY CODE 1987, AS AMENDED,
RELATING TO TRAFFIC CODE**

BE IT ORDAINED BY THE COUNCIL OF THE COUNTY OF KAUA'I, STATE OF HAWAII:

SECTION 1. Purpose. The purpose of this Ordinance is to amend Chapter 16, Kaua'i County Code 1987, as amended, relating to the Traffic Code, to broaden the types of traffic calming measures available to the County Engineer and the County Council to employ across the spectrum of road types islandwide. The current measures in the County Code related to speed humps limits the use of traffic calming to speed humps on local residential streets. The County regularly receives citizen requests for traffic calming measures on collector streets and other streets that do not qualify as local streets.

Further, this Ordinance clarifies several elements of the Traffic Administration section of the Traffic Code to better match national standards and guidelines, and documents the actual past practice in the County of Kaua'i pursuant to the County Council's authority as set forth under Article IV, Section 4.02.J., Charter of the County of Kaua'i.

SECTION 2. Chapter 16, Article 1, Section 16-1.3, Kaua'i County Code 1987, as amended, is hereby amended by adding the following definitions to be alphabetically inserted:

"County Engineer" means the County Engineer, Department of Public Works, County of Kaua'i, or a duly authorized representative.

"County street" means a street under the jurisdiction and control of the County of Kaua'i.

"Official Traffic-Control Devices" or "Traffic Control Devices" mean all signs, signals, markings, and devices not inconsistent with this chapter, and placed or erected by authority or with the consent of a public body or official having jurisdiction for the purpose of regulating, warning, or guiding traffic.

"Roundabout" means an intersection characterized by a circulatory roadway where vehicular traffic circulates in a counterclockwise manner, channelized approaches, and yield control of entering traffic. A roundabout encompasses the area bounded by the outermost curb line or, if there is no curb, the edge of the pavement.

“Traffic Calming Measure” means a horizontal or vertical roadway feature that uses self-enforcing physical means to achieve a reduction in observed excessive vehicle speeds and improves safety for all modes of transportation. Traffic calming measures include, but are not limited to vertical measures such as speed humps, speed tables, and speed cushions, as well as horizontal measures such as chicanes, lateral shifts, narrowed lanes, and roundabouts.”

SECTION 3. Chapter 16, Article 1, Section 16-1.3, Kaua‘i County Code 1987, as amended, is hereby amended to read as follows:

“[“Highway” means a public street and any private street, highway, or thoroughfare which for more than five (5) years has been continuously used by the general public and shall include any adjacent setback, shoulder, easement, or right-of-way.]

“Highway” or “Street” means the entire width between boundary lines of every publicly-maintained way or thoroughfare used for vehicular travel and any private way or thoroughfare which for more than five (5) years has been continuously used by the general public for vehicular travel.

“Roadway” or “Road” means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the berm or shoulder. In the event a highway includes two (2) or more separate roadways the term roadway as used herein refers to any such roadway separately but not to all such roadways collectively.”

SECTION 4. Chapter 16, Article 2, Sections 16-2.1 and 16-2.2, Kaua‘i County Code 1987, as amended, are hereby amended to read as follows:

“Sec. 16-2.1 County Council to Exercise [Functions] Actions by Resolution.

When exercising the following [functions] actions, the County Council shall do so by resolution[:], which shall be implemented in a manner consistent with the current edition of the Manual on Uniform Traffic Control Devices as published by the Federal Highway Administration and the current edition of the County’s Street Design Manual as published by the Department of Public Works:

(a) Determine and designate the type of all official control devices, provided that insofar as local conditions permit, with and, as far as possible, conform to the system then current as approved by the American Association of State Highway Officials.]

[(b)] (a) Create, define, re-define, eliminate or change all safety zones, quiet zones, traffic lanes, crosswalks, freight and passenger loading and unloading zones, no-parking zones, time-limit parking zones, U-turn areas, prohibited left and right turn intersections, one-way streets, through streets, stop intersections, [and designate the type of markings or signs to be placed and maintained for the identification of those zones or areas.] yield sign locations, roundabouts, and traffic calming measures.

[(c)] Designate markers, buttons, pavement markings, or signs to be placed within or adjacent to intersections indicating the course to be traveled by vehicles turning at intersections.]

[(d)] (b) Determine and designate certain curb markings to indicate no parking or standing.

[(e)] (c) Determine and designate bicycle lanes and bicycle paths upon which the operation of mopeds are prohibited.

[(f)] (d) Except that the establishment of school bus stops is a function of the State, and the County shall not use a resolution for this purpose.

Sec. 16.2.2 Department of Public Works.

Subject to Sec. 16-2.1 of this Article, the Department of Public Works of the County of Kaua'i is authorized to install those devices, signs, signals, and markings required for the purpose of traffic control, and it shall be its duty to place and maintain or cause to be placed and maintained all official traffic control devices, signs, signals, and markings. All devices, signs, signals, and markings required for the purpose of traffic control shall so far as practicable be uniform as to type and location throughout the County and shall, as far as possible, conform to the specifications designated in the [1978 Edition] current edition of the Manual on Uniform Traffic Control Devices for Streets and Highways as [copyrighted and published by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.] adopted by the Federal Highway Administration and the current edition of the County's Street Design Manual as published by the Department of Public Works."

SECTION 5. Chapter 16, Article 22, Kaua'i County Code 1987, as amended, is hereby amended to read as follows:

"Article 22. [Speed Humps] Traffic Calming Measures

Sec. 16-22.1 Purpose.

The Council of the County of Kaua'i finds that the installation of [speed humps] traffic calming measures on [local residential] County streets will increase [highway]

traffic safety in those areas. [The Director of the Department of Transportation, State of Hawai'i, has authorized the utilization of speed humps as traffic control devices within the County of Kaua'i.] This article authorizes the County Engineer to utilize [speed humps as traffic control devices] traffic calming measures and to place [speed humps] these measures on [local residential] County streets.

[Sec. 16-22.2 Definitions.

For purposes of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain words and phrases used in this Article are defined hereinbelow:

“Arterial highway” means a highway primarily for through traffic, usually a continuous route.

“Collector street/road” means a street or road that collects traffic from local streets and channels traffic to the arterial highway system.

“County Engineer” means the County Engineer, Department of Public Works, County of Kaua'i, or his or her duly authorized representative.

“County residential street” means a street under the jurisdiction and control of the County of Kaua'i which permits direct access to residential lots, offers the lowest level of motor vehicular mobility, and does not service through traffic.

“Director” means the Director of the Department of Transportation, Highway Division, State of Hawai'i.

“Resident” means the full time adult occupant of a dwelling.

“Speed hump” means a traffic control device as described in “*Guidelines for the Design and Application of Speed Humps, March 1993*,” as amended, published by the Institute of Transportation Engineers.]

Sec. 16-~~22.3~~22.2 Powers and Duties of County Engineer.

The County Engineer may:

(a) Receive written requests from the public pursuant to this Article for the placement or removal of [speed humps] traffic calming measures on County [local residential] streets.

(b) Prepare or have prepared for the Department, an engineering study documenting safety concerns, traffic concerns, and alternative traffic [control] calming measures.

(c) Request a resolution from the County Council to install or remove [speed humps] traffic calming measures.

(d) Install or remove [speed humps] traffic calming measures on County [residential] streets in accordance with [the *Guidelines for the Design and Application of Speed Humps, March 1993*, as amended,] this Chapter and any rules and regulations promulgated by the Department of Public Works, pursuant to Council resolution.

Sec. 16-[22.4]22.3 [Requests for Approval] Public Requests for Traffic Calming Measures.

A written request for [speed hump] installation or removal of one or more traffic calming measures shall be submitted to the County Engineer setting forth the following conditions:

(a) Name of the affected County [residential] street(s).

(b) [Consent of at least seventy-five percent (75%) of the residents residing in a dwelling which abuts the affected street or through street within a five hundred (500) foot radius from the location of the proposed speed hump.] Description of the observed safety issue, including drawings or pictures to help explain the problem or desired solution.

(c) A \$50.00 processing fee made out to the Director of Finance. The processing fee will be deposited into the General Fund.

Sec. 16-22.4 Study, Determination, and Public Notification.

(a) The County Engineer shall, within one hundred twenty (120) days of a request under Section 16-22.3, conduct an engineering study and provide written determination and response to the submitter whether one or more traffic calming measures are warranted given on a County street(s).

(b) The County Engineer may conduct an engineering study to determine whether one or more traffic calming measures are warranted on a County street(s).

(c) When a determination is made that traffic calming measures are warranted as outlined in this Section, the County Engineer shall send via United States Postal Service notification to at least one owner or occupant of at least seventy-five percent (75%) of the land parcels within a five hundred (500) foot radius from the location of the proposed traffic calming measure(s), excluding non-taxable roadway parcels. The notification shall include a description of the traffic calming measure(s), the reasons for proposed installation, a map for reference, and appropriate contact information.

Comments shall be received for at least a period of thirty (30) days. When, as determined in the discretion of the County Engineer, a proposed traffic calming measure(s) is likely to affect a significant number of residents or owners beyond a five hundred (500) foot radius from the location of the proposed traffic calming measure(s), the County Engineer may elect to hold one or more public meetings or take other action to solicit additional public comments.

[Sec. 16-22.5 Street Criteria.

Subject to Council resolution, the County Engineer may install speed humps on streets which meet the following criteria:

(a) Streets which are classified by the Department of Public Works as a County local residential street; unless otherwise authorized by the County Council and meets the criteria set forth in Subsections (b) through (j) of this Section.

(b) Streets where the posted speed limit is no greater than twenty-five (25) miles per hour;

(c) Streets which provide stopping sight distance of two hundred fifty (250) feet;

(d) Streets where the grade is eight percent (8%) or less approaching the proposed hump;

(e) Streets where the pavement width is eighteen (18) to twenty-four (24) feet for two-way travel;

(f) Streets where there are no more than two (2) travel lanes;

(g) Streets where the normal daily traffic volume is between two hundred (200) to three thousand (3,000) vehicles;

(h) Streets with a minimum length of five hundred (500) feet;

(i) Streets where the roadway curves have a centerline radius greater than three hundred (300) feet; and

(j) Streets where roadway vertical curves are greater than the minimum sight distance.]

Sec. 16-22.5 Engineering Study.

An engineering study shall be conducted to document safety and traffic concerns, and to determine the appropriate type of traffic calming measure(s), for a County street(s), as determined by the County Engineer in consideration

of engineering and street design guidelines and standards, such as those promulgated by the Federal Highway Administration, the American Association of State Highway and Transportation Officials, the National Association of City Transportation Officials, the Institute of Transportation Engineers, the Hawai'i Department of Transportation and the County of Kaua'i Department of Public Works.

[Sec. 16-22.6 Streets on Which Speed Humps Shall Not Be Installed.

Speed humps shall not be installed on:

- (a) Streets that are major emergency vehicle or bus routes.
- (b) Streets that are minor collector, major collector, minor arterial, and principal arterial, approved and as shown in the Highway Functional Classification Maps and Listing by the State of Hawai'i Department of Transportation, Highway Division and the Federal Highway Administration.
- (c) Streets that are minor or major collectors as determined by the County of Kaua'i, Department of Public Works, unless otherwise authorized by the County Council and meets the criteria set forth in Subsections (b) through (j) of Section 16-22.5.]

Sec. 16-22.6 Temporary Installation of Traffic Calming Measures.

(a) When a determination is made that traffic calming measures are warranted as expressed in this article, the County Engineer may temporarily install traffic calming measures for a trial period of up to twelve (12) months without County Council approval, as a means to test the traffic calming measures and assess community support, safety, and other factors.

(b) Prior to installation of any temporary traffic calming measure(s), the County Engineer shall submit a description of the traffic calming measure(s) to County departments and other entities that may be affected by the installation of the traffic calming measures. These entities shall include, at a minimum, the Kaua'i Fire Department, the Kaua'i Police Department, the Planning Department, and organizations that provide ambulance services.

(c) The County Engineer shall inform the County Council of the temporary traffic calming measures within thirty (30) days after the installation.

(d) If the County Engineer recommends that the traffic calming measures be made permanent, a resolution to establish the traffic calming

measures shall be submitted to the County Council within six (6) months of the end of the twelve (12) month trial period. The County Engineer will submit the resolution along with a report to the County Council describing the effects and benefits of the traffic calming measures. This report may include the level of community support and the impact of the project on motor vehicle speed.

(e) If a resolution is not submitted within eighteen (18) months of the installation of the temporary traffic calming measures, or if the County Council does not approve the proposed resolution, the temporary traffic calming measures shall be removed no later than twenty-four (24) months after installation.

Sec. 16-22.7 County Council Request for Installation of Traffic Calming Measures.

(a) When a determination is made that traffic calming measures are warranted as expressed in this article, the County Engineer may seek approval from the County Council for installation of appropriate traffic calming measures on one or more County streets.

(b) Prior to submitting the request to the County Council, the County Engineer shall submit the draft Resolution to County departments and other entities that may be affected by the installation of the traffic calming measures. These entities shall include, at a minimum, the Kaua'i Fire Department, the Kaua'i Police Department, the Planning Department, and organizations that provide ambulance services.

(c) The County Engineer shall consolidate the information and determinations gathered and made pursuant to this article and submit the record with a draft Resolution to the County Council.

(d) The County Council shall deliberate on the request and dispose of the proposal via approval or disapproval of the Resolution.

(e) Should the County Council approve the Resolution, the County Engineer is authorized to install the traffic calming measure(s), provided resources are readily available or appropriated.

Sec. 16-22.[7]8 Rules.

The County Engineer may adopt rules and regulations pursuant to Chapter 91, Hawai'i Revised Statutes, necessary to effectuate the purposes of this Article."

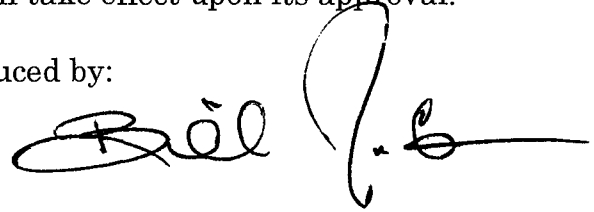
SECTION 6. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other

provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are severable.

SECTION 7. Material to be repealed is bracketed. New material is underscored. When revising, compiling, or printing this Ordinance for inclusion in the Kaua'i County Code 1987, as amended, the brackets, bracketed material, and underscoring shall not be included.

SECTION 8. This Ordinance shall take effect upon its approval.

Introduced by:

A handwritten signature in black ink, appearing to read "Bill Decosta", with a long horizontal flourish extending to the right.

BILL DECOSTA
(By Request)

DATE OF INTRODUCTION:

June 2, 2021

Līhu'e, Kaua'i, Hawai'i


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CERTIFICATE OF THE COUNTY CLERK

I hereby certify that heretofore attached is a true and correct copy of Bill No. 2824, which on first reading was ordered to print by the Council of the County of Kaua'i at its meeting held on June 2, 2021, by the following vote:

FOR PASSAGE:	Carvalho, Chock, Cowden, DeCosta, Evslin, Kualii, Kaneshiro	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Lihu'e, Hawaii
June 2, 2021


Jade K. Fountain-Tanigawa
County Clerk, County of Kaua'i