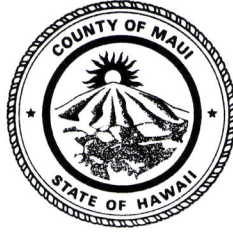


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MEMO TO: Elle Cochran, Chair  
Infrastructure and Environmental Management Committee

F R O M: Richelle M. Thomson  
Deputy Corporation Counsel 

D A T E: September 8, 2016

SUBJECT: Amending Section 10.60.042, Maui County Code, Relating to  
Crosswalks Established, Lahaina District (IEM-70)

This memo is in response to your memo dated August 31, 2016, in which you requested information related to the County's authority to review and approve crosswalks and other items related to Title 10, Article 1, Maui County Code ("Maui Traffic Code").

Section 291C-163, Hawaii Revised Statutes ("HRS"), states that the provisions of the State Traffic Code "shall be applicable and uniform throughout the State and in all political subdivisions therein provided that any matter not covered in this chapter relating to the rules of the road may be subject to appropriate county ordinances[.]"

For additional information, please also see Section 291C-163, HRS ("Powers of counties"), which is attached for your reference.

**§291C-163 Powers of counties.** (a) This chapter shall not be deemed to prevent counties with respect to streets and highways under their jurisdiction from:

- (1) Regulating or prohibiting stopping, standing, or parking except as provided in section 291C-111;
- (2) Regulating traffic by means of police officers or official traffic-control devices;
- (3) Regulating or prohibiting processions or assemblages on the highways;
- (4) Designating particular highways or roadways for use by traffic moving in one direction;
- (5) Establishing speed limits for vehicles in public parks;
- (6) Designating any highway as a through highway or designating any intersection as a stop or yield intersection;
- (7) Restricting the use of highways;
- (8) Regulating the operation and equipment of and requiring the registration and inspection of bicycles, including the requirement of a registration fee;
- (9) Regulating or prohibiting the turning of vehicles or specified types of vehicles;
- (10) Altering or establishing speed limits;
- (11) Requiring written accident reports;
- (12) Designating no-passing zones;
- (13) Prohibiting or regulating the use of controlled-access roadways by any class or kind of traffic;
- (14) Prohibiting or regulating the use of heavily traveled streets by any class or kind of traffic found to be incompatible with the normal and safe movement of traffic;
- (15) Establishing minimum speed limits;
- (16) Designating hazardous railroad grade crossing;
- (17) Designating and regulating traffic on play streets;
- (18) Prohibiting pedestrians from crossing a roadway in a business district or any designated highway except in a crosswalk;
- (19) Restricting pedestrian crossing at unmarked crosswalks;
- (20) Regulating persons propelling push carts;
- (21) Regulating persons upon skates, coasters, sleds, and other toy vehicles;
- (22) Adopting and enforcing such temporary or experimental regulations as may be necessary to cover emergencies or special conditions;
- (23) Adopting maximum and minimum speed limits on streets and highways within their respective jurisdictions;
- (24) Adopting requirements on stopping, standing, and parking on streets and highways within their respective jurisdictions except as provided in section 291C-111;
- (25) Prohibiting or regulating electric personal assistive mobility devices on sidewalks and bicycle paths; and

(26) Adopting such other traffic regulations as are specifically authorized by this chapter.

(b) No local authority shall erect or maintain any official traffic-control device at any location so as to require the traffic on any state highway to stop before entering or crossing any intersecting highway unless approval in writing has first been obtained from the director of transportation. [L 1971, c 150, pt of §1; am L 1976, c 238, §2; am L 1998, c 234, §§4, 29; am L 1999, c 263, §5; am L 2000, c 240, §21; am L 2001, c 55, §14; am L 2002, c 58, §2; am L 2009, c 78, §2]

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