

# Maui Bicycle Alliance

*Keeping Maui on the Right Path!*

DATE: January 29, 2012

TO: Representative Joseph Souki, Chair  
Representative Linda Ichiyama, Vice Chair  
House Transportation Committee Members

FROM: Walter Enomoto, President, Maui Bicycle Alliance

SUBJECT: Support for HB1666, RELATING TO THE PENAL CODE

Aloha Transportation Committee Chair Souki,

On behalf of over 400 bicyclists in Maui County, we respectfully ask that you support House Bill 1666 - RELATING TO THE PENAL CODE.

The recent death of a young Honolulu Police Department Police Officer, who would be considered a "Vulnerable User" in this measure, highlights the need for additional penalties for drivers who do not, cannot, or will not operate their vehicles in a safe and proper manner on our island roadways.

This bill would help to protect not only first responders like Officer Davis, firefighters and EMS personnel, but many other non motorized users who are at a large disadvantage in any type of collision with a motor vehicle. User groups such as:

- Senior citizens who walk and use transit facilities
- Children who walk or ride their bikes to school or other activities
- Physically challenged individuals who must use personal mobility devices to get around
- Construction and highway workers trying to improve our roadway and other related facilities

all require additional consideration and due care by motor vehicle operators.

The need to protect those individuals who are more vulnerable on the road is not a Hawaii specific issue, but rather a nationwide one as more and more states are recognizing this inequity in our transportation and penal system.

While this bill is the first of its kind in Hawaii, it has already been enacted in Oregon, Washington, Delaware and New York while also being reviewed for enactment in Wisconsin, Florida, California, Connecticut and Michigan.

Please give this bill serious consideration during the hearing on this measure so that all issues can be brought up, discussed and considered for further approval by the many people who would be better protected by this measure.

Thank you for the opportunity to voice our support for this measure we look forward to the Transportation Committee's decision on this matter.

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 3:17 PM  
**To:** TRNtestimony  
**Cc:** anthony@veteranswaybicycles.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM  
**Attachments:** SierraClub.doc

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Anthony Tony Austin  
Organization: Environmental Caucus of Democratic Party of Hawaii  
E-mail: [anthony@veteranswaybicycles.com](mailto:anthony@veteranswaybicycles.com)  
Submitted on: 1/31/2012

Comments:

## HB1666

This bill addresses the penal code by defining vulnerable roadway users, including pedestrians, cyclists, public safety officers and roadway workers. It further establishes enhanced penalties for drivers who, while committing a traffic offense under the code, seriously injure or kill a vulnerable user legally within the public roadway.

Hawaii's roads are among the most dangerous in the country for pedestrians, cyclists and others who legally make use of the public right of way without being in a motor vehicle. The reason is simple, some drivers are aggressive or negligent, and don't drive safely. When this results in an accident between two motor vehicles, it is often no more than a fender bender; but when it occurs between a motor vehicle and a vulnerable roadway user, it is often catastrophic to the unprotected user.

Many of our State's goals for energy independence, air and water quality, public health and wellness, management of public medical expense, and transportation efficiency are in part dependent on allowing folks to get out of their cars for appropriate length trips, and get about under their own power. These are trips that can be walked or biked, or for which walking or biking connects to a public transit stop. But people will be afraid to get out of their cars if our roadways are not made safer for mixed transportation modes. Driver behavior is critical to this end. Today, harmfully striking a vulnerable roadway user often results in no more than a traffic ticket regardless of the harm done to the victim; HB1666 will apply a fair penalty on those who commit a traffic offence and in the process kill or maim another. It will encourage drivers to take greater care when operating their vehicle in the proximity of vulnerable roadway users. It is fair and just that doing serious harm to another person be penalized commensurately, at least in part, to the harm done.

This bill is a crucial step in making our roadway safer for all. Please give it your support.

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Sunday, January 29, 2012 8:31 PM  
**To:** TRNtestimony  
**Cc:** rcblake@mac.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: R C Blake  
Organization: Individual  
E-mail: [rcblake@mac.com](mailto:rcblake@mac.com)  
Submitted on: 1/29/2012

**Comments:**

Please help make our roadways safer for all users that are not in one to three ton vehicles

## TESTIMONY IN SUPPORT OF HB1666

Dear Chairman Souki and Committee Members:

Please pass this bill out of committee with a favorable recommendation. Hawaii's roads are among the most dangerous in the country for pedestrians, cyclists and others who legally make use of the public right of way without being in a motor vehicle. The reason is simple, many drivers are aggressive or negligent, and don't drive safely. When this results in an accident between two motor vehicles, it is often no more than a fender bender; but when it occurs between a motor vehicle and a vulnerable roadway user, it is often catastrophic to the unprotected user.

Many of our State's energy, environmental, health and wellness, public medical expense, and transportation efficiency goals are in part dependent on allowing folks to get out of their cars for appropriate length trips. This will not happen if our roadways are not made safer for mixed transportation modes. Driver behavior is critical to this end. Today, harmfully striking a vulnerable roadway user often results in no more than a traffic ticket regardless of the harm done to the victim; HB1666 will apply a fair penalty on those who commit a traffic offence and in the process kill or maim another. It will encourage drivers to take care when operating in the proximity of vulnerable roadway users. It is fair and just.

This bill is a crucial step in making our roadway safer for all. Please give it your support.

Sincerely yours,  
John Goody  
Kaneohe

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Monday, January 30, 2012 3:04 PM  
**To:** TRNtestimony  
**Cc:** northshorebike@gmail.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Mark Olson  
Organization: Individual  
E-mail: [northshorebike@gmail.com](mailto:northshorebike@gmail.com)  
Submitted on: 1/30/2012

Comments:

## ichiyama1 - Curi

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**From:** randy ching [oahurandy@yahoo.com]  
**Sent:** Monday, January 30, 2012 5:37 PM  
**To:** TRNtestimony  
**Subject:** in support of HB1666 -- relating to the penal code

HB1666  
House Transportation Committee  
Hearing Wednesday, February 1 at 9 a.m. in conference room 309

Aloha Chair Souki, Vice Chair Ichiyama, and members of the committee,

I support HB1666, the vulnerable users bill. Bicyclists have the same rights as cars to use the road. There are drivers who don't take cycling safety seriously and hit cyclists with their automobiles. In almost all cases, the bicyclist is injured or killed with no serious penalty for the driver. There needs to be more than a "slap on the wrist" for drivers who kill or injure cyclists.

Vulnerable user laws have been passed in Oregon, Texas, and Washington.

Please pass HB1666. We need to protect vulnerable users of our roads. Mahalo.

Sincerely,

Randy Ching  
Honolulu  
[oahurandy@yahoo.com](mailto:oahurandy@yahoo.com)

TO: Members of the Committee on Transportation

FROM: Natalie Iwasa  
aka Bike Mom  
Honolulu, HI 96825  
808-395-3233

REGULAR

MEETING: 9 a.m. Wednesday, February 1, 2012

SUBJECT: Penal Code - Vulnerable Users (OPPOSED)

Aloha Chair and Committee Members,

Thank you for allowing me to provide testimony on HB 1666, which would provide for *less* punishment in negligent homicide or injury involving the case of motor vehicles when a vulnerable highway user is *not* involved. The best way to illustrate my concerns about this bill is to give an example of what could happen if it passes.

Let's say two car drivers are speeding down a roadway. One driver crashes and hits a pedestrian, killing the pedestrian. The other driver crashes and hits another car, killing the driver. Under this bill, the driver of the car that hit the other vehicle would receive *less punishment* than the driver that hit the pedestrian. How can one justify that the life of the person in the motor vehicle is worth less than the pedestrian?

I oppose this bill because of the inequity it creates and urge you to vote "no."



## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 8:36 AM  
**To:** TRNtestimony  
**Cc:** kauai.rainbow@gmail.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: Angela Ledington-Fischer  
Organization: Individual  
E-mail: [kauai.rainbow@gmail.com](mailto:kauai.rainbow@gmail.com)  
Submitted on: 1/31/2012

**Comments:**

This bill is way over do! I've been riding my bike on the roads for 20 years, I've been hit once fortunately no serious injuries... but a bill like this could bring attention to drivers who are careless with pedestrians and bikers!!!

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 9:26 AM  
**To:** TRNtestimony  
**Cc:** brosnahan77@msn.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Oppose  
Testifier will be present: No  
Submitted by: Neil Brosnahan  
Organization: Individual  
E-mail: [brosnahan77@msn.com](mailto:brosnahan77@msn.com)  
Submitted on: 1/31/2012

**Comments:**

As much as I want to be safe while riding my bike on the streets, this seems to be a punitive measure that tries to take the onus off the state and counties to provide safe roadways. We need a bill that demands that the state and counties upgrade the road system. Fat chance though, that might cost some money!

## ichiyama1 - Curi

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Tuesday, January 31, 2012 10:14 AM  
**To:** TRNtestimony  
**Cc:** dhallhi@yahoo.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: No  
Submitted by: David W. Hall  
Organization: Individual  
E-mail: [dhallhi@yahoo.com](mailto:dhallhi@yahoo.com)  
Submitted on: 1/31/2012

**Comments:**

I support HB1666. I commuted 4.1 miles each way for 15 years down Pali Hwy and along Nuuanu Ave. During those years, I was hit twice by cars driven by those not paying attention and obeying traffic laws and had numerous very close near hits. Since we want to encourage bicycle users, we need more stringent laws to protect them.

**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, February 01, 2012 5:30 AM  
**To:** TRNtestimony  
**Cc:** farmfreshhawaii@gmail.com  
**Subject:** Testimony for HB1666 on 2/1/2012 9:00:00 AM

Testimony for TRN 2/1/2012 9:00:00 AM HB1666

Conference room: 309  
Testifier position: Support  
Testifier will be present: Yes  
Submitted by: Juanita Kawamoto Brown  
Organization: Executive Board  
E-mail: [farmfreshhawaii@gmail.com](mailto:farmfreshhawaii@gmail.com)  
Submitted on: 2/1/2012

**Comments:**

As executive board member of the Environmental Caucus of the Democratic Party of Hawaii and citizen advocate, I strongly support the need for this bill as its intentions are to bring relief and support to victims or vulnerable users of bicycles or bicyclists and other similar types of transportation. The penalties introduced in this bill will hold the offenders liable and toughen the law to better protect the innocent bicyclist.

Mahalo for your consideration of my testimony.

# LATE TESTIMONY

Date: January 31, 2012

REF: Committee on Transportation Hearing of HB 1666

I am submitting testimony in support of HB 1666, The Vulnerable Users Bill, HB 1666, which provides an extra measure of protection on public roadways for cyclists, pedestrians, first responders and highway workers from dangerous drivers. The reason we need a vulnerable users law is that Hawaii is among the worst in the nation for rates of fatality to cyclists and pedestrians, and negligent and aggressive driving are getting worse. This measure addresses the consequences to drivers from a traffic violation in which a vulnerable user is seriously injured or killed and would educate drivers to be more careful and allow the courts to bring justice for victims and their families.

Some defense attorneys may think it too harsh, but a maimed or killed innocent person is just as ruined from a negligent act as an intentional one, and it is just that the state to act to prevent and punish these acts with a sentence that is balanced with the injury done to the victim. That is what this bill does.

I want tougher penalties for negligent drivers who maim or kill bicyclists, pedestrians, or other vulnerable roadway users. These penalties help reinforce the need to be careful when driving around people who do not have the protection of a car.

Washington, Oregon, and Texas are among other states with similar measures in law; the precedent is well established. Let's join them in holding negligent drivers accountable when they injure or kill pedestrians, bicyclists, and other vulnerable roadway users. I am in favor of HB 1666.

Sincerely,

Robert Bengtson  
5427 Kuaola Street  
Honolulu, HI 96821