
A BILL FOR AN ACT

RELATING TO PEDESTRIAN SAFETY IN CROSSWALKS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that pedestrian
2 fatalities are increasing at an alarming rate. There were 32
3 pedestrian deaths statewide in 2016, 15 pedestrian deaths in
4 2017, and in 2018, 39 pedestrian deaths.

5 To protect pedestrians in our State, the purpose of this
6 Act is to establish a policy within the department of
7 transportation that prioritizes improvements to crosswalks
8 located in areas with frequent pedestrian injuries and
9 fatalities and considers installing additional safety features,
10 such as flashing lights or other features recommended in the
11 Hawaii Statewide Pedestrian Master Plan.

12 SECTION 2. Section 264-20, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§264-20 Flexibility in highway design; liability of**
15 **State, counties, and public utilities.** (a) If a highway,
16 including any bridge, principal and minor arterial road,
17 collector and local road, or street, requires new construction,



1 reconstruction, preservation, resurfacing (except for
2 maintenance surfacing), restoration, or rehabilitation, the
3 department of transportation with regard to a state highway, or
4 a county with regard to a county highway, may select or apply
5 flexible highway design guidelines consistent with practices
6 used by the Federal Highway Administration and the American
7 Association of State Highway and Transportation Officials.
8 Flexibility in highway design shall consider, among other
9 factors:

- 10 (1) Safety, durability, and economy of maintenance;
- 11 (2) The constructed and natural environment of the area;
- 12 (3) Community development plans and relevant county
13 ordinances;
- 14 (4) Sites listed on the State or National Register of
15 Historic Places;
- 16 (5) The environmental, scenic, aesthetic, historic,
17 community, and preservation impacts of the activity;
- 18 (6) Access for other modes of transportation, including
19 but not limited to bicycle and pedestrian
20 transportation;



1 (7) Access to and integration of sites deemed culturally
2 and historically significant to the communities
3 affected;

4 (8) Acceptable engineering practices and standards; [~~and~~]

5 (9) Safety studies and other pertinent research[-]; and

6 (10) Frequency of pedestrian injuries and fatalities.

7 (b) Any other law to the contrary notwithstanding, any
8 decision by the State, the department of transportation, a
9 county, or any officers, employees, or agents of the State, the
10 department of transportation, or a county to select or apply
11 flexibility in highway design pursuant to this section and
12 consistent with the practices used by the Federal Highway
13 Administration and the American Association of State Highway and
14 Transportation Officials shall not give rise to a cause of
15 action or claim against:

16 (1) The State;

17 (2) The department of transportation;

18 (3) The counties;

19 (4) Any public utility regulated under chapter 269 that
20 places its facilities within the highway 'right-of-way;

21 or



1 (5) Any officer, employee, or agent of an entity listed in
2 paragraphs (1) to (4).

3 (c) The exception to liability provided in subsection (b)
4 applies only to the decision to select or apply flexibility in
5 highway design pursuant to this section and does not extend to
6 design, construction, repair, correction, or maintenance
7 inconsistent with subsection (a)."

8 SECTION 3. Chapter 264, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§264- Pedestrian safety. (a) The department of
12 transportation and the county transportation departments shall
13 collect information on the number of pedestrian injuries and
14 fatalities in all crosswalks and adopt a policy that prioritizes
15 crosswalk improvement based on the frequency of pedestrian
16 injuries and fatalities.

17 (b) The department shall consider installing safety
18 features to crosswalks with frequent pedestrian injuries and
19 fatalities, including in-pavement reflectors, in-pavement LED
20 warning lights, increased lighting, and pedestrian activated
21 solar flashing lights.



1 (c) This section shall apply to new construction,
 2 reconstruction, and maintenance of highways, roads, streets,
 3 ways, and lanes located within urban, suburban, and rural areas,
 4 if appropriate for the application of this section.

5 (c) This section shall not apply if:

6 (1) Use of a particular highway, road, street, way, or
 7 lane by bicyclists or pedestrians is prohibited by
 8 law, including within interstate highway corridors;

9 (2) The costs would be excessively disproportionate to the
 10 need or probable use of the particular highway, road,
 11 street, way, or lane;

12 (3) There exists a sparseness of population, or there
 13 exists other available means, or similar factors
 14 indicating an absence of a future need; or

15 (4) The safety of vehicular, pedestrian, or bicycle
 16 traffic may be placed at unacceptable risk.

17 SECTION 5. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect on July 1, 2019.

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H.B. NO. 1570

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H.B. NO. 1570

Report Title:

Crosswalks; Pedestrian Safety; Improvement Priority List

Description:

Requires the department of transportation to establish a policy that prioritizes improvements to crosswalks located in areas with frequent pedestrian injuries and fatalities and considers installing additional safety features.

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