
A BILL FOR AN ACT

RELATING TO SIDEWALKS.

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

1 SECTION 1. The legislature finds that sidewalks provide
2 safe routes for students to walk to school and pathways to
3 connect community members with one another. Moreover, sidewalks
4 ease traffic congestion, reduce carbon dioxide emissions by
5 lessening vehicular travel, increase opportunities for exercise,
6 and expand travel options for individuals who lack vehicular
7 access. These positive outcomes are recognized by federal,
8 state, and county safe routes to school programs, which, among
9 other things, strive to make walking to school less dangerous.
10 Across the State, however, many sidewalks in school zones
11 and other areas of significant school-related pedestrian traffic
12 are aging and in disrepair. These sidewalks may have trip
13 hazards, including vertical and horizontal separation,
14 vegetative growth encroachments, and other obstructions to safe
15 passage. Maintenance and repair of these sidewalks should be
16 expedited to make them safe for use by students and other
17 pedestrians. Importantly, in the interest of establishing safe



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1 school and pedestrian communities, maintenance should occur
2 regardless of the state or county jurisdiction under which a
3 sidewalk falls or should be dedicated.

4 The legislature further finds that each county administers
5 a sidewalk maintenance program. Moreover, where ownership of a
6 particular highway and its appurtenant sidewalks is disputed
7 between the State and county, the county is authorized to
8 maintain and repair the disputed highway and its appurtenant
9 sidewalks. Furthermore, county ordinances typically make a
10 county responsible to investigate sidewalk damage and implement
11 repairs when damage is attributable to the abutting property
12 owners.

13 The purpose of this Act is to establish and fund a safe
14 school sidewalks program in each county.

15 SECTION 2. Chapter 46, Hawaii Revised Statutes, is amended
16 by adding a new part to be appropriately designated and to read
17 as follows:

18 "PART . SAFE SCHOOL SIDEWALKS PROGRAM

19 §46- Definitions. As used in this part:

20 "County" means the city and county of Honolulu, and the
21 counties of Hawaii, Kauai, and Maui.



1 "School zones" means every street and all public property
2 in the vicinity of a school as designated by the department of
3 transportation and the respective counties.

4 "Sidewalk" means that portion of a street between the curb
5 lines, or the lateral lines of a roadway, and the adjacent
6 property lines, intended for use by pedestrians.

7 **§46- Establishment.** There is established in each county
8 a safe school sidewalks program, which shall be coordinated with
9 the department of transportation. Under the program, each
10 county shall maintain, repair, or construct sidewalks in school
11 zones and other areas of significant school-related pedestrian
12 traffic, with priority given to maintaining, repairing, and
13 constructing sidewalks that ease recurring safety concerns.

14 **§46- Report.** Each county shall submit a report to the
15 legislature no later than twenty days prior to the convening of
16 each regular session on the progress made and plans for the
17 maintenance, repair, and construction of sidewalks in school
18 zones or other areas of significant school-related pedestrian
19 traffic in its jurisdiction. The report shall include:



1 (1) The location, action taken, and cost of sidewalk
2 maintenance, repairs, or construction funded under
3 this part;

4 (2) A timeline for all sidewalk maintenance, repairs, and
5 construction funded under this part; and

6 (3) Findings and recommendations, including proposed
7 legislation, for sidewalk maintenance, repair, and
8 construction to meet the objectives of this part.

9 §46- Construction. Nothing in this part shall be
10 construed as requiring actions or omissions that would render
11 the State ineligible to receive funds for the safe routes to
12 school program under the 2005 Safe, Accountable, Flexible,
13 Efficient Transportation Equity Act: A Legacy for Users, Public
14 Law No. 109-59."

15 SECTION 3. There is appropriated out of the general
16 revenues of the State of Hawaii the following sums or so much
17 thereof as may be necessary for fiscal year 2019-2020 and the
18 same sums or so much thereof as may be necessary for fiscal year
19 2020-2021 for the safe school sidewalks program to assist the
20 counties in maintaining, repairing, and constructing sidewalks



1 in school zones and other areas of significant school-related
2 pedestrian traffic pursuant to this Act:

3	County of Hawaii	\$
4	County of Kauai	\$
5	County of Maui	\$
6	City and County of Honolulu	\$ _____
7	Total	\$

8 The sums appropriated shall be expended by each respective
9 county for the purposes of this Act; provided that for any
10 school zone in which sidewalk maintenance, repairs, or
11 construction are performed pursuant to this Act, the respective
12 county shall apply for a federal safe routes to school
13 reimbursable grant; provided further that upon the receipt of a
14 federal safe routes to school reimbursable grant, the county
15 shall reimburse the State for sums appropriated by this Act that
16 were expended for the purpose of maintaining, repairing, or
17 constructing sidewalks in a school zone or other area of
18 significant school-related pedestrian traffic for which the
19 grant is applicable.



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1 The sums appropriated shall constitute the State's share of
 2 the cost of the mandated programs under article VIII, section 5
 3 of the state constitution.

4 SECTION 4. If any provision of this Act, or the
 5 application thereof to any person or circumstance, is held
 6 invalid, the invalidity does not affect other provisions or
 7 applications of the Act that can be given effect without the
 8 invalid provision or application, and to this end the provisions
 9 of this Act are severable.

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

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INTRODUCED BY:

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JAN 18 2019



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Report Title:

Safe School Sidewalks Program; Appropriation

Description:

Establishes and appropriates funds for a Safe School Sidewalks Program that requires each county to maintain, repair, and construct sidewalks in school zones and other areas of significant school-related pedestrian traffic. Requires each county to annually report on the status of the program.

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