

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary & Hawaiian Affairs**

March 16, 2023

S.B. No. 926 SD1: RELATING TO PEDESTRIANS

Chair Tarnas, Vice Chair Takayama, and Members of the Committees:

The Office of the Public Defender supports S.B. No. 926 SD1, which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

This bill will not only make Hawai‘i streets more walkable and thus encourage more walking (which in turn improves health and the environment); this bill will also protect pedestrians who safely cross the street from burdensome fines and from arbitrary pretextual police stops.

Pedestrian citations place an undue financial burden on poor people who are more likely to rely on walking (and riding a bus, which involves walking to/from a bus stop) as a mode of transportation. For example, the fine for crossing a street at other than a crosswalk, in violation of HRS § 291C-73, is \$100 plus any associated court costs and fees. Moreover, if the fines and fees go unpaid, the matter will be sent to a collection agency, which will damage the pedestrian’s credit rating.

This bill will also curb law enforcement from using jaywalking as a pretext to stop and harass people, especially homeless and people of color, in low-income and/or high-crime areas in order to check for warrants.

There have been jaywalking studies that show that minorities appear to be disproportionately targeted when jaywalking. ProPublica and the Florida Times-Union conducted an investigation in 2017 in Jacksonville, Florida, and discovered that from 2012 to 2016, Black pedestrians were three times as likely to be stopped and cited for jaywalking as white pedestrians.¹ Black pedestrians received 55% of

¹ Topher Sanders and Kate Rabinowitz, Pro Publica, and Benjamin Conarck, Florida Times-Union, “Walking While Black,” November 16, 2017, available at <https://features.propublica.org/walking-while-black/jacksonville-pedestrian-violations-racial-profiling/>

the jaywalking citations issued from 2012 to July 2017 even though Jacksonville’s population is only 29% Black.²

Similar results were found in Seattle, Washington, where out of the 1,710 jaywalking tickets issued from 2010 to 2016, 447 (26%) went to Black pedestrians, while Black people represent about 7% of the population.³ In Los Angeles, California, with a 9% Black population, nearly 33% of pedestrians issued jaywalking tickets over the last decade were Black.⁴

The Washington study also found that unhoused residents represented nearly half of those impacted by jaywalking stops, as determined by the home address listed in police reports (which may be noted as “homeless,” “transient,” or the address of a shelter or service provider) or clear indications in an officer’s narrative report.⁵

Although no jaywalking studies have been conducted in Hawai‘i, studies have shown that Native Hawaiians and Pacific Islanders are disproportionately overrepresented in the criminal justice system. Native Hawaiians, which make up 18% of the state’s population, account for nearly 37% of the incarcerated population.⁶ And according to the Honolulu Police Department’s 2019 Use of Force Report, which was reported in *Civil Beat*,⁷ Native Hawaiians and Pacific Islanders accounted for 34.5% of use of force incidents, even though they make up only 23% of the population on the island of Oahu.⁸

Thank you for the opportunity to comment on this measure.

² Id.

³ Free to Walk Washington, “Black and Unhoused People Disproportionately Targeted for Jaywalking,” available at <https://freetowalkwa.org/data-black-people-disproportionately-targeted-for-jaywalking/>

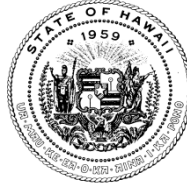
⁴ Id.

⁵ Id.

⁶ Final Report of the HCR 85 Task Force on Prison Reform, Summary and Key Recommendations, Office of Hawaiian Affairs, p.2, accessible online at https://www.oha.org/wp-content/uploads/HCR85Summary_FINALv2.pdf

⁷ Anita Hofschneider, “Report: Honolulu Police Use of Force Increased Last Year,” *Honolulu Civil Beat*, November 11, 2020, available at <https://www.civilbeat.org/2020/11/report-honolulu-police-use-of-force-increased-last-year/>

⁸ The 2020 Census reports that Native Hawaiians, Pacific Islanders, part-Native Hawaiians, and part-Pacific Islands made up 27.1% of the general population. See United States Census Bureau, Hawaii: 2020 Census, available at <https://www.census.gov/library/stories/state-by-state/hawaii-population-change-between-census-decade.html>



STATE OF HAWAII
DEPARTMENT OF TRANSPORTATION
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 16, 2023
2:00 P.M.
State Capitol, Room 325 & Videoconference

**S.B. 926 S.D. 1
RELATING TO PEDESTRIANS**

House Committee on Judiciary and Hawaiian Affairs

The Department of Transportation (DOT) **opposes** S.B. 926 S.D. 1, which authorizes pedestrians to cross a street when a reasonably careful pedestrian would determine that there is no immediate danger from a collision with a moving vehicle.

Pedestrian, bicycle, and motorized vehicle laws are enacted to provide road users their responsibilities and rules of the road. S.B. 926 S.D. 1 will allow pedestrians the freedom to determine their own rules of the road. This will create traffic situations that other road users are not expecting yet be responsible for.

Pedestrians crossing the street against nationally established traffic control devices and/or contrary to other road user expectations will be challenging especially for children and elderly persons, our most vulnerable road users. A pedestrian may feel safe to cross at a signalized intersection when the traffic signal is green for parallel vehicular traffic. However, if the walk signal was not activated, it would not be possible for a pedestrian to determine whether there is sufficient time to complete crossing before a green signal indication for conflicting traffic. In this case, another potentially hazardous situation is that drivers of vehicles turning from the parallel roadway would not expect pedestrians to begin crossing against the walk signal. In addition, pedestrians may be prohibited from crossing a street at certain locations due to conditions that may not be obvious to the pedestrian, such as high vehicular speeds or volumes, limited sight distance for vehicles or pedestrians, and insufficient roadway street lighting.

In accordance with Act 134 S.L.H. 2019, also known as the Vision Zero Act, the State Highway Safety Council (SHSC) was required to complete a final report on the Vision Zero Action Plan to reduce traffic fatalities to zero. This report was submitted to the legislature on December 11, 2020. One recommendation of this report is to enforce pedestrian and bicycle laws for all roadway users based on data. This measure conflicts with the SHSC's Vision Zero Action Plan.

There were 155 pedestrian fatalities and 416 serious injuries from 2018 through 2022, using preliminary data for 2022. Pedestrians aged 17 and younger or aged 65 and older were involved in 41 percent of pedestrian fatalities and 35 percent of pedestrian serious injuries. Overall, pedestrians accounted for 30 percent all traffic fatalities and 16 percent of all serious injuries during this period. All road users, including pedestrians, should be required to follow applicable traffic laws in order for the State to work towards the goal of eliminating traffic fatalities and serious injuries.

Thank you for the opportunity to provide testimony.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
1010 RICHARDS STREET, Room 122
HONOLULU, HAWAII 96813
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 16, 2023

The Honorable Senator Karl Rhoads, Chair
Senate Committee on Judiciary
The Thirty-Second Legislature
State Capitol
State of Hawai'i
Honolulu, Hawai'i 96813

Dear Senator Rhoads and Committee Members:

SUBJECT: SB926 SD1 RELATING TO PEDESTRIANS.

The Hawai'i State Council on Developmental Disabilities **supports SB926 SD1**, which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

Nationally, people with Intellectual/Developmental Disabilities (I/DD) are over-represented in all parts of the criminal justice system, including police custody. Individuals with I/DD who are suspected of being involved in a crime are at once at a heightened risk of misapprehension of the nature of the legal caution and misunderstanding the due process rights to which they are legally entitled. This heightened risk is compounded by minimal or insufficient training being offered to law enforcement officers to help guide them in how to identify and interact with individuals with I/DD to ensure reduced harm to both parties. Any measure that reduces the likelihood of unnecessary interaction between individuals with I/DD and law enforcement officers also reduces the likelihood that an interaction could have harmful results.

Additionally, the discretion-based policing of jaywalking laws already over-represents vulnerable populations, increasing the likelihood of harm. This measure works to reduce discriminatory policing by emphasizing the responsibility of road safety being placed on the pedestrian. Mandating that pedestrians have the right to walk when it is considered reasonably safe ensures pedestrians will evaluate safety before they step onto the road or onto the sidewalk, increasing awareness of incoming traffic, hopefully minimizing traffic accidents involving pedestrians.

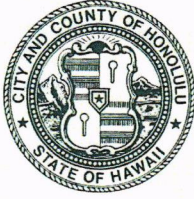
Thank you for the opportunity to submit testimony **in support of SB926 SD1**.

Sincerely,

Daintry Bartoldus
Executive Administrator

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.gov



RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE ST-TK

March 16, 2023

The Honorable David A. Tarnas, Chair
and Members
Committee on Judiciary and
Hawaiian Affairs
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, Hawaii 96813

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 926, S.D. 1, Relating to Pedestrians

I am Stason Tanaka, Major of the Traffic Division of the Honolulu Police Department (HPD), City and County of Honolulu.


The HPD opposes Senate Bill No. 926, S.D. 1, Relating to Pedestrians.

The HPD opposes the proposal to allow pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle. Motorists may not be expecting pedestrians to be crossing at areas not designated by a crosswalk, thus putting them at risk.


The HPD urges you to oppose Senate Bill No. 926, S.D. 1, Relating to Pedestrians. Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Stason Tanaka, Major
Traffic Division

SB-926-SD-1

Submitted on: 3/14/2023 12:55:50 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|----------------------|
| Samuel M Mitchell | Individual | Support | Remotely Via Zoom |

Comments:

The city department of transportation has been removing lots of crosswalks, as a way to speed up traffic. This city streets program has caused many seniors and the homeless to jaywalk. This action is causing the police to issue lots of tickets and has made our streets very unsafe. We need to bring back crosswalks or pass SD926 SD1

Samuel Mitchell Makiki NB-10

SB-926-SD-1

Submitted on: 3/15/2023 11:08:27 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Bev Brody | Get Fit Kauai | Support | Written Testimony Only |

Comments:

Get Fit Kauai strongly supports this bill!



March 16, 2023

2 p.m.

Conference Room 325 and Via Videoconference

To: House Committee on Judiciary & Hawaiian Affairs

Rep. David A. Tarnas, Chair

Rep. Gregg Takayama, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: SB926 SD1 — RELATING TO PEDESTRIANS

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB926 SD1](#), which would allow pedestrians to cross the street after exercising reasonable care that there is no danger of collision.

In other words, this bill trusts people to cross the street — something that most of us have been permitted to do since a relatively young age.

There is a certain irony in the need to pass a bill that recognizes the ability of pedestrians to cross the street safely. Many people might assume that such legislation is unnecessary or assume that it is the product of an overly rigid “nanny state.”

Unfortunately, the enforcement of statutes relating to pedestrians is indeed rigid, and the statutes themselves are — as noted in the language of this bill — “needlessly restrictive.”

Any Hawaii resident can regale you with a story of the absurdity of Hawaii’s pedestrian laws, including the expensive citation they or a friend received for being in the crosswalk a few seconds too soon or too late.

The current system contributes to an adversarial relationship between law enforcement and the public. Moreover, as the bill points out, it will also encourage more people to walk while making the streets friendlier to pedestrians.

We commend the committee for considering this bill and encourage them to recognize the “right to walk.” Hawaii residents can be trusted to cross the street safely.

Thank you for the opportunity to submit our comments.

Sincerely,

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii



HIPHI Board

Misty Pacheco, DrPH
Chair
University of Hawai'i at Hilo

JoAnn Tsark, MPH
Secretary
John A. Burns School of Medicine,
Native Hawaiian Research Office

Debbie Erskine
Treasurer
ARCH-MEPS Consulting LLC, Owner

Keshia Adolpho, LCSW
Na'au Healing Center

Camonia Graham - Tutt, PhD
University of Hawai'i - West O'ahu

Carissa Holley, MEd
Hale Makua Health Services

Jennifer José Lo, MD
Hawai'i Pacific Health

Dina Shek, JD
Medical-Legal Partnership
For Children in Hawai'i

Garret Sugai
HMSA

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

May Okihiro, MD, MS
John A. Burns School of Medicine,
Department of Pediatrics

Titiimaea Ta'ase, JD
State of Hawai'i, Deputy Public
Defender

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community Health
Worker Initiative

COVID-19 Response

Hawai'i Drug & Alcohol Free
Coalitions

Hawai'i Farm to School Hui

Hawai'i Oral Health Coalition

Hawai'i Public Health Training Hui

Healthy Eating + Active Living

Kūpuna Collective

Date: March 14, 2023

To: David Tarnas, Chair
Gregg Takayama, Vice Chair
Members of the House Committee on the Judiciary and Hawaiian
Affairs

Re: Support SB 926 SD1 Relating to Electronic Smoking Devices

Hrg: Thursday, March 16th, 2023 at 2PM

Hawai'i Public Health Instituteⁱ (HIPHI) appreciates the opportunity to provide **SUPPORT** for **SB 926 SD1**.

The freedom to walk as a mode of transportation is a public health issue. SB926 SD1 expands the freedom to walk (or use an assistive mobility device like a walker or wheelchair) by rolling back antiquated jaywalking laws. Jaywalking laws discourage people who are walking and rolling to cross mid-block, which is saferⁱⁱ.

Mid-block crossing is safer for both people walking and rolling and drivers. Yet, jaywalking continues to be a criminal offense. Furthermore, research shows that jaywalking enforcement is ineffective at preventing deaths and injuries to people walking and rolling and has a significant disparate impact on people of color.

Jaywalking contributes to racially-based police stops, which aligns with the overrepresentation of people of color in the criminal justice system.

With the State of Hawai'i's history of disproportionately policing and incarcerating Native Hawaiians and Pacific Islanders (NHPI), criminalizing jaywalking further enforces racial injustice in our state.

- Kansas City found that from 2018-2021, 65% of jaywalking tickets were handed out to Black people walking and rolling, even though Black people only make up 30% of the Kansas City populationⁱⁱⁱ.
- This pattern of disproportionate ticketing of Black people is also consistent in Seattle, New York, Sacramento, Florida, and Los Angeles^{iv}.
- In 2019, Native Hawaiian and Pacific Islanders were involved in over a 1/3 of police force incidents despite making up only a 1/4 of the population^v.

- If deemed guilty, NHPIs were more likely to get a prison sentence and receive longer prison and probation sentences compared to other ethnic groups^{vi}.

This measure also helps to advance the State's Aggressive climate, health, and equity goals:

- Reach net-zero carbon emissions by 2045 (State Climate Commission Goal), by removing barriers to walking as a form of active transportation.
- Eliminate disparate outcomes by race and ethnicity across all sectors.

Nationally similar policies are being enacted: "Freedom to Move" (California) and "Decriminalizing Walking" (Kansas City and Vermont). The people of Hawai'i people should be able to move knowing they cannot receive a criminal offense for crossing the street. Thank you for considering HB926 SD1.

Sincerely,



Peggy Mierzwa
Director of Policy & Advocacy
Hawai'i Public Health Institute

ⁱ Created by the legislature in 2012, the Obesity Prevention Task Force is comprised of over 60 statewide organizations, and works to make recommendations to reshape Hawai'i's school, work, community, and health care environments, making healthier lifestyles obtainable for all Hawai'i residents. The Hawai'i Public Health Institute (HIPHI) convenes the Task Force and supports and promotes policy efforts to create a healthy Hawai'i.

Hawai'i Public Health Institute is a hub for building healthy communities, providing issue-based advocacy, education, and technical assistance through partnerships with government, academia, foundations, business, and community-based organizations.

ⁱⁱ <https://viewpointvancouver.ca/2019/01/22/those-mid-block-crossingsdid-jaywalkers-have-it-right/>

ⁱⁱⁱ <https://www.kcur.org/news/2021-05-06/kansas-city-is-dumping-jaywalking-tickets-because-they-mostly-go-to-men-and-african-americans>

^{iv} <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2022/07/14/racial-justice-pedestrian-safety-fuel-jaywalking-debate>

^v <https://www.hawaiinewsnow.com/2021/02/05/hpd-report-shows-police-force-used-most-native-hawaiians-pacific-islanders/>

^{vi} https://www.oha.org/wp-content/uploads/2014/11/es_final_web_0.pdf

CJ Johnson
chrisluttet@gmail.com

3/16/2023

Chair Tarnas and Judiciary and Hawaiian Affairs Committee,

I am writing today to **strongly support** [SB926](#) which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

I submit this testimony as a survivor of traffic violence, a transportation safety expert, a member of the National Voices for Decriminalizing Mobility Work Group, a lead organizer of the Hawaii Safe Routes Coalition, a co-founder of the Hawaii Transportation Equity Working Group, and a long time advocate for mobility justice and health equity.

In short, **there is little evidence of a relationship between “jaywalking” enforcement and safer mobility for people walking and rolling.** The safest cities and countries for people walking, rolling and biking have a few key things in common. It’s not exotic technology, or police states, or perfectly trained, perfectly compliant citizens. Indeed,

The safest cities favor resilience and dignity for all users over compliance and blame, they design and build streets and neighborhoods that curb motor vehicle speed, promote pedestrian safety in numbers, reduce exposure time and distance, and prioritize the mobility and inclusion of older adults and disabled people and account for the inevitability of human error.

The United States is unique in its victim-blaming, its hostility and indifference to pedestrian safety, and its over-reliance on policing as an alternative to systems, policies and environments that prioritize the mobility and dignity of people walking and rolling.

In 2021, people walking and rolling and bicycling accounted for a staggering 1 in 3 traffic fatalities in Hawaii. This is dramatically higher than the national average which has also increased alarmingly. **U.S. road fatalities have risen by more than 10 percent over the past decade, even as they have fallen across most of the world.** In the European Union, whose population is one-third larger than America’s, traffic deaths dropped by 36 percent between 2010 and 2020.

At the same time, **there is significant and mounting evidence that prioritizing enforcement disproportionately harms historically marginalized communities¹,** and increasing momentum among safety experts to refocus the conversation away from victim-blaming.

¹ The Guardian: “The US’s jaywalking laws target people of colour. They should be abolished”
<https://www.theguardian.com/commentisfree/2020/jun/17/us-jaywalking-laws-target-people-of-colour-they-should-be-abolished>

America Walks' blog post "*The Movement to Decriminalize Walking Notching More Wins*" states clearly that they "**support... what is now a nationwide movement to decriminalize jaywalking.** The history and application of jaywalking laws show that it makes places more hostile to walkability, particularly for those targeted for pretextual stops. True safety requires better street and vehicle design that prioritizes the safety and mobility of those outside of vehicles, as well as those inside vehicles."²

In October 2020, **the League of American Bicyclists (LAB) formally removed enforcement from its advocacy framework**, stating "*the racial disparities in over-policing of our streets is a barrier that prevents many from considering biking for transportation or recreation. Enforcement as a stand-alone traffic safety tactic is not particularly effective in achieving long-term safety outcomes for anyone biking or walking.*"³

The Safe Routes National Partnership also removed enforcement from its platform in June 2020, stating that after "*listening to our staff, organizational partners, and partners in the field... we are committed to continuing to take clear and decisive steps to undo the systems that prevent Black people, indigenous people, and people of color from moving around the world safely, healthily, joyfully, and in their full expression of self.*"⁴

Here in Hawaii, evidence of this inequity is quite stark. Our policing and justice system, like those of the rest of the US, is fraught with disparities. In 2010, The Office of Hawaiian Affairs (OHA) report entitled *The Disparate Treatment of Native Hawaiians in the Criminal Justice System* revealed several relevant findings:⁵

- Since 1977, the number of people incarcerated in Hawai'i has increased more than 900 percent
- Given a determination of guilt, Native Hawaiians are more likely to get a prison sentence than all other groups.
- Native Hawaiians receive longer prison sentences than most other racial or ethnic groups
- Native Hawaiians are sentenced to longer probation terms than most other racial or ethnic groups

According to the Prison Policy Initiative's Hawaii Profile, Native Hawaiians and Pacific Islanders are 10% of the state population, but 39% of its prison and jail population.⁶

As recently as February, 2021, Honolulu Police Commissioners said they are "*concerned over the Honolulu Police Department's treatment of Pacific Islanders, Native Hawaiians and Black*

² America Walks [The Movement to Decriminalize Walking Notching More Wins](#) Feb. 2023

³ League of American Bicyclists [Removing Enforcement From Our Framework](#) Oct. 2020

⁴ Safe Routes National Partnership [Dropping Enforcement from Safe Routes to School 6 E's Framework](#), June 2020

⁵ Office of Hawaiian Affairs [The Disparate Treatment of Native Hawaiian in the Criminal Justice System](#), 2010

⁶ Prison Policy Initiative [Hawaii Profile](#) 2010

*people when it comes to use of force and even arrest rates.” with Commissioner Michael Broderick adding “I don’t think I can stress enough how significant that disproportionate impact is.”*⁷

These findings contribute to a growing body of evidence of the need to approach safety systemically; particularly when it comes to safety for vulnerable populations like older adults, unhoused people, disabled people, people who speak limited English, socioeconomically marginalized racial and ethnic groups and others who are overrepresented in pedestrian injury and death statistics.

Indeed, many states have found that by decriminalizing jaywalking⁸ and other minor traffic violations, they have reduced the burden on the justice system, reduces opportunities for escalations and pretextual enforcement, found more constructive applications of traffic safety resources, and found no increase in adverse public safety outcomes.

Thank you for the opportunity to testify on this important measure,

CJ Johnson
Honolulu

⁷ Civil Beat ‘[Significant Disparity In Use Of Force Questioned By Honolulu Police Commission](#) Feb. 2021

⁸ Streetsblog “[These Communities Are Making Progress After ‘Jaywalking’ Reform](#)”
<https://usa.streetsblog.org/2022/06/23/these-u-s-communities-are-making-safety-progress-after-jaywalking-reform/>

SB-926-SD-1

Submitted on: 3/14/2023 2:52:46 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Andrew Crossland | Individual | Support | Written Testimony Only |

Comments:

I support this Bill.

SB-926-SD-1

Submitted on: 3/14/2023 11:14:05 PM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Christy MacPherson | Individual | Support | Written Testimony Only |

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and members of the House Committee on Judiciary and Hawaiian Affairs,

I support SB926 SD1. If pedestrians are safe when crossing a street, why are we punishing them financially? The fact that they are mostly people of color (many of whom are also low-income) makes this bill even more important in terms of racial and economic equity.

Thank you for your consideration.

SB-926-SD-1

Submitted on: 3/15/2023 6:05:58 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Caroline Azelski | Individual | Support | Written Testimony Only |

Comments:

In support of SD1. Thank you.

SB-926-SD-1

Submitted on: 3/15/2023 7:37:52 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Jennifer Chiwa | Individual | Support | Written Testimony Only |

Comments:

Aloha Chairperson Tarnas, Vice Chairperson Takayama and Members of the Committee on Judiciary and Hawaiian Affairs. I am Jennifer Chiwa, have lived on Oahu my whole life and currently reside in Makiki.

Please support SB 926 SD 1 relating to pedestrians. I do not drive so I walk a lot. For many years, I have felt that pedestrians should be allowed to cross a street as long as they are careful and check that there are no oncoming vehicles. Laws are supposed to help people and improve their lives. The law on jaywalking does not help people like me and does not improve our lives whereas the passage of this bill will do so.

Thank you for this opportunity to testify and for your consideration in supporting SB 926 SD 1.

Jennifer Chiwa

Makiki

SB-926-SD-1

Submitted on: 3/15/2023 11:26:03 AM

Testimony for JHA on 3/16/2023 2:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Emily Warren | Individual | Support | Written Testimony Only |

Comments:

Please support SB 926 which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle. The State of Hawai'i has prioritized creating policy for the convenience of drivers for far too long. This bill is a small step in creating more balanced policy (and by extension infrastructure) that prioritizes walking, biking, etc. in our communities, which is desperately needed. Additionally, as a taxpayer, I would love to see the under-staffed HPD have more time, staff and energy to focus on real crimes that are negatively impacting our community.

Kiana Otsuka

Kiana.Otsuka@Gmail.com

March 15, 2023

Chair David Tarnas, Vice Chair Gregg Takayama, and the Judiciary and Hawaiian Affairs Committee,

I am writing today to **strongly support** SB926 SD1 which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

I submit this testimony as a private citizen, and am an experienced Transportation Planner, with a particular focus on walking, rolling, biking, and transit. We know that there are currently many barriers for people to choose more sustainable, affordable, and healthy modes of transportation, including walking. One of those barriers is the potential unnecessary pretextual police stop.

I strongly support this bill, because current statutes relating to pedestrians are needlessly restrictive and disproportionately impact people who do not drive and those who primarily rely upon walking as a means of transportation. These people are often low-income and walk out of necessity, as owning and operating a vehicle is prohibitively expensive.

I also strongly support this bill because **jaywalking enforcement is ineffective at preventing pedestrian deaths, hospitalizations, and crashes and has disparate impacts on people of color.** In places like Virginia that have decriminalized jaywalking, there has been **no change in fatalities for people walking.**¹ However, in **places that continue to criminalize jaywalking, we've seen the overrepresentation of people of color being involved in pretextual police stops,** and therefore in the criminal justice system. For example, Kansas City found that from 2018-2021, 65% of jaywalking tickets were handed out to Black people walking and rolling even though Black people only make up 30% of the Kansas City population.² This pattern of disproportionate ticketing of Black people is also consistent in Seattle, New York, Sacramento, Florida, and Los Angeles.³

While I don't think Hawai'i collects data on the race or income of those ticketed for jaywalking, the Prison Policy Initiative's Hawai'i Profile states that, Native Hawaiians

¹ <https://americawalks.org/jaywalking-reform-progress/>

² https://saferoutespartnership.org/sites/default/files/jaywalking_has_been_erased_from_kc-the_place_where_the_term_was_born_-_the_pitch_may_2021.pdf

³ IBID.

and Pacific Islanders are 10% of the state population, but 39% of its prison and jail population.⁴ This pattern may also reflect those ticketed for jaywalking.

Jaywalking enforcement and our current transportation system are not effective at improving pedestrian safety. Between 2021 and 2022, Hawai'i saw a 12% increase in pedestrian fatalities, and this number has been increasing over the last few years.⁵ If we truly care about improving pedestrian safety, we need to change the way we allocate our budgets to fund projects that improve pedestrian safety and design our transportation facilities to reduce vehicle speed. The Federal Highway Administration has a great resource that includes proven safety countermeasures that Hawai'i could implement to see a substantial decrease in pedestrian crashes, hospitalizations, and deaths.⁶ Some examples include implementing pedestrian medians or refuges, road diets, leading pedestrian intervals, and rectangular rapid flashing beacons.

Thank you for the opportunity to testify on this important measure that will help to improve mobility justice and reduce the unnecessary pretextual stops, potential for escalation, and therefore incarceration and burden on the justice system. The State of Hawai'i must remove jaywalking from its criminal code and shift the responsibility of safety from people walking and rolling to systems, policies, planning and design. This will reduce traffic violence which has seen a dramatic recent increase, and prevent the disparate policing of Native Hawaiians and Pacific Islanders. There are proven safety countermeasures to improve pedestrian safety that the State and Counties may better spend our time, resources, and budget, including tax payer dollars, that will help to save lives.

Kiana Otsuka
Honolulu Resident (96819)

⁴ Prison Policy Initiative [Hawai'i Profile](#) 2010

⁵ [State of Hawaii Traffic Fatalities](#)

⁶ [Proven Safety Countermeasures | FHWA \(dot.gov\)](#)