



TESTIMONY BY:
EDWIN H. SNIFFEN
DIRECTOR

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

February 16, 2023
9:30 A.M.
State Capitol, Room #016 & Videoconference

S.B. 926
RELATING TO PEDESTRIANS

Senate Committee on Judiciary

The Department of Transportation **opposes** S.B. 926, 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 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.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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RICK BLANGIARDI
MAYOR

ARTHUR J. LOGAN
CHIEF

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS

OUR REFERENCE ST-TK

February 16, 2023

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 926, Relating to Pedestrians

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

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

Thank you for the opportunity to testify.

APPROVED:

Sincerely,



Arthur J. Logan
Chief of Police


Stason Tanaka, Acting Major
Traffic Division



February 16, 2023

9:30 a.m.

Conference Room 016 and Via Videoconference

To: Senate Committee on Judiciary
Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair

From: Grassroot Institute of Hawaii
Ted Kefalas, Director of Strategic Campaigns

RE: SB926 — RELATING TO PEDESTRIANS

Comments Only

Dear Chair and Committee Members:

The Grassroot Institute of Hawaii would like to offer its comments on [SB926](#), 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



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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

Date: February 14, 2023

To: Senator Karl Rhoads, Chair
Senator Mike Gabbard, Vice Chair
Members of the Committee on Judiciary

Re: Support SB926 Relating to Pedestrians

Hrg: Thursday, February 16, 2023

Hawai'i Public Health Institute (HIPHI) appreciates the opportunity to provide SUPPORT for **SB926**.

The Hawai'i Public Health Institute (HIPHI) is a statewide nonprofit organization that began in 1996, then known as the Coalition for a Tobacco-Free Hawai'i. In 2012, the organization moved from a singular focus on tobacco issues to a broader public health mission and became the first and only public health institute serving Hawai'i. Our work has broadened to include: food and agriculture, transportation and public safety, oral health, healthy eating + active living (HEAL), drug and alcohol prevention, tobacco, COVID-19 response efforts and workforce development. HIPHI continues to be a bridge between community and partners from government and health care so that all relevant stakeholders throughout the Hawaiian Islands are involved in decisions related to public health policy, programs, and investments.

The freedom to walk as a mode of transportation is a public health issue. **SB926** expands the freedom to walk (or use an assistive mobility device like walker or wheelchair) by rolling back antiquated jaywalking laws.

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 population.¹
 - This pattern of disproportionate ticketing of Black people is also consistent in Seattle, New York, Sacramento, Florida, and Los Angeles.
- In 2019, Native Hawaiian and Pacific Islanders were involved in over a ⅓ of police force incidents despite making up only a ¼ of the population.²
 - If deemed guilty, NHPs were more likely to get a prison sentence and receive longer prison and probation sentences compared to other ethnic groups.

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) “Decriminalizing Walking” (Kansas City and Vermont). Hawai‘i should also support its communities to move freely without fear of a criminal offense for crossing the street. Thank you for considering HB926.

Sincerely,

Jessica Thompson

Jessica Thompson

she, hers

Safe, Accessible and Inclusive Mobility (SAIM) Program Manager
Hawaii Public Health Institute

¹ https://saferoutespartnership.org/sites/default/files/jaywalking_has_been_erased_from_kc-the_place_where_the_term_was_born_-_the_pitch_may_2021.pdf

² <https://labor.Hawaii.gov/hcrc/files/2021/12/SCR-66-final-report.pdf>

SB-926

Submitted on: 2/13/2023 10:49:14 AM

Testimony for JDC on 2/16/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| John Rogers | Individual | Support | Written Testimony Only |

Comments:

I support SB926!

SB-926

Submitted on: 2/13/2023 2:22:07 PM

Testimony for JDC on 2/16/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|------------------------|
| Scott Dukart | Individual | Support | Written Testimony Only |

Comments:

It's believed that the punishments from jaywalking laws discourage people who walk, bike, and skate to cross mid-blocks, which makes them safer. However, the Commonwealth of Virginia and other localities have shown that jaywalking enforcement is ineffective at preventing fatalities and injuries. It is also enforced unevenly, with people of color and people in lower classes given an outsized share of the tickets. There have been analyses and reporting from Jacksonville, FL; Seattle, WA; San Diego, CA; New York, NY; Sacramento, CA; Kansas City, MO, and many others that show this to be the case.

Jaywalking laws only make it tougher for people to use other forms of transportation than cars. People stop walking because they have to go out of their way to cross streets. It's tougher to catch buses. Furthermore, enforcement of these laws ties up law enforcement on an issue that isn't effective, when those officers could be responding to other, more serious issues.

SB-926

Submitted on: 2/13/2023 7:42:48 PM

Testimony for JDC on 2/16/2023 9:30:00 AM

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

Comments:

I support SB926. 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

Submitted on: 2/13/2023 3:29:11 PM

Testimony for JDC on 2/16/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------------|---------------------|---------------------------|---------------------------|
| Lynn Murakami Akatsuka | Individual | Oppose | Written Testimony Only |

Comments:

I strongly oppose the passage of SB 926. How would the police and/or witnesses evaluate "a reasonably careful pedestrian" crossing a street after the accident has occurred between the driver and the pedestrian. There have been incidents I have witnessed where a pedestrian is texting or has earphones plugged into an I Pod walking across side streets that merge onto a main highway, e.g., Kam Hwy. in Kaneohe, and not checking before crossing the street or not paying attention to the oncoming cars or thinking the pedestrian has the "right of way."

Please defer this bill, SB 926. There are reasons why the Department of Transportation located the crosswalks for one's safety and for cars to clearly see pedestrians as they are about to cross.

SB-926

Submitted on: 2/14/2023 7:32:29 AM

Testimony for JDC on 2/16/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Victor K. Ramos | Individual | Support | Written Testimony Only |

Comments:

SUPPORT:

SB-926

Submitted on: 2/14/2023 12:14:11 PM

Testimony for JDC on 2/16/2023 9:30:00 AM

| Submitted By | Organization | Testifier Position | Testify |
|---------------------|---------------------|---------------------------|---------------------------|
| Melissa Korta | Individual | Support | Written Testimony Only |

Comments:

There are many long stretches of roads without a crosswalk. This would save folks who travel by foot so much time.

Testimony To Chair Rhonds, Karl and Vice Chair Gabbard, Mike of the Senate

Community Judiciary

The bill I would like to testimony for is the Bill SB 926

Date of Day of hearing (2/16/2023)

Time and Place (9:30A CR 016 & Video Conference)

Hello my name is Ricky and I am a current student of University of Manoa. I would like to have my say as a citizen on the bill SB 926 in support of it. The reason why I'm in support of this bill is that it would be very beneficial for a lot of people allowing the freedom of crossing the street without any crosswalk area that might take up time trying to get to. Along with that some streets are pretty small where there might as well be a crosswalk in the middle of it. Along with that it makes travel much more convenient and faster for people to travel on foot as long as there are no cars about to drive through the area.

If this bill ever does pass people will be able to see any road as a crosswalk as long as they take the measure to look before they start crossing. There may be some exceptions to this that I would like to mention and maybe some changes relating to this bill and that would relate to intersections should at least require people to cross the indicated crosswalk. Yes I agree with the bill disagreement on fines relating to people crossing the street where it might be no problem to some people but to others it could be detrimental to a person's way of living. This could go towards people who are homeless who might not have much on them which could lead them to being incarcerated due to being unable to pay the fine or be left with nothing. People should not need to worry about crossing the street while worrying about their own protectors or enforcers of the law to either hurt them financially.

There's a possibility that that many people have been in a situation walking on the sidewalk and see the destination where they need to go right in front of them. The destination is right across in the middle of the street to only later realize there's no crosswalk and look to their left and their right where the crosswalk is actually located and it's way beyond the distinction and also see no cars coming. Later becoming saddened by the fact that there is no crosswalk to the place they need to go. So they are forced to walk to the left or right feeling ashamed in some way that they could not do something as simple as walking across the street because there is no crosswalk line. To be honest this seems pretty sad for a person having to feel ashamed of themselves in some way of not being able to simply look and cross. Whatever happens to people being able to walk across the street at any time as long as they're not some type of vehicle around and during the time before cars became invented. At least give the people the trust to at least walk across the street with dignity.

I would like to say again that I would like to take the position as a citizen of Hawaii to support the bill that provides people with more freedom of movement by allowing the ability to walk everywhere as long as there's no cars and that is reasonable. I would understand if there's going to be changes to the bill that can protect it for safety reasons but people still should be given the trust to keep track of their own safety while crossing the street.

Ricky Huynh

Thanks for taking the time to read this testimony.

To the Senate Community Judiciary

Rickynh@hawaii.edu

CJ Johnson
chrisluttet@gmail.com

2/16/2023

Chair Karl Rhoads and Judiciary 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 private citizen, but I have a long resume as an advocate and organizer for safer, healthier transportation systems. I have led advocacy bike and pedestrian organizations and have served as an active transportation policy expert in state and local agencies. Currently, I am the lead organizer of the Hawaii Safe Routes Coalition. HSRC is an informal group of nonprofit, government, elected, and community representatives who are committed to working towards a Hawaii where all keiki have the infrastructure, confidence, skills and social support to bus, bike, walk or roll to school.

In short, **there is little evidence of a relationship between “jaywalking” enforcement and safer mobility for people walking and rolling.** Indeed, the safest communities for walking and rolling do have clear common features; infrastructure that curbs motor vehicle speed, promotes pedestrian safety in numbers, reduces exposure time and distance, and environments that 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, removed opportunities for escalations, 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/>