

STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
P.O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony COMMENTING on S.B. 2630, S.D. 1, H.D. 1
RELATING TO PEDESTRIANS**

REPRESENTATIVE DAVID A. TARNAS, CHAIR
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Hearing Date: March 28, 2024

Room Number: Conference Room 325

- 1 **Fiscal Implications:** The Department of Health (DOH) defers to the Department of
- 2 Transportation for fiscal implications of implementation.
- 3 **Department Position:** The DOH offers comments on Senate Bill 2630, Senate Draft 1, House
- 4 Draft 1 (S.B. 2630, S.D. 1, H.D. 1).
- 5 **Department Testimony:** The DOH offers comments on the potential health impacts of S.B. 2630,
- 6 S.D. 1, H.D. 1 which would allow pedestrians to cross a street after reasonable determination
- 7 that there is no immediate danger of a collision with a moving vehicle.

8 Despite Hawaii's favorable climate, geography, and reputation for active outdoor living,

9 only 24.8% of Hawaii residents, in 2019, met federal guidelines for physical activity.¹ The design

10 of roads that integrate options like walking and bicycling is a public health concern since the

11 built environment can promote or hinder physical activity. This includes removing barriers and

12 providing opportunities to cross streets safely and conveniently to access destinations such as

13 bus stops, schools, and worksites. People who are physically active generally have better

¹ Hawaii Health Data Warehouse, Hawaii State Department of Health, Behavioral Risk Factor Surveillance System, 2019.

1 health outcomes and are at less risk for serious chronic diseases and conditions; often the same
2 conditions closely linked to severe COVID-19 outcomes.²

3 Pedestrian access to everyday destinations is also a social justice and healthy equity
4 issue.³ Jaywalking contributes to racially based police stops, which aligns with the
5 overrepresentation of people of color in the criminal justice system. Hawaii has a history of
6 disproportionately policing and incarcerating Native Hawaiians and Pacific Islanders (NHPI), so
7 decriminalizing jaywalking would address some of the racial injustices in our state. In 2019,
8 NHPI were involved in over a one-third of police force incidents despite making up only one-
9 fourth of the population.⁴

10 Active transportation, including walking, biking, and rolling, provides everyday
11 opportunities for physical activity. Adequate built environment infrastructure is critical for
12 accessibility, connectivity to essential community destinations, and safety. Removing barriers
13 to equitable access and making up for historical underinvestment that has resulted in
14 inadequate walking, biking, and mobility infrastructure are important components to
15 encourage active transportation. The DOH promotes evidence-based, equity-focused active
16 transportation policies that improve pedestrian and bicyclist safety infrastructure especially for
17 historically under-resourced communities.

18 Jaywalking laws are ineffective at producing roadway safety results, but also accentuate
19 places which are hostile to walking. Removing jaywalking penalties has not been found to
20 increase adverse public safety outcomes. Initial data from localities where decriminalization of

² CDC *About Physical Activity*. 2021.

³ Department of Health and Human Services, Centers for Disease Control and Prevention, *About Physical Activity*. 2021.

⁴ Kawano, L. (2021, February 4). *HPD report shows police force used most on Native Hawaiians, Pacific Islanders*. Hawaii News Now. Retrieved January 31, 2024, from <https://www.hawaiinewsnow.com/2021/02/05/hpd-report-shows-police-force-used-most-native-hawaiians-pacific-islanders/>

1 jaywalking was implemented (Virginia, Kansas City,⁵ and California⁶) show that there has been
2 little to no change in the number of traffic injuries and fatalities. In addition, cities with the
3 lowest traffic death rates (mainly in Europe) do not have jaywalking laws.

4 Thank you for the opportunity to testify on this measure.

5 **Offered Amendments:** None

⁵ Schmitt, A. (2022, June 23). *These Communities Are Making Progress After 'Jaywalking' Reform*. Streetsblog USA. Retrieved January 31, 2024, from <https://usa.streetsblog.org/2022/06/23/these-u-s-communities-are-making-safety-progress-after-jaywalking-reform>

⁶ Schmitt, A. (2023, February 14). *Denver is the latest place to eliminate harmful "jaywalking" laws that are enforced unfairly*. America Walks. Retrieved January 31, 2024, from <https://americawalks.org/decriminalizing-walking-notching-more-wins/>

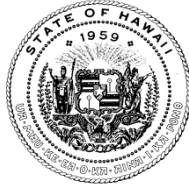
Problematic with this is the fact that our law enforcement officers will be required to determine the thoughts and evaluate the physical capabilities of the subject in relation to the situation in which they have placed themselves.

Additionally, because the statute makes it a clear prohibition for any officer to stop, fine, or subject a pedestrian to any other penalty without making this finding, determination, and evaluation, there would appear to be significant liability for making such a decision.

This bill will significantly increase the number of pedestrians crossing the road- something that is currently a substantial problem in areas of our community. It is also highly likely that many will feel that it is within their statutorily given right to step into traffic because despite this pass given to pedestrians, all drivers continue to be required to exercise due care for the safety of any pedestrian.

Thank you for the opportunity to testify in opposition to this bill.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



EDWIN H. SNIFFEN
DIRECTOR
KA LUNA HO'OKELE

Deputy Directors
Nā Hope Luna Ho'okele
DREANALEE K. KALILI
TAMMY L. LEE
ROBIN K. SHISHIDO

STATE OF HAWAII | KA MOKU'ĀINA 'O HAWAII'
DEPARTMENT OF TRANSPORTATION | KA 'OIHANA ALAKAU
869 PUNCHBOWL STREET
HONOLULU, HAWAII 96813-5097

March 28, 2024
2:00 p.m.
State Capitol, Room 325 & Videoconference

**S.B. 2630, S.D. 1, H.D. 1
RELATING TO PEDESTRIANS**

House Committee on Judiciary and Hawaiian Affairs

The Hawaii Department of Transportation **opposes** S.B. 2630, S.D. 1, H.D. 1, which authorizes pedestrians to act contrary to the statewide traffic code sections 291C-33, 291C-71, 291C-72, 291C-73 and 291C-75, unless a reasonably careful pedestrian would determine that doing so would result in a collision with a moving vehicle or result in a moving vehicle slowing or stopping, provided that the pedestrian is more than two hundred feet from a marked crosswalk.

Pedestrian, bicycle, and motorized vehicle laws are enacted to provide road users their responsibilities and rules of the road. S.B. 2630, S.D. 1, H.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 think it is safe to cross the roadway, however they may not be aware of conflicts with turning vehicles, and drivers would encounter situations that they do not expect. 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.

The statewide traffic code section 291C-73 currently provides for pedestrians crossing at locations other than a marked crosswalk. In general, the statewide traffic code allows pedestrians to cross a roadway at any location except between adjacent signalized intersections. In addition, unmarked crosswalks exist at every intersection if marked crosswalks are not provided.

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

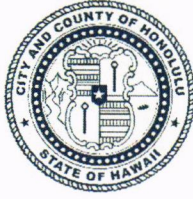
pedestrian and bicycle laws for all roadway users based on data. This measure conflicts with the SHSC's Vision Zero Action Plan.

There were 132 pedestrian fatalities and 459 serious injuries from 2019 through 2023, using preliminary data for 2023. Pedestrians aged 17 and younger or aged 65 and older were involved in 39 percent of pedestrian fatalities and 33 percent of pedestrian serious injuries. Overall, pedestrians accounted for 27 percent all traffic fatalities and 17 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.

HONOLULU POLICE DEPARTMENT
KA 'OIHANA MĀKA'I O HONOLULU
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 • WEBSITE: www.honolulu.org



RICK BLANGIARDI
MAYOR
MEIA

ARTHUR J. LOGAN
CHIEF
KAHU MĀKA'I

KEITH K. HORIKAWA
RADE K. VANIC
DEPUTY CHIEFS
HOPE LUNA NUI MĀKA'I

OUR REFERENCE **ST-TK**

March 28, 2024

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

Dear Chair Tarnas and Members:

SUBJECT: Senate Bill No. 2630, S.D. 1, H.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. 2630, S.D. 1, H.D. 1, Relating to Pedestrians.

The HPD opposes the proposal to authorize pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger of a collision with a moving vehicle. Motorists may not be expecting pedestrians to be crossing at areas not designated by a crosswalk, thus putting them at risk. Statistics have shown that on O'ahu, the majority of collisions involving pedestrians that resulted in death or critical injuries were a result of pedestrians crossing outside of a marked crosswalk.


The HPD urges you to oppose Senate Bill No. 2630, S.D. 1, H.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

COUNTY COUNCIL

Mel Rapozo, Chair
KipuKai Kualii, Vice Chair
Addison Bulosan
Bernard P. Carvalho, Jr.
Felicia Cowden
Bill DeCosta
Ross Kagawa



OFFICE OF THE COUNTY CLERK

Jade K. Fountain-Tanigawa, County Clerk
Lyndon M. Yoshioka, Deputy County Clerk

Telephone: (808) 241-4188
Facsimile: (808) 241-6349
Email: cokcouncil@kauai.gov

Council Services Division
4396 Rice Street, Suite 209
Lihu'e, Kaua'i, Hawai'i 96766

March 25, 2024

TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 2630, SD 1, HD 1, RELATING TO PEDESTRIANS
House Committee on Judiciary & Hawaiian Affairs
Thursday, March 28, 2024
2:00 p.m.
Conference Room 325
Via Videoconference

Dear Chair Tarnas and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2630, SD 1, HD 1, Relating to Pedestrians. My testimony is submitted in my individual capacity as a member of the Kaua'i County Council.

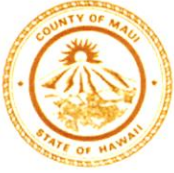
I wholeheartedly support the intent of SB 2630, SD 1, HD 1, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 2630, SD 1, HD 1. Should you have any questions, please feel free to contact me or Council Services Staff at (808) 241-4188 or via email to cokcouncil@kauai.gov.

Sincerely,

ADDISON BULOSAN
Councilmember, Kaua'i County Council

AAO:slr



RICHARD T. BISSEN, JR.
MAYOR

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, MAUI, HAWAII 96793
TELEPHONE: (808) 244-6400
FAX: (808) 244-6411



JOHN PELLETIER
CHIEF OF POLICE

WADE M. MAEDA
DEPUTY CHIEF OF POLICE

March 27, 2024

Honorable David A. Tarnas, Chair
Honorable Gregg Takayama, Vice Chair
and Members
Committee on Judiciary & Hawaiian Affairs
Hawai'i State Capitol, Room 325
415 South Beretania Street
Honolulu, HI 96813

SUBJECT: RELATING TO PEDESTRIANS

Dear Chair Tarnas, Vice Chair Takayama, and Committee Members:

The Maui Police Department **opposes** SB 2630, RELATING TO PEDESTRIANS.

The placement of crosswalks is, by design, determined not just for pedestrian users but for all users. Engineers take into consideration the intersection, crossing distance, environment, speed limit, pedestrian and vehicle traffic volume, amongst other factors. The goal is safety.

Having a law in place gives the officer the discretion to enforce it, if needed, to address any traffic issues that result from jaywalking. Part of the intent of giving officers the ability to issue citations for any traffic violation is to change public behavior, specifically any violations that would put public safety or order at risk.

In addition, giving the public the ability to determine what is "reasonably careful" is subjective and open to interpretation. Last year in Maui County, there were 11 motor vehicle accidents on our roadways involving a pedestrian outside of a marked crosswalk. Almost half resulted in the pedestrian either dying or being treated for critical injuries. The collisions occurred on both busy "city" roads and in more rural areas. Maui County, for the most part, does not have the infrastructure to allow for safe crossings anywhere at the discretion of the public.

The bill as written also does not give guidance on where the public should be walking should they choose to cross a roadway, such as streets where a sidewalk exists.

For these reasons, we are in **opposition** to this bill. We thank you for the opportunity to testify. Feel free to contact Assistant Chief Gregg Okamoto at (808) 244-6415 or by email at Gregg.Okamoto@mpd.net if you have any questions or concerns.

Sincerely,



JOHN PELLETIER
Chief of Police



HIPHI Board

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

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

Carissa Holley, MEd
Treasurer
Hale Makua Health Services

Keshia Adolpho, LCSW
Na'au Healing Center

Debbie Erskine
ARCH-MEPS Consulting LLC, Owner

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

Jennifer José Lo, MD
Hawai'i Health Partners

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

Kathleen Roche, MS, RN, CENP
Kaiser Permanente

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

Garret Sugai
HMSA

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

HIPHI Initiatives

Coalition for a
Tobacco-Free Hawai'i

Community-Based Research &
Evaluation

Community Health
Worker Initiatives

COVID-19 Response

Environmental Health

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/Healthy Aging &
Community Living

Public Health Workforce
Development

Date: January 29, 2024

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

Re: Support SB2630 SD1, Relating to Pedestrians

Hrg: Tuesday, February 27, 2024 at 10:00 AM

Healthy Eating + Active Living (HEAL) Coalition, convened by the Hawai'i Public Health Instituteⁱ, appreciates the opportunity to provide **SUPPORT** for **SB2630 SD1**.

The freedom to utilize walking as a mode of transportation is a public health issue.

SB2630 SD1 expands the freedom to walk (or use an assistive mobility device like a walker or wheelchair) to include crossing outside of a designated crosswalk or against a traffic light only when it is safe to do so. To fully achieve freedom to walk, please remove the restrictive language and ensure that this law applies to all pedestrians, regardless of their proximity to a marked crosswalk.

Jaywalking laws do not reduce pedestrian deaths or make our streets safer. Instead, they penalize pedestrians with fines that do little for safety. It is more effective to shift resources toward the types of infrastructure that keep all road users safe. For example, supporting mid-block crossing (crossing in the middle of the street instead of using designated crosswalks) is safer for both pedestrians and drivers.ⁱⁱ Yet, jaywalking continues to be a criminal offense.

Furthermore, research shows that jaywalking enforcement is ineffective at preventing deaths and injuries to pedestrians and has a significant disparate impact on specific communities. Hawai'i Appleseed has been researching jaywalking data in Hawai'i. Their work reveals that from 2018-2023, the number of citations for jaywalking totaled **30,168**. That equates to 5,028 citations per year. In other localities, such as Washington, 428 citations a year were given. In 2019, New York City issued a mere 361 jaywalking citations. In 2022, New York City issued even less at 117 citations, all while traffic fatalities decreased.ⁱⁱⁱ Hawai'i has extraordinarily high rates of jaywalking citations, even compared to localities with ten times the population.

Several states and cities, such as Virginia, California, Anchorage, Denver, and Kansas City, have successfully decriminalized jaywalking, resulting in a reduced burden on the justice system, more constructive use of traffic safety resources, and ultimately increased community well-being.

Globally, the United States continues to outpace other countries in road deaths. The U.S. rate was 2.3 times the average rate of the other countries (4.8).^{iv} The Netherlands repealed its jaywalking laws, and its roads continued to be safer than roads in the United States. In 2019, crash deaths per 100,000 population in the Netherlands was 2.83 deaths per 100,000, compared to the U.S. at 11.1 deaths per 100,000.^v It is not the legality or illegality of jaywalking that creates safer roads. It is a comprehensive approach in which both driver and pedestrian are held accountable and provided safe facilities for driving, walking, and rolling.

As the state continues to work toward making roads safer, we cannot repeatedly penalize pedestrians to reach safety. That approach is singular and alone will not create safer roads. Creating an environment that slows down drivers and provides safe options for pedestrians are ways that we can ensure all road users are safe. When all road users are safe, they can be active in their communities, which increases their overall health and well-being.

Thank you for encouraging public engagement on this important issue. For the best and most clear result, we recommend removing the restrictive language that creates exemptions and ensure that no pedestrian will be criminalized for crossing the street, regardless of their proximity to a marked crosswalk. We appreciate the opportunity to share our supportive testimony on SB2630 SD1.

Sincerely,



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

ⁱ The Healthy Eating + Active Living (HEAL) Coalition, formerly known as the Obesity Prevention Task Force, was created by the legislature in 2012 and is comprised of over 60 statewide organizations. The HEAL Coalition 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.

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

ⁱⁱⁱ <https://nypost.com/2023/07/22/walking-dead-lefty-nyc-pols-want-to-legalize-jaywalking/>

^{iv} <https://www.cdc.gov/mmwr/volumes/71/wr/mm7126a1.htm>

^v <https://www.worldlifeexpectancy.com/netherlands-road-traffic-accidents>



Testimony for Hawai'i Appleseed Center for Law and Economic Justice
Support for SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)
March 28th, 2024 at 2PM

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee, Mahalo for the opportunity to express **STRONG SUPPORT for SB2630**, 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. We are also providing suggested amendments to strengthen the bill.

The number of jaywalking-related citations given in Hawai'i is significantly higher than other localities in the U.S. Based on a recent report titled "Freedom to Walk", published by Hawai'i Appleseed, from 2018 to 2023 there were 30,168 jaywalking citations given in Hawai'i, with an average of 5,028 jaywalking citations per year. This does not include sealed cases or juvenile records.

In comparison, 9,833 jaywalking citations were issued across Washington state (population 7.7 million) from 2000 to 2023, which averages about 428 citations per year. This data means that only 6 jaywalking citations are given for every 100,000 people in Washington state. In comparison, a staggering 349 jaywalking citations are given for every 100,000 people in Hawai'i. While more analysis is needed to understand the geographic distribution of jaywalking citations, we found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

We are advocating for this bill as jaywalking enforcement has been found to lead to a myriad of negative impacts, including:

1. **Hostility towards pedestrians.** Jaywalking laws were enacted in the 1920's following a lobbying campaign by the auto industry to shift the blame onto pedestrians for the national rise in traffic fatalities. Unfortunately, jaywalking laws have done little to prevent our growing pedestrian fatalities. Just as their early proponents hoped, jaywalking laws succeeded in creating a "moral basis" for pedestrian deaths. We see this reflected today in media reports. For example, in a 2019 study of local coverage of crashes involving pedestrians or bicyclists in Hawai'i, 69% of the articles did not mention a driver or vehicle.¹ Only 15% of the articles described a safety solution.
2. **Over-policing people of color.** Because police have broad discretion over their response to traffic violations, jaywalking lends itself to biased enforcement. This has proven to be true in every place jaywalking has been studied, including New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although

¹ L. Brooke Keliikoa, et. al. (2019). Public health framing in local media coverage of crashes involving pedestrians or bicyclists in Hawai'i: A content analysis. Transportation Research Interdisciplinary Perspectives, Volume 13.

they only make up 55% of the city's population.² Unfortunately, sociodemographic information (with the exception of gender) was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed. Thus, it is difficult to assess with precision whether certain populations in Hawai'i are disproportionately impacted by jaywalking enforcement.

3. **Loss of state revenue.** Despite the heavy-handed approach to jaywalking enforcement in Hawai'i, these citations do not produce large sums of money for our local government. Based on our analysis, while the jaywalking citations given during the 2018-2023 time period resulted in over \$3.8 million in assessed fees, only \$854,947 of those fees were collected. Given the public resources required (police man hours, judiciary resources, etc.), this means that the state is likely losing revenue due to jaywalking enforcement.
4. **Debt collection and court records.** Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the county, and the type of jaywalking violation.³ These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities. As noted above, the majority of jaywalking citation fees in Hawai'i are not collected by the state. Unpaid tickets are typically sent to debt collectors, which can lead to damage to an individual's credit score. If left unpaid, debt can lead to legal consequences (such as potential court appearances and wage garnishment), difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities, as some employers and landlords conduct credit checks as part of the application process.

To address these issues, we are following in the footsteps of other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 52 million people living in the US where this reform has occurred. Many states have found that by decriminalizing jaywalking⁴ and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

Given that this effort is a relatively new one, there are many misconceptions about jaywalking and how removing jaywalking penalties will impact drivers and pedestrians. We are addressing some of the common misunderstandings below:

- **Removing jaywalking penalties has not been found to increase adverse public safety outcomes.** While some critics claim that this legislation will increase traffic collisions, preliminary data from localities where similar legislation was implemented show that there has been little to no change in the number of traffic injuries and fatalities. This underscores the point that globally the cities with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws.

² Kuntzman, Gersh. (2020). *'Jaywalking While Black': Final 2019 Numbers Show Race-Based NYPD Crackdown Continues*. StreetsBlog NYC. Available at <https://nyc.streetsblog.org/>.

³ State of Hawai'i Department of Transportation. *Frequently Asked Questions: What is the fine for pedestrians who jaywalk*. (2024). Available at: <https://hidot.hawaii.gov/highways/safe-communities/walkwisehawaii/faq/>.

⁴ 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/>

Notably, it is difficult to assess the direct-connection between jaywalking laws and changes to traffic violence, as pedestrian fatalities in the U.S. have been sharply increasing over the last decade, well before efforts to reform jaywalking laws occurred.

- **The legislation does not change the civil/criminal liability for drivers in the case of collisions.** While current traffic code requires pedestrians to yield the right of way to all vehicles (except when in a marked crosswalk or a controlled intersection), it also mandates that drivers shall exercise “due care” to avoid colliding with any pedestrian. Similarly, the proposed legislation includes a provision that pedestrians must use due care to ensure their safety and the safety of others and should only cross the street when there is not a “immediate danger of a collision with a moving vehicle.” Given this, the proposed legislation is not expected to change the status quo of the civil/criminal liability that results from collisions between pedestrians and vehicles, as both parties are responsible for exercising due care.

We are also offering the following suggested amendment to strengthen the current bill:

- **Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk”** from the bill. This language minimizes the impact of this legislation, given that the bill’s intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language "or result in a moving vehicle slowing or stopping in any fashion."** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter".** While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the more rare pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

In conclusion, Hawai‘i Appleseed and the other community partners engaged in this work seek to catalyze a shift away from our current roadway safety strategy that focuses on enforcement to a holistic approach that centers building safe, accessible pedestrian infrastructure.

Mahalo for the opportunity to testify on this important measure.



Abbey Seitz

Director of Transportation Equity

Hawai‘i Appleseed Center for Law and Economic Justice

SB-2630-HD-1

Submitted on: 3/26/2024 3:03:24 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
N/A	ACLU of Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

ACLU of Hawai'i **SUPPORTS SB2630**, 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.

Based on a recent report titled "Freedom to Walk", published by Hawai'i Appleseed, from 2018 to 2023 there were 30,168 jaywalking citations given in Hawai'i, with an average of 5,028 jaywalking citations per year. This does not include sealed cases or juvenile records. **This demonstrates that Hawai'i issue significantly higher jay-walking citations compared to other localities in the U.S.**

In comparison, 9,833 jaywalking citations were issued across Washington state (population 7.7 million) from 2000 to 2023, which averages about 428 citations per year. This data means that only 6 jaywalking citations are given for every 100,000 people in Washington state. In comparison, a staggering 349 jaywalking citations are given for every 100,000 people in Hawai'i.

Admittedly, more analysis is needed to understand the geographic distribution of jaywalking citations. However, Appleseed found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

ACLU of Hawai'i champions civil rights and liberties enshrined in our federal and Hawai'i Constitutions. Because police have broad discretion over their response to traffic violations, jaywalking lends itself to biased enforcement. **Over-policing of people based on race and color violates equal protection under the law.** This has proven to be true in every place jaywalking has been studied, including New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although they only make up 55% of the city's population.

Unfortunately, we do not have accurate and readily accessible demographic data of persons currently cited for jay-walking in Hawai'i. However, many criminal justice arrest and conviction data reports highlights racial and ethnic disparities within our legal system.

Many states have found that by decriminalizing jaywalking^[1] and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

Hawai'i should decriminalize jaywalking as outlined in SB 2630 SD1 HD1 and adopt the amendments supported by Appleseed.

Mahalo,
Carrie Ann Shirota
ACLU of Hawai'i Policy Director

[1] 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/>

March 28, 2024, 2 p.m.
Hawaii State Capitol
Conference Room 325 and 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: TESTIMONY IN SUPPORT OF SB2630 SD1 HD1 — RELATING TO PEDESTRIANS

Aloha Chair and Committee Members,

The Grassroot Institute of Hawaii would like to offer its **support** for [SB2630 SD1 HD1](#), which would allow pedestrians to act contrary to the traffic code after exercising reasonable care that there is no danger of collision with a moving vehicle.

In other words, this bill trusts people to cross the street after checking carefully that there are no cars coming.

However, we do have two concerns regarding the language of the current bill.

First, the requirement that a pedestrian's actions not cause a car to stop or slow down adds an element of ambiguity regarding how a law enforcement officer should interpret that clause.

Does the benefit of the doubt in such a situation go to the pedestrian or driver? How is the purpose of this bill fulfilled if it includes a clause that prioritizes the flow of traffic over the reasonable behavior of a pedestrian?

We suggest that the Committee remove the clause "or result in a moving vehicle slowing or stopping in any fashion."

More important, the addition of language regarding a pedestrian’s proximity to a crosswalk unnecessarily complicates the bill. As a practical matter, it is unreasonable to expect a pedestrian or a police officer to accurately estimate whether one is 200 feet from a crosswalk, as the measure proposes.

The addition of the 200 feet requirement is also too limiting as it fails to address unnecessary citations given when pedestrian are crossing safely at crosswalks/

The requirement that pedestrians act reasonably and safely, combined with the overall intent of the bill, should make the “200 feet” clause unnecessary. If it is reasonably safe to cross, it doesn’t matter how far away the crosswalk is. If it is not safe, then the crosswalk being more than 200 feet away doesn’t transform the action into a reasonable one.

Thus, we suggest that the committee strike the following language from the bill: “provided that the pedestrian is more than two hundred feet from a marked crosswalk.”

This change would strengthen the bill and better protect the “right to walk.”

Some people might question the necessity of jaywalking reform, but an examination of the growing movement for such “right to walk” bills demonstrates that jaywalking laws have little to do with public safety. Rather, the enforcement of statutes relating to pedestrians is 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. Such stories are evidence that the current system contributes to an adversarial relationship between law enforcement and the public.

In fact, research from the Hawai’i Appleseed Center for Law and Justice reveals that annual per capita jaywalking citations in Hawaii outstrip locations like New York City or the entirety of Washington State by more than 5,800%.¹ Moreover, jaywalking citations issued in Hawaii are highly concentrated at certain locations.² Together, these two facts suggest that something other than public safety is motivating the state’s excessive enforcement of jaywalking laws.

¹ Abbey Seitz, [“Freedom to Walk: Decriminalizing Jaywalking and Shifting Investment Towards Safe, Accessible Pedestrian Infrastructure.”](#) Hawaii Appleseed Center for Law & Economic Justice, March 2024, p. 7.

² [Ibid](#), pp. 8-9.

Another reason to reexamine jaywalking laws can be found in the evidence that such laws have been disproportionately enforced against disadvantaged groups and minorities.³ As the bill notes, “fines for pedestrians can have a disproportionate impact on people who do not drive and who primarily rely upon walking as a means of transportation.”

As for the legitimate worries about safety, data from Virginia’s 2020 decriminalization of jaywalking demonstrates that right-to-walk laws do not lead to an increase in pedestrian injuries or deaths.⁴ After all, people crossing the street are more concerned about not getting hit by a car than avoiding a fine.

Finally, as the bill points out, decriminalizing jaywalking would encourage more people to walk while making the streets friendlier to pedestrians.

Again, this bill trusts Hawaii residents to cross the street safely. We commend the committee for considering this bill.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

³ Angie Schmitt, [“The Progress of Jaywalking Reform,”](#) America Walks. June 19, 2022.

⁴ [Ibid.](#)



P.O. Box 392, Kilauea, Kauai, HI, 96754

PHONE: (808) 212-4765 • FAX: (808) 828-2027 • E-MAIL: bbrody1@hawaii.rr.com • WEB SITE: www.getfitkauai.com

**Testimony in Support of SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)
March 28th, 2024 at 2PM**

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Mahalo for the opportunity to express **STRONG SUPPORT for SB2630**, 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. We are also providing suggested amendments to strengthen the bill.

The number of jaywalking-related citations given in Hawai'i is significantly higher than other localities in the U.S. Based on a recent report titled "Freedom to Walk", published by Hawai'i Appleseed, from 2018 to 2023 there were 30,168 jaywalking citations given in Hawai'i, with an average of 5,028 jaywalking citations per year. This does not include sealed cases or juvenile records.

In comparison, 9,833 jaywalking citations were issued across Washington state (population 7.7 million) from 2000 to 2023, which averages about 428 citations per year. This data means that only 6 jaywalking citations are given for every 100,000 people in Washington state. In comparison, a staggering 349 jaywalking citations are given for every 100,000 people in Hawai'i. While more analysis is needed to understand the geographic distribution of jaywalking citations, we found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

We are advocating for this bill as jaywalking enforcement has been found to lead to a myriad of negative impacts, including:

- 1. Hostility towards pedestrians.** Jaywalking laws were enacted in the 1920's following a lobbying campaign by the auto industry to shift the blame onto pedestrians for the national rise in traffic fatalities. Unfortunately, jaywalking laws have done little to prevent our growing pedestrian fatalities. Just as their early proponents hoped, jaywalking laws succeeded in creating a "moral basis" for pedestrian deaths. We see this reflected today in media reports. For example, in a 2019 study of local coverage of crashes involving pedestrians or bicyclists in Hawai'i, 69% of the articles did not mention a driver or vehicle.¹ Only 15% of the articles described a safety solution.
- 2. Over-policing people of color.** Because police have broad discretion over their response to traffic violations, jaywalking lends itself to biased enforcement. This has proven to be true in every place jaywalking has been studied, including New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although they only

¹ L. Brooke Keliikoa, et. al. (2019). Public health framing in local media coverage of crashes involving pedestrians or bicyclists in Hawai'i: A content analysis. Transportation Research Interdisciplinary Perspectives, Volume 13.



P.O. Box 392, Kilauea, Kauai, HI, 96754

PHONE: (808) 212-4765 • FAX: (808) 828-2027 • E-MAIL: bbrody1@hawaii.rr.com • WEB SITE: www.getfitkauai.com

make up 55% of the city's population.² Unfortunately, sociodemographic information (with the exception of gender) was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed. Thus, it is difficult to assess with precision whether certain populations in Hawai'i are disproportionately impacted by jaywalking enforcement.

3. **Loss of state revenue.** Despite the heavy-handed approach to jaywalking enforcement in Hawai'i, these citations do not produce large sums of money for our local government. Based on our analysis, while the jaywalking citations given during the 2018-2023 time period resulted in over \$3.8 million in assessed fees, only \$854,947 of those fees were collected. Given the public resources required (police man hours, judiciary resources, etc.), this means that the state is likely losing revenue due to jaywalking enforcement.
4. **Debt collection and court records.** Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the county, and the type of jaywalking violation.³ These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities. As noted above, the majority of jaywalking citation fees in Hawai'i are not collected by the state. Unpaid tickets are typically sent to debt collectors, which can lead to damage to an individual's credit score. If left unpaid, debt can lead to legal consequences (such as potential court appearances and wage garnishment), difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities, as some employers and landlords conduct credit checks as part of the application process.

To address these issues, we are following in the footsteps of other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 52 million people living in the US where this reform has occurred. Many states have found that by decriminalizing jaywalking⁴ and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

Given that this effort is a relatively new one, there are many misconceptions about jaywalking and how removing jaywalking penalties will impact drivers and pedestrians. We are addressing some of the common misunderstandings below:

- **Removing jaywalking penalties has not been found to increase adverse public safety outcomes.** While some critics claim that this legislation will increase traffic collisions, preliminary data from localities where similar legislation was implemented show that there has been little to no change in the number of traffic injuries and fatalities. This underscores the point that globally the cities

² Kuntzman, Gersh. (2020). *'Jaywalking While Black': Final 2019 Numbers Show Race-Based NYPD Crackdown Continues*. StreetsBlog NYC. Available at <https://nyc.streetsblog.org/>.

³ State of Hawai'i Department of Transportation. *Frequently Asked Questions: What is the fine for pedestrians who jaywalk*. (2024). Available at: <https://hidot.hawaii.gov/highways/safe-communities/walkwisehawaii/faq/>.

⁴ 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/>



P.O. Box 392, Kilauea, Kauai, HI, 96754

PHONE: (808) 212-4765 • FAX: (808) 828-2027 • E-MAIL: bbrody1@hawaii.rr.com • WEB SITE: www.getfitkauai.com

with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws. Notably, it is difficult to assess the direct-connection between jaywalking laws and changes to traffic violence, as pedestrian fatalities in the U.S. have been sharply increasing over the last decade, well before efforts to reform jaywalking laws occurred.

- **The legislation does not change the civil/criminal liability for drivers in the case of collisions.** While current traffic code requires pedestrians to yield the right of way to all vehicles (except when in a marked crosswalk or a controlled intersection), it also mandates that drivers shall exercise “due care” to avoid colliding with any pedestrian. Similarly, the proposed legislation includes a provision that pedestrians must use due care to ensure their safety and the safety of others and should only cross the street when there is not a “immediate danger of a collision with a moving vehicle.” Given this, the proposed legislation is not expected to change the status quo of the civil/criminal liability that results from collisions between pedestrians and vehicles, as both parties are responsible for exercising due care.

We are also offering the following suggested amendment to strengthen the current bill:

- **Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk”** from the bill. This language minimizes the impact of this legislation, given that the bill’s intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language "or result in a moving vehicle slowing or stopping in any fashion."** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter".** While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

In conclusion, the community groups and individuals engaged in this work seek to catalyze a shift away from our current roadway safety strategy that focuses on enforcement to a holistic approach that centers building safe, accessible pedestrian infrastructure.

Mahalo for the opportunity to testify on this important measure.

Bev Brody

Get Fit Kauai – Director

H.E.A.L. (Healthy Eating Active Living)

Community Coalition of Kauai County

(808) 212-4765

ADDRESS

3442 Wai'ālae Ave., Suite 1
Honolulu, HI 96816

PHONE

808-735-5756



FAX

808-735-7989

EMAIL

bicycle@HBL.org

**Testimony in Strong Support of SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)**

March 28th, 2024, at 2:00 P.M.

Aloha Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Mahalo for the opportunity to express **STRONG SUPPORT for SB2630**, 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. Please note our suggested amendments to strengthen the bill.

Hawai'i Bicycling League is advocating for this bill as jaywalking enforcement has been found to lead to a myriad of negative impacts, including hostility towards pedestrians, over-policing of people of color, loss of state revenue, debt collection and court records. Moreover, this enforcement takes resources and attention away from real threats to pedestrians and cyclists, notably distracted driving, and speeding vehicles.

To address these issues, we recommend following in the footsteps of other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City who have implemented similar legislation to remove jaywalking penalties. Today, about 52 million people living in the US have benefited from this type of reform. Many states have found that by decriminalizing jaywalking and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

We are also offering the following suggested amendment to strengthen the current bill:

- **Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk”** from the bill. This language minimizes the impact of this legislation, given that the bill's intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language “or result in a moving vehicle slowing or stopping in any fashion.”** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, “for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75” back to its original language “for acting contrary to this chapter.”** While the

violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

In conclusion, the community groups and individuals engaged in this work and the active transportation space seek to catalyze a shift away from our current roadway safety strategy that focuses on enforcement to a holistic approach that centers building safe, accessible pedestrian infrastructure. Mahalo for the opportunity to testify on this important measure. Please support SB2630.

Ride Aloha,

A handwritten signature in black ink that reads "Travis Counsell". The signature is written in a cursive, slightly slanted style.

Travis L. Counsell

Executive Director

Hawai'i Bicycling League

About Hawai'i Bicycling League

Hawai'i Bicycling League (HBL) is a 501(c)3 non-profit organization founded in 1975 with a mission to continuously evolve our community into a better place for biking. The organization advocates for more and safer biking facilities, along with legislation that improves safety for bicyclists. HBL provides education to people of all ages and abilities to improve their safety and comfort, and also instructs motorists about laws and how they can reduce crashes with people on bikes. HBL's BikeEd program, has taught bike safety to more than 100,000 4th graders since 1989. Signature events organized by HBL include the annual Honolulu Century Ride, Zachary Manago's Ride in Paradise, and the Hale'iwa Metric Century, among others and numerous weekly group rides. HBL is funded by grants, donations, memberships, and proceeds from events. Complete information is available at www.hbl.org



**Testimony in Support of SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)
March 28th, 2024 at 2PM**

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Thank you for the opportunity to express **STRONG SUPPORT for SB2630**, 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. We are also providing suggested amendments to strengthen the bill.

America Walks is a national organization that supports walkability. You can learn more about us at americawalks.org. As an organization we care deeply about the ability of people to move safely and with dignity through their communities. Based on our analysis of laws that affect users of public rights of way, America Walks supports decriminalizing jaywalking. We have found the most common objection, that it will decrease safety, is unfounded. In contrast, the harm to individuals from pretextual stops is well documented. The appropriate response to unsafe streets is safer infrastructure and safer vehicles, and we encourage the legislature to prioritize proven safety interventions.

The number of jaywalking-related citations given in Hawai'i is significantly higher than other localities in the U.S. Based on a recent report titled "Freedom to Walk", published by Hawai'i Appleseed, from 2018 to 2023 there were 30,168 jaywalking citations given in Hawai'i, with an average of 5,028 jaywalking citations per year. This does not include sealed cases or juvenile records.

In comparison, 9,833 jaywalking citations were issued across Washington state (population 7.7 million) from 2000 to 2023, which averages about 428 citations per year. This data means that only 6 jaywalking citations are given for every 100,000 people in Washington state. In comparison, a staggering 349 jaywalking citations are given for every 100,000 people in Hawai'i. While more analysis is needed to understand the geographic distribution of jaywalking citations, we found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

We are advocating for this bill as jaywalking enforcement has been found to lead to a myriad of negative impacts, including:

1. **Hostility towards pedestrians.** Jaywalking laws were enacted in the 1920's following a lobbying campaign by the auto industry to shift the blame onto pedestrians for the national rise in traffic fatalities. Unfortunately, jaywalking laws have done little to prevent our growing pedestrian fatalities. Just as their early proponents hoped, jaywalking laws succeeded in creating a "moral basis" for pedestrian deaths. We see this reflected today in media reports. For example, in a

2019 study of local coverage of crashes involving pedestrians or bicyclists in Hawai'i, 69% of the articles did not mention a driver or vehicle.¹ Only 15% of the articles described a safety solution.

2. **Over-policing people of color.** Because police have broad discretion over their response to traffic violations, jaywalking lends itself to biased enforcement. This has proven to be true in every place jaywalking has been studied, including New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although they only make up 55% of the city's population.² Unfortunately, sociodemographic information (with the exception of gender) was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed. Thus, it is difficult to assess with precision whether certain populations in Hawai'i are disproportionately impacted by jaywalking enforcement.
3. **Loss of state revenue.** Despite the heavy-handed approach to jaywalking enforcement in Hawai'i, these citations do not produce large sums of money for our local government. Based on our analysis, while the jaywalking citations given during the 2018-2023 time period resulted in over \$3.8 million in assessed fees, only \$854,947 of those fees were collected. Given the public resources required (police man hours, judiciary resources, etc.), this means that the state is likely losing revenue due to jaywalking enforcement.
4. **Debt collection and court records.** Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the county, and the type of jaywalking violation.³ These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities. As noted above, the majority of jaywalking citation fees in Hawai'i are not collected by the state. Unpaid tickets are typically sent to debt collectors, which can lead to damage to an individual's credit score. If left unpaid, debt can lead to legal consequences (such as potential court appearances and wage garnishment), difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities, as some employers and landlords conduct credit checks as part of the application process.

To address these issues, we are following in the footsteps of other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 52 million people living in the US where this reform has occurred. Many states have found that by decriminalizing jaywalking⁴ and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

¹ L. Brooke Keliikoa, et. al. (2019). Public health framing in local media coverage of crashes involving pedestrians or bicyclists in Hawai'i: A content analysis. *Transportation Research Interdisciplinary Perspectives*, Volume 13.

² Kuntzman, Gersh. (2020). *'Jaywalking While Black': Final 2019 Numbers Show Race-Based NYPD Crackdown Continues*. StreetsBlog NYC. Available at <https://nyc.streetsblog.org/>.

³ State of Hawai'i Department of Transportation. *Frequently Asked Questions: What is the fine for pedestrians who jaywalk*. (2024). Available at: <https://hidot.hawaii.gov/highways/safe-communitites/walkwisehawaii/faq/>.

⁴ 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/>

Given that this effort is a relatively new one, there are many misconceptions about jaywalking and how removing jaywalking penalties will impact drivers and pedestrians. We are addressing some of the common misunderstandings below:

- **Removing jaywalking penalties has not been found to increase adverse public safety outcomes.** While some critics claim that this legislation will increase traffic collisions, preliminary data from localities where similar legislation was implemented show that there has been little to no change in the number of traffic injuries and fatalities. This underscores the point that globally the cities with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws. Notably, it is difficult to assess the direct-connection between jaywalking laws and changes to traffic violence, as pedestrian fatalities in the U.S. have been sharply increasing over the last decade, well before efforts to reform jaywalking laws occurred.
- **The legislation does not change the civil/criminal liability for drivers in the case of collisions.** While current traffic code requires pedestrians to yield the right of way to all vehicles (except when in a marked crosswalk or a controlled intersection), it also mandates that drivers shall exercise “due care” to avoid colliding with any pedestrian. Similarly, the proposed legislation includes a provision that pedestrians must use due care to ensure their safety and the safety of others and should only cross the street when there is not a “immediate danger of a collision with a moving vehicle.” Given this, the proposed legislation is not expected to change the status quo of the civil/criminal liability that results from collisions between pedestrians and vehicles, as both parties are responsible for exercising due care.

We are also offering the following suggested amendment to strengthen the current bill:

- **Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk”** from the bill. This language minimizes the impact of this legislation, given that the bill’s intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language "or result in a moving vehicle slowing or stopping in any fashion."** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter".** While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

In conclusion, the community groups and individuals engaged in this work seek to catalyze a shift away from our current roadway safety strategy that focuses on enforcement to a holistic approach that centers building safe, accessible pedestrian infrastructure.

Thank you again for the opportunity to testify on this important measure.

Sincerely,

A handwritten signature in cursive script that reads "Michael McGinn".

Michael McGinn
Executive Director
America Walks

SB-2630-HD-1

Submitted on: 3/28/2024 7:43:40 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tommy Noyes	Kauai Path, Inc.	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Mahalo for the opportunity to express Kauai Path, Inc.'s **STRONG SUPPORT for SB2630**, 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.

Hawaii deserves better safety measures for people who walk on our streets. This bill directs us itowards increased respect for pedestrians.

We additionally support these amendments proposed by walking advocates to strengthen the bill:

- Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk” from the bill. This language minimizes the impact of this legislation, given that the bill’s intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- Remove the language "or result in a moving vehicle slowing or stopping in any fashion." This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter". While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

Mahalo for your attention to this testimony.

Tommy Noyes, Executive Director, Kauai Path, Inc.

Testimony in Support of SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)
March 28th, 2024 at 2PM

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

I strongly support SB2630, allowing pedestrians to cross streets when safe, and propose amendments to enhance the bill.

This bill is an important step in reprioritizing human-powered mobility as a valid and legal form of transportation. For too long, cars have ruled the road at the expense of both our climate, public health, equity goals.

Hawai'i's high jaywalking citations contrast starkly with other states. From 2018-2023, Hawai'i issued 30,168 citations, averaging 5,028 yearly, compared to Washington's 428 yearly citations per 100,000 people. Enforcement fosters negative impacts:

1. Blame shift: Originating in the 1920s, jaywalking laws deflect accountability onto pedestrians, failing to reduce fatalities.
2. Bias: Studies show disproportionate enforcement against people of color, echoing national trends.
3. Revenue loss: Despite heavy enforcement, collected fines pale compared to the resources expended.
4. Legal repercussions: Fines and debt collection disproportionately affect vulnerable populations, hindering economic and social opportunities.

Please pass SB2630, with the following amendments:

- Remove the language "provided that the pedestrian is more than two hundred feet from a marked crosswalk" from the bill.
- Remove the language "or result in a moving vehicle slowing or stopping in any fashion."
- Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75; back to its original language "for acting contrary to this chapter".

Thank you for considering this vital measure that, if passed, will bring us one step closer to our climate, health, and equity goals.

Sincerely,
Jessica Thompson
Hawai'i Island

SB-2630-HD-1

Submitted on: 3/25/2024 2:29:03 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth R. Conklin, Ph.D.	Individual	Comments	Written Testimony Only

Comments:

On Monday March 25 the Honolulu Star-Advertiser published a letter to editor about jaywalking. During the morning there were two online comments. My own comment comes first, concerning Kahuhipa St. in Kane'ohe; another comment comes second, concerning the area on King St. across from Straub Hospital. Please read these comments and take them into consideration.

(1) Dear readers: Look around the area where you live or work. Unless you're right in the middle of a densely populated area, stoplights and crosswalks are few and far between. To avoid jaywalking, you must walk a long way. Here's an example. In Kane'ohe, on Kahuhipa St., the distance between the stoplights at the corners of Kahekili & Alaloa is probably about 250 yards. Along that way there is only one crosswalk, about 1/4 of the way along. There are 2 bus stops along the way on the south side. One of them is right across the street from a welfare housing project and highrise condo building. Residents of those 2 buildings (some handicapped or elderly) would need to walk at least 100 yards along one side of the street to get to a corner with stoplight or to a crosswalk; then cross the street legally, and then walk another 100 yards on the other side of the street to get from bus stop to where they live, or from home to bus stop. Of course everyone jaywalks between the bus stop and where they live. Commonsense.

(2) The problem is not having crosswalks where there are bus stops. Long ago, there was a crosswalk where KITV is located. The bus stop was located across Straub Clinic. Hence, many Straub employees would jaywalk. I called the city and suggested that the crosswalk and the bus stop should be located together. Was told that the placing of crosswalks and bus stops are in two different divisions hence cannot be done. So obviously there is no coordination between those two divisions.

SB-2630-HD-1

Submitted on: 3/25/2024 4:11:37 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lillian Coltin	Individual	Support	Written Testimony Only

Comments:

Pedestrians can make safe decisions

SB-2630-HD-1

Submitted on: 3/25/2024 9:35:17 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael A. Cobb Jr	Individual	Oppose	Written Testimony Only

Comments:

We need to enforce the current jaywalking laws to protect the pedestrians from themselves and the cars. People just walk into the road not even looking, rush the blinking hand, and cross against the signals regularly. I see this on King and Liliha very often. This needs to stop. Use the red light cameras to give them citations as well.

SB-2630-HD-1

Submitted on: 3/26/2024 7:44:53 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Colleen Rost-Banik	Individual	Support	Written Testimony Only

Comments:

Aloha, my name is Colleen Rost-Banik and I am a resident of Waikiki. I ask for your support of SB2630 because the judgment of pedestrians to safely cross the street should be respected and valued. This bill would remove the ability for the police to issue jaywalking citations as merely a form of strict social control as opposed to public safety (e.g., collision with a motor vehicle, as noted in the bill). SB 2630 should be fully supported.

Mahalo for your consideration.

Colleen Rost-Banik

Testimony in Support of SB2630 SD1 HD1 - Relating to Pedestrians
House Committee on Judiciary & Hawaiian Affairs (JHA)
March 28th, 2024 at 2PM

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Mahalo for the opportunity to express **STRONG SUPPORT for SB2630**, 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. We are also providing suggested amendments to strengthen the bill.

The number of jaywalking-related citations given in Hawai'i is significantly higher than other localities in the U.S. Based on a recent report titled "Freedom to Walk", published by Hawai'i Appleseed, from 2018 to 2023 there were 30,168 jaywalking citations given in Hawai'i, with an average of 5,028 jaywalking citations per year. This does not include sealed cases or juvenile records.

In comparison, 9,833 jaywalking citations were issued across Washington state (population 7.7 million) from 2000 to 2023, which averages about 428 citations per year. This data means that only 6 jaywalking citations are given for every 100,000 people in Washington state. In comparison, a staggering 349 jaywalking citations are given for every 100,000 people in Hawai'i. While more analysis is needed to understand the geographic distribution of jaywalking citations, we found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

We are advocating for this bill as jaywalking enforcement has been found to lead to a myriad of negative impacts, including:

- 1. Hostility towards pedestrians.** Jaywalking laws were enacted in the 1920's following a lobbying campaign by the auto industry to shift the blame onto pedestrians for the national rise in traffic fatalities. Unfortunately, jaywalking laws have done little to prevent our growing pedestrian fatalities. Just as their early proponents hoped, jaywalking laws succeeded in creating a "moral basis" for pedestrian deaths. We see this reflected today in media reports. For example, in a 2019 study of local coverage of crashes involving pedestrians or bicyclists in Hawai'i, 69% of the articles did not mention a driver or vehicle.¹ Only 15% of the articles described a safety solution.
- 2. Over-policing people of color.** Because police have broad discretion over their response to traffic violations, jaywalking lends itself to biased enforcement. This has proven to be true in every place jaywalking has been studied, including New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although they only make up 55% of the city's population.² Unfortunately, sociodemographic information (with the exception of gender) was not obtained by the police for jaywalking citations reviewed by Hawai'i

¹ L. Brooke Keliikoa, et. al. (2019). Public health framing in local media coverage of crashes involving pedestrians or bicyclists in Hawai'i: A content analysis. *Transportation Research Interdisciplinary Perspectives*, Volume 13.

² Kuntzman, Gersh. (2020). *'Jaywalking While Black': Final 2019 Numbers Show Race-Based NYPD Crackdown Continues*. StreetsBlog NYC. Available at <https://nyc.streetsblog.org/>.

Appleseed. Thus, it is difficult to assess with precision whether certain populations in Hawai'i are disproportionately impacted by jaywalking enforcement.

3. **Loss of state revenue.** Despite the heavy-handed approach to jaywalking enforcement in Hawai'i, these citations do not produce large sums of money for our local government. Based on our analysis, while the jaywalking citations given during the 2018-2023 time period resulted in over \$3.8 million in assessed fees, only \$854,947 of those fees were collected. Given the public resources required (police man hours, judiciary resources, etc.), this means that the state is likely losing revenue due to jaywalking enforcement.
4. **Debt collection and court records.** Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the county, and the type of jaywalking violation.³ These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities. As noted above, the majority of jaywalking citation fees in Hawai'i are not collected by the state. Unpaid tickets are typically sent to debt collectors, which can lead to damage to an individual's credit score. If left unpaid, debt can lead to legal consequences (such as potential court appearances and wage garnishment), difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities, as some employers and landlords conduct credit checks as part of the application process.

To address these issues, we are following in the footsteps of other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 52 million people living in the US where this reform has occurred. Many states have found that by decriminalizing jaywalking⁴ and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

Given that this effort is a relatively new one, there are many misconceptions about jaywalking and how removing jaywalking penalties will impact drivers and pedestrians. We are addressing some of the common misunderstandings below:

- **Removing jaywalking penalties has not been found to increase adverse public safety outcomes.** While some critics claim that this legislation will increase traffic collisions, preliminary data from localities where similar legislation was implemented show that there has been little to no change in the number of traffic injuries and fatalities. This underscores the point that globally the cities with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws. Notably, it is difficult to assess the direct-connection between jaywalking laws and changes to traffic violence, as pedestrian fatalities in the U.S. have been sharply increasing over the last decade, well before efforts to reform jaywalking laws occurred.

³ State of Hawai'i Department of Transportation. *Frequently Asked Questions: What is the fine for pedestrians who jaywalk.* (2024). Available at: <https://hidot.hawaii.gov/highways/safe-communities/walkwisehawaii/faq/>.

⁴ 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/>

- **The legislation does not change the civil/criminal liability for drivers in the case of collisions.** While current traffic code requires pedestrians to yield the right of way to all vehicles (except when in a marked crosswalk or a controlled intersection), it also mandates that drivers shall exercise “due care” to avoid colliding with any pedestrian. Similarly, the proposed legislation includes a provision that pedestrians must use due care to ensure their safety and the safety of others and should only cross the street when there is not a “immediate danger of a collision with a moving vehicle.” Given this, the proposed legislation is not expected to change the status quo of the civil/criminal liability that results from collisions between pedestrians and vehicles, as both parties are responsible for exercising due care.

We are also offering the following suggested amendment to strengthen the current bill:

- **Remove the language “provided that the pedestrian is more than two hundred feet from a marked crosswalk”** from the bill. This language minimizes the impact of this legislation, given that the bill’s intent is to provide autonomy to pedestrians to determine when they feel safe to cross the street. Moreover, in practice, it will be nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language "or result in a moving vehicle slowing or stopping in any fashion."** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter".** While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS HRS§291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

In conclusion, the community groups and individuals engaged in this work seek to catalyze a shift away from our current roadway safety strategy that focuses on enforcement to a holistic approach that centers building safe, accessible pedestrian infrastructure.

Mahalo for the opportunity to testify on this important measure.

Molly Mamaril

Kaimuki Resident



In regards to SB2630 SD1 HD1 – aka the Jay Walking Bill.

I am the Safety Manager at D. Otani Produce. In our daily operations, Safety is a paramount concern to our drivers and entire operation.

We are opposed to passing of this bill.

This bill, in effect, will give carte blanche to pedestrians to “allow pedestrians to use their own judgement to safely cross roadways”. As Hawaii residents, we have all observed that pedestrians cross at intersections or in the middle of blocks, and expect vehicles to stop for them, regardless if the traffic light is in the pedestrians’ favor. In other words, may not have good judgement. Hawaii is not Virginia, Kansas City or California.

Driving a delivery truck is difficult, but with the added concern to drivers – both truck and passenger – of watching for pedestrians, driving and walking gets even more difficult. If a driver hits and kills a jaywalking pedestrian, who is at fault?

Part of the reasoning for this bill, as found by the Committee, is that current jaywalking laws “often disproportionately target persons of color and lower income individuals”. Passing of this bill may have the opposite effect on theirs and all persons in Hawaii by putting them at MORE risk.

On a personal note:

I moved here from New York City 10 years ago, and the NYC was installing fences in the middle of blocks to prevent Jay Walking, and force pedestrians to safely cross at the intersection on the green light.

Additionally, my daughter had been jaywalking 12 years ago while a student in Honolulu, and had been given a citation. She does not fit into either category that are purported to be targeted for citations.

Testimony has been received in opposition from 3 public entities that have the safety of Hawaiian residents as their priority. Please listen to them. Please decline this bill.

Peter Bellisario

Safety Manager

D. Otani Produce

1321 Hart St, Honolulu, HI 96817

SB-2630-HD-1

Submitted on: 3/26/2024 6:52:49 PM

Testimony for JHA on 3/28/2024 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 & Hawaiian Affairs,

I am in strong support of SB2630 SD1 HD1. If pedestrians deem themselves 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-2630-HD-1

Submitted on: 3/27/2024 6:53:29 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristy Arias	Individual	Oppose	Written Testimony Only

Comments:

Aloha, I am opposing this bill. The community is not ready for this bill to pass. Let's educate drivers and remind people to use the crosswalks safely. People walk everyday and I see horrific judgements crossing outside of the crosswalks. Regardless of car traffic or not, people will cross the roads. How many more pedestrian fatality or motor vehicle accidents do we need? Please, please reconsider. Help the community by putting in more money from the jaywalking tickets to spread awareness and to add more crosswalks in areas that are needed. Please, oppose this bill!!!!

SB-2630-HD-1

Submitted on: 3/27/2024 2:55:58 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Rebecca Soon	Individual	Support	Written Testimony Only

Comments:

Aloha nui e Chair Tarnas, Vice Chair Takayama, and Members of the Committee on Judiciary & Hawaiian Affairs:

I am writing today in strong support of SB2630 SD1 HD1. Urban and regional planning continues to strive to move our communities towards more walkable and liveable spaces with room for all types of modal transportation. Vehicles have for far too long transformed and taken over our community spaces, and too many pedestrians and bicyclists have paid for it with their lives. Making our streets safer means ensuring they are designed and enforced to support multi-modal transit, not continuing to entrench vehicle-dominated spaces.

We know from recent studies that enforcement of "jaywalking" laws does not correlate with safer pedestrian pathways. We also know anecdotally that in many of these highly ticketed areas, community members experience disparate enforcement, where jaywalking seems to be utilized as a proxy to stop members of the community that policing may want to further question.

I commend the Legislature and Coalition working to bring more equitable solutions to transportation in Hawai'i. It is the artery that runs through our neighborhoods and urban spaces, and we can and need to do better. Mahalo for your leadership, and I urge your support of this important measure.

Mahalo, Rebecca

SB-2630-HD-1

Submitted on: 3/27/2024 9:27:18 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
nicole tergeoglou	Individual	Support	Written Testimony Only

Comments:

Please support this bill. Make it easier for people to walk not harder.

SB-2630-HD-1

Submitted on: 3/27/2024 9:57:55 AM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Lisa DeSantis	Individual	Support	Written Testimony Only

Comments:

Aloha mai kākou,

I support SB2630 SD1 HD1.

Mahalo for your time and dedication to the people of Hawai'i.

SB-2630-HD-1

Submitted on: 3/27/2024 12:49:30 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Wilson	Individual	Support	Written Testimony Only

Comments:

Testimony in support of SB2630;

Freedom to Walk Bill.

I have always been a jaywalker. One of my earliest memories was asking my mom when I would be old enough to walk across the street by myself. Her answer was when I was 5 (she was a jaywalker too). 5 was probably reasonable, as we lived in Eva Plantation in the early 70's and there was maybe 1 car per hour on our road and no one went fast. Still, and to this day, I have taken my life into my own hands and crossed, willt nilly, wherever I choose. I have never been 'caught' jaywalking, although that may be more an effect of white male privilege, then my diligence at avoiding the authorities.

In a state that allows adults to own and carry weapons as they will, it seems hypocritical to tell adults they can only cross the street in proscribed areas, at proscribed times, for their own good. As if I am incapable of knowing when it is safe to cross the street and only the state has the ability to tell me when and where is a safe moment to cross. I would describe myself as a liberal person, and complied with the mask mandate during the pandemic because I believed I was in the common good, not to mention polite and respectful of others, but to tell me where and when I can walk seems the definition of a nanny state.

Much better then being ticketed and fined and taking away the limited resources of our police force would to be educated. A marketing campaign for residents and tourists on how to be respectful of others when crossing the streets, seems a much better solution to me. I'm not suggesting that we should get of crosswalks, and I love the flashing signs by ward center, but to spend all the money and time to enforce a law that makes it illegal for me to cross an empty street seems wasteful, ridiculous, and disrespectful of my ability to make an informed decision.

Sincerely,

Michael Wilson

SB-2630-HD-1

Submitted on: 3/27/2024 1:07:01 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Patti Hatzistavrakis	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

Thank you for the opportunity to express **STRONG SUPPORT** for SB2630 SD1 HD1, 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.

It is my belief that people should have the ability to walk freely, keeping in mind personal and public safety, without restriction. Jaywalking enforcement leads to a myriad of negative impacts, including hostility towards pedestrians, the potential for biased enforcement, loss of public resources, and presents an undue burden on those given citations due to the high fines involved. In addition, removing jaywalking penalties has not been found to increase adverse public safety outcomes. Lastly, the legislation does not change the civil/criminal liability for drivers in the case of collisions.

I appreciate the opportunity to testify with my full support of 2630 SB RELATING TO PEDESTRIANS.

Thank you for your consideration of the bill.

Patti Hatzistavrakis

SB-2630-HD-1

Submitted on: 3/27/2024 1:12:14 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justine	Individual	Support	Written Testimony Only

Comments:

Aloha Committee Members,

Please accept my testimony in support of SB2630, 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.

My primary mode of transportation is by biking and walking and I appreciate the efforts of this bill to make Honolulu more walkable by removing harsh and ineffective penalties to jaywalking.

Removing jaywalking penalties has not been found to increase adverse public safety outcomes, and our current penalties result in our state spending money to enforce and try to collect fees, without getting an efficient return on actual collections.

Please support this bill and help us continue to move forward in making sure Hawaii is a safe place that encourages walking and other active transportation options!

Mahalo for your consideration,

Justine Espiritu

3410 Leahi Ave, Hononlulu, 96815

SB-2630-HD-1

Submitted on: 3/27/2024 1:13:02 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Menina	Individual	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama, and members of the JHA committee,

I, Justin Menina, fully support SB 2630 RELATING TO PEDESTRIANS, to decriminalize Jaywalking. People should have the ability to walk freely, keeping in mind personal and public safety, without restriction. Jaywalking enforcement leads to a myriad of negative impacts, including hostility towards pedestrians, the potential for biased enforcement, loss of public resources, and presents an undue burden on those given citations due to the high fines involved.

I strongly urge the committee to pass Bill 2630 SB RELATING TO PEDESTRIANS and request that the bill be amended to remove the language "provided that the pedestrian is more than two hundred feet from a marked crosswalk" from the bill, as this minimizes the impact of this legislation. Also, in practice, it is nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.

Thank you for your consideration.

3/27/2024

Honolulu, HI

SB 2630 Testimony

The current traffic codes in place on Oahu heavily favor the use of motor vehicles and prioritize their movement on our roadways. This has made anyone who is not in a car essentially a second-class citizen when using a roadway in Hawaii. Pedestrians are forced to utilize traffic crossings which are inconsistent, inconvenient, and spaced very far away from each other. Many four-way intersections simply omit pedestrian crossings from certain parts of the intersection, making it significantly more difficult to simply cross the road in many parts of the city. Some intersections have curved, right turn slip lanes (which also function as pedestrian crossings) which simply exist to prioritize motor vehicle movement. These curved slip lanes are extremely dangerous to cross as a pedestrian due to the high speeds that they allow drivers to travel at when turning. Many roads have pedestrian crossings which are spaced hundreds of feet apart, making it very inconvenient to legally cross the road in some places. Some crossings have even been removed from roadways, such as Kapiolani Blvd and Kapahulu Ave, making these roads even more daunting to cross as a pedestrian. We continue to see significant pedestrian accidents on these roads already in this current year!

Our roadways exist in their current position due to the state's prioritization of motor vehicle traffic. The state has simply prioritized shaving minutes and seconds off car commute times rather than prioritizing the safety and multi-modal use of our roadways. Our cities and roadways are deemed dangerous and unwalkable due to the designs and laws in place. The rate of pedestrian and cyclist death in Hawaii is absolutely staggering, and the lack of action taken by our legislatures shows where their cares truly are. Our people continue to die at the hands of motor vehicles, and we need to make changes to fix this. We need propositions like SB 2630 in place to give power back to users of the road who are not in a motor vehicle. The roadways should service all people, regardless of whether they want to drive or not. Cities, towns, and places are meant to be communities for people, and not simply throughways for motor vehicles. It is the duty of city officials to ensure that our home is meant to service us people who live here, and not to simply help motor vehicles get from one place to another. Our cities and towns have suffered from a death of community and a lack of character because most places are simply there to move cars around.

This proposition will help to fix some of the perceived unwalkability of many parts of Oahu. There is no reason that a pedestrian, or even a bicycle for that matter, should be under possible charges for simply crossing an empty road. We must continue to give power to other users of the road so that our islands and people can benefit. Giving power to pedestrians will make our island more walkable and safer. Having more walkability in our islands can reduce car traffic, which will then lower CO2 emissions and lower the state's carbon footprint. Being such small islands surrounded by vast seas, we should be very concerned with the kind of impact our day-to-day actions can have on our environment. Please support this bill so that our people can feel safer and have more power in our existing roadways.

Thank you for time,

Robert Spampata

SB-2630-HD-1

Submitted on: 3/27/2024 7:42:03 PM

Testimony for JHA on 3/28/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Anthony Chang	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Tarnas, Vice-Chair Takayama, and all members of the Committee on Judiciary and Hawaiian Affairs.

I stand in strong support of this bill.

Laws restricting walking were not created with the intent of safety. They were created with the intent to cast blame. For most of history roads were mix-use, dominated by people who walk or bicycle, traffic deaths were nearly non-existent. After the mass production of the automobile, the culture of blame began. [Along with public outcry, sales of cars began to slump, and the automobile industry began a campaign to blame those who walk.](#) This is when the term jaywalking and laws restricting where people could walk started.

However, [many countries have never had jaywalking laws while having far fewer pedestrian traffic fatalities than the United States.](#) Data has shown that states and cities that have repealed jaywalking laws or reformed those laws have shown [no increases in pedestrian fatalities.](#)

In Hawaii, for all the blame that goes toward people who walk, it is often not backed by data. A law in Honolulu was passed banning texting on a cell phone while crossing the street, despite no one on Oahu ever dying doing so. [The next year pedestrian fatalities doubled.](#) Over the span of [10 years, less than 8%](#) pedestrian fatalities in Hawaii were a result of “pedestrian violation”. Even this data is skewed against pedestrians, as the person trying to cross the street may never be able to tell their side of events.

There is lots of anecdotal evidence of people seen crossing streets outside of crosswalks or crossing when there is no “Walk” signal, citing it as unsafe behavior. However if the person doing these behaviors is not hit by a car, that is evidence of safe behavior. Chances are they’ve looked all directions, and determined it was safe.

Getting rid of restrictions to cross the street would be a best practice that is seen around the United States and around the world. Besides personal experiences, I hold a Master's in Urban Planning with a focus on Transportation infrastructure, history, and statistics.

Please pass this bill.

Mahalo for your time.

Anthony Chang
Transportation Planner
Safe Streets Advocate (recently named as Hawaii Bicycling League Advocate of the Year)

Testimony of Kiana Otsuka in Support with a Recommendation

Committee on Judiciary and Hawaiian Affairs

March 28, 2024 at 2:00PM

Conference Room 325

SB 2630 SD 1 HD 1

Relating to Pedestrians

Aloha Chair Tarnas, Vice Takayama, and Committee Members,

My name is Kiana Otsuka, and I am a Transportation Planner whose expertise is in walk, roll, bike, and transit. I am writing in **strong support of SB 2630 SD1 HD1 and offer recommendations to improve the bill**, which authorizes pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger of a collision with a moving vehicle.

I am requesting the following amendment:

- **Amend the bill to remove the language "provided that the pedestrian is more than two hundred feet from a marked crosswalk"**, as this minimizes the impact of this legislation. Also, in practice, it is nearly impossible for most pedestrians to determine, with accuracy, if they are more than 200 feet away from a crosswalk.
- **Remove the language "or result in a moving vehicle slowing or stopping in any fashion."** This language prioritizes optimizing traffic flow over pedestrian safety. Also, its broadness seems likely to lead to loose and biased application of pedestrian enforcement.
- **Revise the language, "for acting contrary to sections 291C-33, 291C-71, 291C-72, 291C-73, and 291C-75" back to its original language "for acting contrary to this chapter"**. While the violations listed in the current version of the bill do cover the majority of pedestrian tickets given (mainly crossing against the signal and crossing outside of crosswalks), it does not cover the rarer pedestrian enforcement, such as HRS 291C-76 (i.e., walking on a roadway where a sidewalk is present). We also worry that there may be new pedestrian violations added to Chapter 291 in the future, which would not be covered by this proposed legislation.

I am excited to see the legislature consider a version of this bill again 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 am particularly supportive of this bill for the following reasons:

1. Jaywalking laws are ineffective at producing safety results and instead create places which are hostile to walk, and leads to the over-policing of communities 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 local data on the race or income of those ticketed for jaywalking is not yet available, the Prison Policy Initiative's Hawai'i Profile states that, Native Hawaiians 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.

2. Jaywalking fines are prohibitively high particularly when compared to fines for far more dangerous behavior such as speeding.

Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the country, and the type of jaywalking violation.⁵ These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities. For example, on O'ahu speeding (one to ten miles over the posted speed limit) only results in a fine of \$62 (plus \$5/mph over).⁶

3. The number of jaywalking-related citations given in Hawai'i is significantly higher than other localities in the U.S (where similar studies have been conducted).

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

²https://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.

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

⁵ State of Hawaii Department of Transportation. *Frequently Asked Questions: What is the fine for pedestrians who jaywalk.* (2024). Available at:

<https://hidot.gov/highways/safe-communities/walkwisehawaii/faq/>.

⁶ Honolulu Police Department. (2024). *Motor Vehicle Safety.* Available at: <https://www.honoluluupd.org/information/motor-vehicle-safety/>.

For example, data on jaywalking citations given in Washington state (population appx. 7.7 million) was recently released by the Transportation Choices Coalition. This data shows that 9,833 jaywalking citations were issued across Washington state from 2000 to 2023, which averages about 428 citations per year.⁷ This means that only 6 jaywalking citations are given per year for every 100,000 people in Washington state.

Comparatively, a staggering 349 jaywalking citations are given per year for every 100,000 people in Hawai'i. While more analysis is needed to fully understand the geographic distribution of jaywalking citations, we found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu, such as Waipahu, Kalihi, Downtown/Chinatown, and Waikīkī.

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.⁸ 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.⁹ 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.

Thank you for the opportunity to provide testimony.

Mahalo,
Kiana Otsuka

⁷ Transportation Choices Coalition. (2024). [Ticket to Walk: How Jaywalking Enforcement Impacts Washingtonians](#).

⁸ [State of Hawaii Traffic Fatalities](#)

⁹ [Proven Safety Countermeasures | FHWA \(dot.gov\)](#)