

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

February 1, 2024
3:00 p.m.
State Capitol, Room 224 & Videoconference

S.B. 2630
RELATING TO PEDESTRIANS

Senate Committee on Transportation and Culture and the Arts

The Hawaii Department of Transportation **opposes** S.B. 2630, which authorizes pedestrians to cross a street when a reasonably careful pedestrian would determine that there is no immediate danger from a collision with a moving vehicle.

Pedestrian, bicycle, and motorized vehicle laws are enacted to provide road users their responsibilities and rules of the road. S.B. 2630 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 against traffic signal indications, 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.

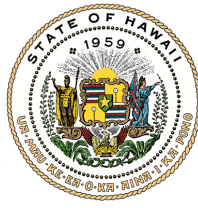
Hawaii Revised Statutes (HRS) § 291C-73 currently provides for pedestrians crossing at locations other than a marked crosswalk. In general, the HRS allows pedestrians to cross a roadway at any location except between adjacent signalized intersections. In addition, unmarked crosswalks exist at every intersection 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.

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



JORDAN LOWE
DIRECTOR

MICHAEL VINCENT
Deputy Director
Administration

JARED K. REDULLA
Deputy Director
Law Enforcement

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT

Ka 'Oihana Ho'okō Kānāwai

715 South King Street
Honolulu, Hawaii 96813

TESTIMONY ON SENATE BILL 2630

RELATING TO PEDESTRIANS

Before the Senate Committee on Transportation and Culture and the Arts

Thursday, February 1, 2024; 3:00 p.m.

State Capitol Conference Room 224, Via Videoconference

WRITTEN TESTIMONY ONLY

Chair LEE, Vice Chair INOUYE, and members of the Committee:

The Department of Law Enforcement (DLE) **opposes**, Senate Bill 2630.

This bill will allow pedestrians to violate the statewide traffic code if they think they are being reasonably careful and do not believe they are in danger of being hit by a motor vehicle.

The DLE is concerned with what amounts to a free pass for jaywalking and creates a situation where such offenses will be virtually impossible to enforce or prosecute.

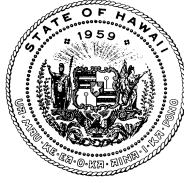
The bill prohibits an officer from even making a stop of a pedestrian who is "acting contrary to [chapter 291C]," unless the law enforcement officers makes a determination, and can establish, that "a reasonably careful pedestrian would determine that there is an immediate danger of a collision with a moving vehicle." This essentially ties the hands of every law enforcement officer when it comes to pedestrians illegally in the roadway unless the officer is able to identify and clearly articulate how a reasonably careful pedestrian would think it is safe to do so.

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.



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
RELATING TO PEDESTRIANS**

SENATOR CHRIS LEE, CHAIR
SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS

Hearing Date: February 1, 2024

Room Number: Conference Room 224

- 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 (S.B. 2630).
- 4 **Department Testimony:** The DOH offers comments on the potential health impacts of S.B. 2630
- 5 which would allow pedestrians to cross a street after reasonable determination that there is no
- 6 immediate danger of a collision with a moving vehicle.

7 Despite Hawaii's favorable climate, geography, and reputation for active outdoor living,
8 only 24.8% of Hawaii residents, in 2019, met federal guidelines for physical activity.¹ The
9 design of roads that integrate options like walking and bicycling is a public health concern since
10 the built environment can promote or hinder physical activity. This includes removing barriers
11 and providing opportunities to cross streets safely and conveniently to access destinations such
12 as bus stops, schools, and worksites. People who are physically active generally have better
13 health outcomes and are at less risk for serious chronic diseases and conditions; often the same
14 conditions closely linked to severe COVID-19 outcomes.²

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

² CDC *About Physical Activity*. 2021.

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

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

16 Jaywalking laws are ineffective at producing roadway safety results, but also accentuate
17 places which are hostile to walking. Removing jaywalking penalties has not been found to
18 increase adverse public safety outcomes. Initial data from localities where decriminalization of
19 jaywalking was implemented (Virginia, Kansas City,⁵ and California⁶) show that there has been
20 little to no change in the number of traffic injuries and fatalities. In addition, cities with the
21 lowest traffic death rates (mainly in Europe) do not have jaywalking laws.

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/>

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/>

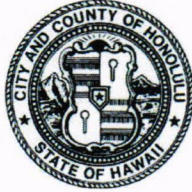
1 Thank you for the opportunity to testify on this measure.

2 **Offered Amendments:** None

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

801 SOUTH BERETANIA STREET • HONOLULU, HAWAII 96813
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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**

February 1, 2024

The Honorable Chris Lee, Chair
and Members
Committee on Transportation and
Culture and the Arts
State Senate
415 South Beretania Street, Room 224
Honolulu, Hawaii 96813

Dear Chair Chris Lee and Members:

SUBJECT: Senate Bill No. 2630, Relating to Pedestrians

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

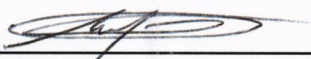
The HPD opposes Senate Bill No. 2630, Relating to Pedestrians.

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.

The HPD urges you to oppose Senate Bill No. 2630, 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

January 30, 2024

TESTIMONY OF ADDISON BULOSAN
COUNCILMEMBER, KAUAI COUNTY COUNCIL
ON
SB 2630, RELATING TO PEDESTRIANS
Senate Committee on Transportation and Culture and the Arts
Thursday, February 1, 2024
3:00 p.m.
Conference Room 224
Via Videoconference

Dear Chair Lee and Members of the Committee:

Thank you for this opportunity to provide testimony in SUPPORT of SB 2630, 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, which would greatly affect the Kaua'i community.

Thank you again for this opportunity to provide testimony in support of SB 2630. 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

Feb. 1, 2024, 3 p.m.
Hawaii State Capitol
Conference Room 224 and Videoconference

To: Senate Committee on Transportation and Culture and the Arts
Sen. Chris Lee, Chair
Sen. Lorraine R. Inouye, Vice-Chair

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

RE: SB2630 — RELATING TO PEDESTRIANS

Aloha Chair and Committee Members,

The Grassroot Institute of Hawaii would like to offer its comments in **support** of [SB2630](#), 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.

Many people might assume that such legislation is unnecessary, or assume that it is the product of an overly rigid “nanny state.”

Indeed, 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.

Advocates for the “right to walk” point out that jaywalking laws have been disproportionately enforced against disadvantaged groups and minorities.¹ The bill notes that “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.² 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.

We commend the committee for considering this bill and encourage it to recognize the “right to walk.”

Hawaii residents can be trusted to cross the street safely.

Thank you for the opportunity to testify.

Ted Kefalas
Director of Strategic Campaigns
Grassroot Institute of Hawaii

¹ Angie Schmitt, [“The Progress of Jaywalking Reform,”](#) America Walks. June 19, 2022.

² [Ibid.](#)



HAWAI'I APPLESEED
CENTER FOR LAW & ECONOMIC JUSTICE

Testimony for Hawai'i Appleseed Center for Law and Economic Justice
Support for SB2630 - Relating to Pedestrians
Senate Committee on Transportation and Culture and the Arts
February 1st, 2024 at 3PM

Dear Chair Lee, Vice Chair Inouye, and members of the committee,

Mahalo for the opportunity to express **STRONG SUPPORT for SB2630**, also referred to as the “Freedom to Walk” bill, which authorizes pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

This testimony is being submitted on behalf of the Hawai'i Appleseed Center for Law and Economic Justice. Our organization works to build a Hawai'i where everyone has genuine opportunities to achieve economic security and fulfill their potential. Affordable, accessible, and safe transportation is crucial for fostering economic equality as it enables individuals of all backgrounds to access employment opportunities, education, and essential services.

Hawai'i Appleseed is advocating for the Freedom to Walk legislation for the following reasons:

- 1. Jaywalking laws are ineffective at producing safety results and instead create places which are hostile to walking.** 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 the nation's growing pedestrian fatalities, which reached over 7,500 pedestrian deaths in 2022. 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 of pedestrian deaths where the convention is to note the victim “wasn't in the crosswalk.” Moreover, in a 2019 study of local coverage of crashes involving pedestrians or bicyclists in Hawai'i, 77% of the 162 media articles analyzed were found to focus on the actions of the pedestrian/bicyclist, and 69% of the articles did not mention a driver or vehicle.¹ Only 15% of the articles described a traffic safety solution.
- 2. Jaywalking leads to the over-policing of Black and Brown communities.** 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:

¹ L. Brooke Keliikoa, et. al. Public health framing in local media coverage of crashes involving pedestrians or bicyclists in Hawai'i, 2019: A content analysis. Transportation Research Interdisciplinary Perspectives, Volume 13, 2022, 100525, ISSN 2590-1982, <https://doi.org/10.1016/j.trip.2021.100525>.

- New York City - 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
- Jacksonville - A 2017 investigation by *ProPublica* and the *Florida Times-Union* found that Black people in Jacksonville are three times as likely to be stopped and cited for jaywalking as white people.³

Hawai'i Appleseed is in the process of retrieving local enforcement data to better understand who is most impacted by jaywalking laws in Hawai'i. Generally, studies have found that populations most at-risk of pedestrian fatalities are also the individuals most likely to be fined for jaywalking. In Hawai'i, it has been well-documented that Native Hawaiians and Pacific Islanders are over-represented in the state's criminal-legal system as well as the houseless population.⁴ In 2022, nearly half of the state's pedestrian fatalities were houseless individuals.⁵

- 3. The structure of jaywalking fines is not equitable.** Fines for jaywalking range between \$100 and \$150 (plus fines), depending on the county, and the type of jaywalking violation.⁶ 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).⁷
- 4. Our public resources should go towards building safe and accessible pedestrian infrastructure, not regulating pedestrians.** The root of roadway safety problems lie in street design, not human behavior. For example, the 2022 *O'ahu Pedestrian Plan* identifies 38 High Pedestrian Injury Corridors and 107 High Pedestrian Injury Intersections/Crossings that account for a disproportionate share of pedestrian injuries and fatalities. The High Pedestrian Injury Corridors comprise only 2% of City roadway mileage, yet they account for 60% of pedestrian fatalities and 42% of injuries.⁸ The fact that roadway safety issues are not evenly distributed, but in-fact are geographically isolated, demonstrates the need to shift investment away from enforcement and redirect towards pedestrian amenities, particularly in areas which are most underserved.

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 51 million people living in the US where this reform has

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 Sanders, T., et. al. *Walking While Black: Jacksonville's enforcement of pedestrian violations raises concerns that it's another example of racial profiling*. Co-published by ProPublica and Florida Times-Union. Available at <https://features.propublica.org/walking-while-black/jacksonville-pedestrian-violations-racial-profiling/>.

⁴ Office of Hawaiian Affairs. (2010). *The Disparate Treatment of Native Hawaiians in the Criminal Justice System*. Available at: https://www.oha.org/wp-content/uploads/2014/11/es_final_web_0.pdf.

⁵ State of Hawai'i Department of Transportation. (2022). *State of Hawai'i Traffic Fatalities*. Available at https://hidot.hawaii.gov/highways/files/2021/06/Fatality-Breakdown-by-Counties_10012020-16.pdf.

⁶ 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/>.

⁷ Honolulu Police Department. (2024). *Motor Vehicle Safety*. Available at: <https://www.honolulu.org/information/motor-vehicle-safety/>.

⁸ City and County of Honolulu, Department of Transportation Services. (2022). *O'ahu Pedestrian Plan*.

occurred. Many states have found that by decriminalizing jaywalking⁹ 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. In fact, 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 Freedom to Walk 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.

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 to slows vehicle speeds and create separate facilities for people driving, walking, biking, rolling - all which have been proven to be the most effective means to reduce traffic collisions and keep our communities safe.

Mahalo for the opportunity to testify on this important measure.



Abbey Seitz

Hawai‘i Appleseed Center for Law and Economic Justice
Director of Transportation Equity

⁹ 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/>



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bicycle@hbl.org

SENATE COMMITTEE ON TRANSPORTATION AND CULTURE AND THE ARTS
Thursday, February 1, 2024 – 3:00pm

Hawai'i Bicycling League Supports SB 2630, Relating to Pedestrians

Aloha Chair Lee, Vice Chair Inouye and Committee Members,

My name is Travis Counsell, and I am the Executive Director of the Hawai'i Bicycling League (HBL). We are a non-profit organization founded in 1975 with the mission of enabling more people to ride bicycles for health, recreation, and transportation. We strive to create communities across our islands that have safe, accessible, and inclusive environments for people to bike, walk, and roll.

Hawai'i Bicycling League supports SB 2630, also referred to as the “Freedom to Walk” bill, 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. While our primary focus is people who ride bicycles, we advocate for laws, policy, and progress which positively impacts vulnerable road users' experiences.

We also feel that laws that overly burdensome on vulnerable users need to be repealed or modified. In this case, the fine for crossing the street can often be much higher than the fine for speeding while driving a vehicle. Crossing the road, when reasonable, does not pose a risk and should not be a fineable offense. This bill would reduce the burden on pedestrians and increase the walkability of our communities. This bill does not remove the fact that pedestrians are required to yield the right of way to vehicles (except when in a marked crosswalk or a controlled intersection) or that drivers shall exercise “due care” to avoid colliding with any pedestrian. It eliminates the fact that simply crossing the road could be deemed a finable offense.

Jaywalking laws have been shown to be ineffective ways at producing safety results and creates unnecessary hostility towards walking. Instead, our resources should be shifted toward addressing the leading causes of pedestrian deaths: poor street design, distracted drivers, and other safety factors.

This measure would follow other states such as Virginia, California, as well as major cities such as Denver and Kansas City, who have implemented similar legislation to remove jaywalking penalties. We hope this is the start of a larger effort towards traffic code and enforcement reform that supports active transportation and favors freedom of movement for vulnerable users.

Mahalo for the opportunity to provide testimony. Please support **SB 2630** and help modernize our traffic code to give people the freedom to move.

Ride Aloha,

Travis L. Counsell
Executive Director
Hawai'i Bicycling League



HIPHI Board

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

Titimaewa 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 Chirs Lee, Chair
Senator Lorraine R. Inouye, Vice Chair
Members of the Senate Committee on Transportation & Culture & the Arts

Re: Support SB2630, Relating to Pedestrians

Hrg: Thursday, February 1, 2024 at 3:00 PM

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

The freedom to walk as a mode of transportation is a public health issue. SB2630 expands the freedom to walk (or use an assistive mobility device like a walker or wheelchair) outside of a designated crosswalk or against a traffic light when it is safe to do so, addressing outdated jaywalking laws.

Jaywalking laws do not reduce pedestrian deaths or make our streets safer. Instead of penalizing those who walk or roll with expensive fines that do little for safety, we should instead shift resources towards infrastructure that allows people to safely walk, bike, and roll. For example, mid-block crossing (crossing in the middle of the street instead of using designated crosswalks) is safer for both people walking and rolling and driversⁱⁱ. Yet, jaywalking continues to be a criminal offense.

Furthermore, research shows that jaywalking enforcement is ineffective at preventing deaths and injuries to people walking and rolling and has a significant disparate impact on people of color. Jaywalking contributes to racially-based police stops, which aligns with the overrepresentation of people of color in the criminal justice system. With the State of Hawai'i's history of disproportionately policing and incarcerating Native Hawaiians and Pacific Islanders (NHPI), criminalizing jaywalking further enforces racial injustice in our state.

- Kansas City found that from 2018-2020, 65% of jaywalking tickets were handed out to Black people walking and rolling, even though Black people only make up 30% of the Kansas City populationⁱⁱⁱ.
- This pattern of disproportionate ticketing of Black people is also consistent in Seattle, New York, Sacramento, Florida, and Los Angeles^{iv}.
- In 2019, NHPIs were involved in over one-third of police force incidents despite making up only one-fourth of the population^v.

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

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

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

Nationally similar policies are being enacted: "Freedom to Move" (California) and "Decriminalizing Walking" (Kansas City and Vermont). Hawai'i should follow suit and decriminalize safe street crossings. Thank you for considering SB2630.

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

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

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

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

LATE

SB-2630

Submitted on: 1/31/2024 3:55:27 PM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dave Mulinix	Testifying for Our Revolution Hawaii	Support	Written Testimony Only

Comments:

Aloha Chair, Vice Chair, and Committee Members,

On behalf of our Revolution Hawaii's 5,000 members and supporters statewide we Stand in STRONG SUPPORT of SB2630 that 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.

Jaywalking laws are ineffective at producing safety results and instead create places which are hostile to walking. High Pedestrian Injury Corridors comprise only 2% of Honolulu city roadway mileage, yet they account for 60% of pedestrian fatalities and 42% of injuries. Our public resources should go towards building safe and accessible pedestrian infrastructure, not regulating pedestrians.

Please pass SB2630.

Mahalo,

Dave Mulinix, CoFounder, Our Revolution Hawaii

To: Hawaii State Senate Committee on Transportation and Culture and The Arts
Hearing Date/Time: Thursday February 1, 2024, 3:00pm
Place: Hawaii State Capitol, CR 224 & Videoconference
Re: Judith Ann Armstrong supports SB2630 related to Pedestrians

Dear Chair Senator Chris Lee, Vice Chair Senator Lorraine R. Inouye and members of the Transportation and Culture and The Arts

I, Judith Ann Armstrong, support SB2630 related to Pedestrians.

This bill is advocating for the Freedom to Walk legislation to remove legal penalties for pedestrians who cross streets outside of designated crosswalks or against traffic signals. This effort seeks to reduce traffic violence and over-policing.

1. Jaywalking laws are ineffective at producing safety results and instead create places which are hostile to walking. Nationally, pedestrian fatalities reached over 7,500 in 2022.
2. Jaywalking leads to the over-policing of Black and Brown communities. 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. A 2017 investigation by *ProPublica* and the *Florida Times-Union* found that Black people in Jacksonville are three times as likely to be stopped and cited for jaywalking as white people.
3. The structure of jaywalking fines is not equitable. Fines for jaywalking range between \$100 and \$150 (plus fees), depending on the county, and the type of jaywalking violation. These fines are less than some other driving-related traffic violations, such as speeding, which is a key contributor to traffic injuries and fatalities.
4. Our public resources should go towards building safe and accessible pedestrian infrastructure, not regulating pedestrians. High Pedestrian Injury Corridors comprise only 2% of Honolulu city roadway mileage, yet they account for 60% of pedestrian fatalities and 42% of injuries.

Thank you for this opportunity to testify in support of SB2630.

Sincerely,

Judith Ann Armstrong

SB-2630

Submitted on: 1/29/2024 7:42:09 PM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Will Caron	Individual	Support	Written Testimony Only

Comments:

Jaywalking laws were enacted in the 1920s 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 the nation’s growing traffic violence. Moreover, jaywalking tickets disproportionately impact people of color.

Over the past few years, legislation to repeal or reform jaywalking laws has been enacted in Virginia, California, Nevada, Denver, and in Kansas City. About 51 million Americans now live in places where jaywalking has been decriminalized in some form.

In Hawai‘i, jaywalking laws have not been successful in reducing pedestrian deaths. It is time for our state to shift resources away from penalizing pedestrians, and redirect resources towards providing infrastructure so that people can safely walk, bike and roll.

SB-2630

Submitted on: 1/31/2024 10:23:47 AM

Testimony for TCA on 2/1/2024 3:00:00 PM

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

Comments:

I support SB 2630 for the following reasons:

- Jaywalking laws do not make our roads safer but rather criminalize walking as mode of transportation in large swathes of our public spaces. People walking inside crosswalks are just as likely to be hit than those outside of them. <https://www.bloomberg.com/news/articles/2020-10-16/jaywalking-laws-don-t-make-streets-safer> and https://hidot.hawaii.gov/highways/files/2023/11/Final_VRUSA_2023.pdf

- Jaywalking fines are greater than those for speeding - arguably a more deadly activity. Fines in Honolulu range from \$130-180 but the base speeding fine is just \$62. (<https://www.honolulupd.org/information/pedestrian-safety/> and <https://www.khon2.com/hawaii-crime/caught-speeding-on-oahu-itll-cost-you-hundreds/>).

Overall jaywalking puts the burden of traffic safety on those walking either by choice or need rather than on those driving large multi-ton vehicles within our streets.

Mahalo,

Scott Dukart

SB-2630

Submitted on: 1/30/2024 7:23:04 PM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Greg and Pat Farstrup	Individual	Support	Written Testimony Only

Comments:

We support this bill

Aloha Chair Lee, Vice Chair Inouye, 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**, 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 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

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

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

³ IBID.

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/>.

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

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.⁷ 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.⁸ 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

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

⁷ [State of Hawaii Traffic Fatalities](#)

⁸ [Proven Safety Countermeasures | FHWA \(dot.gov\)](#)

SB-2630

Submitted on: 1/31/2024 11:57:24 AM

Testimony for TCA on 2/1/2024 3:00:00 PM

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

Comments:

SB2630, aimed at decriminalizing jaywalking, is a significant step towards fostering a more sensible and equitable approach to pedestrian safety. Criminalizing such a common and often unintentional act has disproportionately affected vulnerable communities and perpetuated systemic injustices. This bill recognizes the need to shift towards a more constructive and education-based approach, allowing law enforcement resources to be focused on more pressing matters while promoting a sense of freedom and autonomy for pedestrians.

Giving individuals the freedom to walk without the fear of legal repercussions not only aligns with the principles of personal agency but also promotes a healthier and more active lifestyle. By eliminating the threat of criminal charges for minor pedestrian infractions, SB2630 encourages a positive shift in the public mindset towards walking as a viable and sustainable mode of transportation. This change not only contributes to community well-being but also supports environmentally friendly practices, promoting a more inclusive and accessible urban environment.

LATE

SB-2630

Submitted on: 1/31/2024 9:30:50 PM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
K. H.	Individual	Comments	Written Testimony Only

Comments:

Aloha e,

I am a resident of House District 28 and Senate District 13. I testify in favor of this bill. I believe that I am a responsible citizen, capable of making good decisions when crossing the street. The only ticket I have ever received was for \$75 for crossing S. Beretania Street at Kaialiu Street mauka, at the crosswalk, while a large 18-wheeler was correcting a miscalculated turn at the intersection of University Ave and S. Beretania St. At the time I wasn't feeling well and feared that I was going to pass out if I didn't get some food soon - I crossed the intersection at the crosswalk after reviewing the safety of my surroundings. A uniformed police officer ran after me from the parking lot of the S. Beretainia Long's to cite me for a ticket. I am someone who is considered low-income (A UH student making less than \$20k/yr before taxes at the time). That \$75 prevented me from being able to afford food that day. Since then, I have observed countless houseless people and tourists run across busy streets in broad daylight with no consequences. I believe that my physical appearance and identity played a role in the officer's bias in citing me. I have no previous record and the officer did not let me off with a warning at their discretion. It did not feel fair or just. Therefore I am in support of SB2630 due to the inability of officers to uphold fair and consistent monitoring and adherence to current regulations as well as the ability of the average citizen to practice basic safety and common sense.

One argument, the reduction of traffic fatalities, is important to acknowledge. However, it has been shown time and time again that pedestrians can be doing all the right things and still be killed due to negligent drivers. An example I'd like to point out is the death of young 16-year-old Sara Yara on Kapiolani Blvd as a driver ran the red light hitting and killing her in the crosswalk during her right-of-way on Feb. 15, 2023. Another series of three deaths and four injuries occurred at Kamakee St and Kapiolani Blvd in January of 2019 as they waited in the crosswalk. Pedestrians, in this case, were not to blame for the egregious violations that occurred while they were standing in the crosswalk. I believe that pedestrians can make better decisions than those behind the wheel of a car and should not be forced to pay fines as a result of crossing the street safely beyond the directions of traffic signals.

My final point is that oftentimes, there are intersections where the pedestrian lights malfunction. Unless a proactive, engaged citizen reports a light that no longer changes to accommodate foot traffic, individuals standing at the crosswalk are forced to wait for cycles of vehicular lights to go by before being able to cross. Even if someone reports a nonfunctioning pedestrian light, there may be days to weeks before the city is able to address the issue. In this case, someone with clear

faculties would be able to discern when it is appropriate to cross the street. Again, I am in support of SB2630 bill.

LATE

SB-2630

Submitted on: 2/1/2024 10:09:18 AM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michelle K.	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT of this bill because the streets belong to people, not cars. Jaywalking is a made up terms by the auto industry. It's time to do away with fines that involves people crossing the streets. Thanks for the consideration!

LATE

SB-2630

Submitted on: 1/31/2024 3:40:15 PM

Testimony for TCA on 2/1/2024 3:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Molly Mamaril	Individual	Support	Written Testimony Only

Comments:

Aloha Transportation and Culture and the Arts Committee,

I hope you are well. I am writing in support of SB2630 which would decriminalize jaywalking in Hawaii. This change, in turn, would help to improve mobility justice for Hawaii pedestrians, reduce disproportionate impacts on low-income communities and/or communities of color, reduce unnecessary pretextual stops by enforcement officers which carry the potential for escalation, reduce incarceration and the burden on our justice system, and reduce further criminalizing those experiencing poverty.

It is important to note that jaywalking tickets are more expensive, on average, than car speeding tickets:

Jaywalking: \$100-150 ticket vs. Speeding 1-10 mph over the limit: \$62 + \$5 for each additional mph.

Additionally, it has been found in places like Virginia that decriminalizing jaywalking did not reduce the number of pedestrian deaths (likely the intent for the ticketing in the first place). Furthermore, in Kansas between 2018-2021, 65% of jaywalking tickets were given out to Black people who were walking or on wheels, despite the population of being only 30% Black. This data trend is consistent with other urban areas like Seattle, New York, Sacramento, Florida and Los Angeles where people of color are policed more than other racial populations. It would be great to see Hawaii pivot into a new chapter of mobility justice for the state's many pedestrians.

Mahalo for your consideration of this bill.

Molly Mamaril

Resident of Kaimuki, Oahu