

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

**Testimony COMMENTING on H.B. 941
RELATING TO PEDESTRIANS**

REPRESENTATIVE DARIUS K. KILA, CHAIR
HOUSE COMMITTEE ON TRANSPORTATION

Hearing Date: February 13, 2025

Room Number: Conference Room 430

Fiscal Implications: The Department of Health (DOH) defers to the Department of Transportation for fiscal implications of implementation.

Department Position: The DOH respectfully offers comments on the potential health impacts of House Bill 941 (H.B. 941), which Authorizes pedestrians to cross roadways in a manner contrary to the statewide traffic code under certain circumstances.

Department Testimony: Despite Hawaii's favorable climate, geography, and reputation for active outdoor living, only 25% of Hawaii residents, in 2019, met federal guidelines for physical activity.¹ The design of roads that integrate options like walking and bicycling is a public health concern since the built environment can promote or hinder physical activity. This includes removing barriers and providing opportunities to cross streets safely and conveniently to access destinations such as bus stops, schools, and worksites. People who are physically active generally have better health outcomes and are at less risk for serious chronic diseases and conditions; often the same conditions closely linked to severe COVID-19 outcomes.²

Pedestrian access to everyday destinations is also a social justice and healthy equity issue.³ Jaywalking contributes to racially based police stops, which aligns with the overrepresentation of people of color in the criminal justice system. Hawaii has a history of

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

² CDC *About Physical Activity*. 2021.

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

disproportionately policing and incarcerating Native Hawaiians and Pacific Islanders (NHPI), so decriminalizing jaywalking would address some of the racial injustices in our state. In 2019, NHPI were involved in over a one-third of police force incidents despite making up only one-fourth of the population.⁴

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

Jaywalking laws are ineffective at producing roadway safety results, but also accentuate places which are hostile to walking. Removing jaywalking penalties has not been found to increase adverse public safety outcomes. Initial data from localities where decriminalization of jaywalking was implemented (Virginia, Kansas City,⁵ Denver and California⁶) show that there has been little to no change in the number of traffic injuries and fatalities. In addition, cities with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws.⁷

Decriminalizing jaywalking and punitive enforcement shift the responsibility for pedestrian safety to systemic changes in urban design and traffic management.⁸ The Federal Highway Administration refers to this as a “safety culture,” that considers safety for all users.⁹

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/>

⁷ International Federation of pedestrians. *Regulation of pedestrian priority at pedestrian crossings in the Vienna Convention/transmitted by the International Federation of Pedestrians (FIP) 2002*. Retrieved on 1-28-25 from: <https://digitallibrary.un.org/record/458014?ln=en&v=pdf#files>

⁸ National Association of City Transportation Officials. (2021). *Creating Safe, Multimodal Urban Transportation*

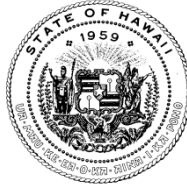
⁹ U.S. Department of Transportation Federal Highway Administration. *Safety Culture*. Retrieved 1-27-25 from: <https://highways.dot.gov/safety/zero-deaths/safety-culture>

1 Focusing on improving crosswalks, reducing vehicle speeds, and designing safer streets (e.g.,
2 implementing traffic calming measures) can reduce pedestrian injuries and fatalities. When
3 jaywalking is decriminalized, it can encourage municipalities to invest in safer pedestrian
4 infrastructure rather than rely on enforcement.

5 **Offered Amendments:** None

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

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
CURT T. OTAGURO
ROBIN K. SHISHIDO

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

February 13, 2025
10:00 a.m.
State Capitol, Room 430

H.B. 941 RELATING TO TRANSPORTATION

House Committee on Transportation

The Hawaii Department of Transportation (HDOT) **opposes** H.B. 941, which requires that a pedestrian shall not be stopped by a law enforcement officer, fined, or subjected to any other penalty for acting contrary to Hawaii Revised Statutes (HRS) 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 in any fashion; provided that the pedestrian is more than two hundred feet from a marked crosswalk.

The statewide traffic code, HRS Chapter 291C, does not currently prohibit pedestrians from crossing a roadway at any location, except diagonally across an intersection and between adjacent signalized intersections. Therefore, for most areas of the State, particularly within rural areas, crossing at most locations outside of a crosswalk would not be a violation of the existing statewide traffic code. In addition, unmarked crosswalks exist at every intersection if marked crosswalks are not provided.

Pedestrian, bicycle, and motorized vehicle laws are essential for reducing conflict and improving efficiency on our roadways. These rules clearly define the responsibilities of all road users, promoting predictable and harmonious interactions. H.B. 941, however, introduces the potential for pedestrians to make individual decisions that may deviate from these established rules, creating unpredictable situations. This unpredictability could disrupt safety and efficiency, leaving other road users to navigate scenarios they may not anticipate but remain 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 mistakenly believe it is safe to cross the roadway, unaware of the hidden dangers posed by turning vehicles. Such decisions force drivers into sudden, unanticipated situations that could have devastating consequences. Moreover, crossing is explicitly prohibited at certain locations because of critical risks that may not be apparent to the pedestrian—such as high-speed traffic, heavy volumes of vehicles, restricted visibility,

or poor lighting conditions. Ignoring these carefully considered restrictions jeopardizes not only pedestrians but also the drivers who are left to navigate these unpredictable scenarios.

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 131 pedestrian fatalities and 424 serious injuries from 2020 through 2024, using preliminary data for 2024. Pedestrians aged 17 and younger or aged 65 and older were involved in 37 percent of pedestrian fatalities and 34 percent of pedestrian serious injuries. Overall, pedestrians accounted for 27 percent all traffic fatalities and 16 percent of all serious injuries during this period. All road users, including pedestrians, should be required to follow applicable traffic laws in order for the State to work towards the goal of eliminating traffic fatalities and serious injuries.

Virginia was the first state to enact a statute similar to this bill in 2021. Prior to this date the average pedestrian fatalities going back 6 years was 118 deaths. In 2022 pedestrian deaths rose to 173, a 46 percent increase from the previous year's average. Fatality rates for years after 2022 have not yet been posted on the National Highway Traffic Safety Administrations website.

Thank you for the opportunity to provide testimony.

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

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OUR REFERENCE JS-TK

February 13, 2025

The Honorable Darius K. Kila, Chair
and Members
Committee on Transportation
House of Representatives
415 South Beretania Street, Room 430
Honolulu, Hawaii 96813

Dear Chair Kila and Members:

SUBJECT: House Bill No. 941, Relating to Pedestrians

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

The HPD opposes House Bill No. 941, 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 or against a "don't walk" signal.

The HPD urges you to oppose House Bill No. 941, Relating to Pedestrians. Thank you for the opportunity to testify.

APPROVED:

Sincerely,


Arthur J. Logan
Chief of Police


James Slayter, Major
Traffic Division



Testimony for Hawai'i Appleseed Center for Law and Economic Justice
Support for HB941 - Relating to Pedestrians
House Committee on Transportation
February 13th, 2025 at 10AM

Dear Chair Kila, Vice Chair Grandinetti, and members of the TRN committee,
Mahalo for the opportunity to express **STRONG SUPPORT for HB941**, which would authorize pedestrians to cross a street contrary to the state traffic code under certain circumstances. We also offer 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 report titled "Freedom to Walk", published by [Hawai'i Appleseed Center for Law and Economic Justice](#), 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 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. Hawai'i Appleseed found that an overwhelming majority of jaywalking citations are concentrated in densely populated, urban areas of O'ahu.

Jaywalking enforcement leads 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 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 New York City, where a 2019 study found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people,

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.

although they only make up 55% of the city's population.² Unfortunately, race and ethnicity data was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed.


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.** Typical jaywalking tickets on O'ahu are between \$130 and \$180. These fines are more than some other driving-related traffic violations, such as speeding. Unpaid traffic 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, difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities.

To address these issues, we believe Hawai'i should follow in the footsteps of other states such as Virginia and California, and cities such as Denver and Kansas City who have implemented similar legislation to reduce jaywalking penalties. This national effort has led to about 60 million people living in the US where this reform has occurred.

Additionally, to strengthen the bill and enhance its impact, Hawai'i Appleseed recommends removing the provision that the bill shall "only apply when the pedestrian is more than two hundred feet from a marked crosswalk." There is no clear rationale or evidence to support that specific measurement. Moreover, it will be difficult to enforce with accuracy. Should there be a desire to restrict the applicability of this bill, we recommend that the bill be amended to clarify the measure is only applicable on roadways that are two-lanes wide or smaller. We believe this is more practical and can be easily assessed by both law enforcement and pedestrians.

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

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

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HOUSE COMMITTEE ON TRANSPORTATION
Thursday, February 13, 2025 – 10:00am

Hawai'i Bicycling League SUPPORTS HB 941, Relating to Pedestrians

Aloha Chair Kila, Vice Chair Grandinetti, and Committee Members,

My name is Eduardo Hernandez, and I am the Advocacy 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 HB 941, which authorizes pedestrians to cross roadways in a manner contrary to the statewide traffic code under certain circumstances. HBL is part of a statewide coalition championing “Freedom to Walk.” We are part of a national movement that recognizes that “jaywalking” statutes are outdated, ineffective, and inequitable.

Moreover, 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.

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.

We need a new approach to roadway safety. Instead of blaming pedestrians for traffic violence, we must acknowledge and address our systemic issues—mainly our current transportation planning approach that prioritizes traffic flow over safety—and adopt holistic strategies that center roadway infrastructure and design that slow vehicle speeds, increase the visibility of pedestrians, and physically protect pedestrians from vehicles. A good example of this is Honolulu's Complete Streets Program.

HB 941 would repeal outdated and ineffective jaywalking laws, preventing pedestrians from being stopped by a law enforcement officer or fined for jaywalking, unless the pedestrian's actions could result in a collision with a moving vehicle, or slowing or stopping in any fashion.

Let's prioritize safety, equity and community well-being by investing in much-needed pedestrian infrastructure. Together, we can create neighborhoods where everyone has the freedom to move about their community.

Mahalo for the opportunity to testify on this important measure.

Ride Aloha,

A handwritten signature in black ink, appearing to read 'Eduardo Hernandez', with a stylized flourish at the end.

Eduardo Hernandez
Advocacy Director

Feb. 13, 2025, 10 a.m.
Hawaii State Capitol
Conference Room 430 and Videoconference

To: House Committee on Transportation
Rep. Darius K. Kila, Chair
Rep. Tina Nakada Grandinetti, Vice-Chair

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

RE: TESTIMONY IN SUPPORT OF HB941 — RELATING TO PEDESTRIANS

Aloha Chair Kila, Vice-Chair Grandinetti and other members of the Committee,

The Grassroot Institute of Hawaii would like to offer its **support** for [HB941](#), 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 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 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 bill proposes.

The 200-foot requirement is also too limiting as it fails to address unnecessary citations given when pedestrians 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 this section shall only apply when the pedestrian is more than two hundred feet from a marked crosswalk."

These changes 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 bill's preamble — "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."](#) Hawai'i 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, decriminalizing jaywalking could encourage more people to walk by 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.](#)



Testimony of the Oahu Metropolitan Planning Organization

HOUSE TRANSPORTATION COMMITTEE

Thursday, February 13, 2025, 10:00 AM

**Location: Conference Room 309 & via Videoconference
State Capitol, 415 South Beretania Street**

HB941 RELATING TO PEDESTRIANS

Dear Chair Kila, Vice Chair Grandinetti, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports HB941**, which would authorize pedestrians to cross roadways in a manner contrary to statewide traffic code under certain circumstances.

This measure is consistent with several goals of the Oahu Regional Transportation Plan, including increasing active and public transportation, providing an equitable and affordable transportation system, and achieving state and county commitments to the environment, health, and culture in the development, maintenance, and operation of the transportation system¹. Authorizing pedestrians to cross the street in a safe manner without fear of incurring a fine will promote equity in a transportation network that has historically favored the unimpeded movement of vehicles. This measure will reduce the inconveniences associated with walking, encouraging residents to reduce their vehicle use.

States and municipalities across the country are passing measures decriminalizing “jaywalking,” including the states of California and Virginia, and the cities of Denver, Kansas City, and New York City, with more likely to follow suit². In states where these measures have been implemented and relevant data is available, there has been no significant change in pedestrian fatalities³. In Hawaii, pedestrian fatalities continue to rise despite the enforcement of jaywalking laws⁴. In order to make Hawaii’s streets safer, transportation policy should shift effort away from pedestrian policing and instead focus

¹ https://oahumpo.org/?wpfb_dl=3273

² <https://americawalks.org/redefining-safety-without-penalties/>

³ <https://americawalks.org/jaywalking-reform-progress/>

⁴ <https://hidot.hawaii.gov/highways/files/2023/02/Fatality-Breakdown-by-Counties-20230222.pdf>

on more effective traffic calming measures, such as the Safe System Elements and Goals identified in the Oahu Vision Zero Action Plan⁵.

Jaywalking laws create inequitable conditions on our streets. The current fine for crossing a roadway at a point away from a crosswalk starts at \$100. This fine is a significant financial burden for mobility-constrained residents who rely on walking due to the high cost of vehicle ownership. The risk of citation punishes vulnerable road users and disincentivizes walking as a form of transportation. Fines for jaywalking are also disproportionately high when compared to fines for more dangerous violations such as speeding, which start at just \$62 + \$5/mph over the limit on Oahu⁶.

Hawaii has set a carbon net-negative emissions target to be achieved no later than 2045, and the provisions laid out in the *Navahine v. Hawaii Department of Transportation* settlement have necessitated swift action in reducing the climate impacts of Hawaii's transportation network⁷. Vehicle miles travelled (VMT) is a key measure of the environmental impact of transportation. The fines associated with jaywalking disincentivize walking and thus present a barrier to Hawaii's VMT reduction goals. Hawaii must promote clean modes of transportation by prioritizing our pedestrian network.

The OahuMPO is the federally designated Metropolitan Planning Organization (MPO) on the island of Oahu responsible for carrying out a multimodal transportation planning process, including the development of a long-range (25-year horizon) metropolitan transportation plan, referred to as the Oahu Regional Transportation Plan (ORTP), which encourages and promotes a safe and efficient transportation system to serve the mobility needs of people and freight (including walkways, bicycles, and transit), fosters economic growth and development, and takes into consideration resiliency needs, while minimizing fuel consumption and air pollution ([23 CFR 450.300](#)).

Mahalo for the opportunity to provide testimony on this measure.

⁵ <https://www8.honolulu.gov/completestreets/wp-content/uploads/sites/37/2024/09/Oahu-Vision-Zero-Action-Plan.pdf>

⁶ <https://www.honolulupd.org/information/motor-vehicle-safety/>

⁷ <https://governor.hawaii.gov/newsroom/office-of-the-governor-news-release-historic-agreement-settles-navahine-climate-litigation/>



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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 Network

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: February 12, 2025

To: Representative Darius Kila, Chair
Representative Tina Grandinetti, Vice Chair
Members of the Committee on Transportation

RE: Support for HB941, Relating to Pedestrians

Hrg: February 13, 2025, 10:00 AM, Conference Room 430

Hawai'i Public Health Institute (HIPHI)¹ and the Healthy Eating + Active Living (HEAL)² Statewide Coalition are in **strong support of HB941**, also referred to as the "Freedom to Walk" bill, which authorizes pedestrians to cross the street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle.

Suggested Amendment: Remove the provision that the bill shall "only apply when the pedestrian is more than two hundred feet from a marked crosswalk." There is no clear rationale or evidence to support that specific measurement. It will be difficult to enforce with accuracy. Should there be a desire to restrict the applicability of this bill, we recommend that the bill be amended to clarify the measure is only applicable on roadways that are two-lanes wide or smaller. We believe this is more practical and can be easily assessed by both law enforcement and pedestrians.

In 2024, pedestrian fatalities rose by 61% compared to the previous year. Alarming, just 2% of Honolulu's streets account for 60% of pedestrian fatalities and 42% of injuries. Instead of penalizing people for walking on unsafe streets—with jaywalking fines ranging from \$100 to \$150, often exceeding penalties for speeding—we must prioritize targeted infrastructure improvements that save lives. Jaywalking laws have proven ineffective in enhancing safety and instead contribute to environments that are unwelcoming to pedestrians. In 2022, pedestrian fatalities in the U.S. exceeded 7,500, highlighting the urgent need for more effective safety measures.³ Studies show that people who walk or bicycle to

¹ Hawai'i Public Health Institute's mission is to advance health and wellness for the people and islands of Hawai'i. We do this through expanding our understanding of what creates health of people and place, fostering partnerships, and cultivating programs to improve policies, systems, and the environments where people live, learn, work, age, and play.

² 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.

³ Abbey Seitz. (2024). 'Freedom to Walk: Decriminalizing Jaywalking and Shifting Investment Towards Safe, Accessible Pedestrian Infrastructure.' Hawai'i Appleseed Center for Law and Economic Justice. Available at <https://hiappleseed.org/publications/freedom-to-walk>.

work experience a variety of physical and mental health benefits. By making smarter investments for safer streets, we can create a built environment that is accessible for all active transportation users.

50 Times More Jaywalking Tickets in Hawai'i Compared to Washington State

Based on a report titled “Freedom to Walk”, published by [Hawai'i Appleseed Center for Law and Economic Justice](#), 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, such as Waipahu, Kalihi, Downtown/Chinatown, and Waikiki.

Jaywalking enforcement leads to a myriad of negative impacts, including:

1. **Hostility towards pedestrians.** 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 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.⁴ Only 15% of the articles described a safety solution.
2. **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 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.⁵ 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 L. Brooke Keliioa, 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.

⁵ Kuntzman, Gersh. (2020). 'Jaywalking While Black': Final 2019 Numbers Show Race-Based NYPD Crackdown Continues. StreetsBlog NYC. Available at <https://nyc.streetsblog.org/>.



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.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. 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 on employment and housing opportunities, as some employers and landlords conduct credit checks as part of the application process.

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 little to no change in the number of traffic injuries and fatalities.⁷
- **The legislation does not change the civil/criminal liability for drivers in the case of collisions.** While the 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 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 an "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 recommend moving away from enforcement strategies to a more holistic approach that centers on building safe, accessible pedestrian infrastructure.

Mahalo for the opportunity to testify on this important measure.

A handwritten signature in black ink, appearing to read "Lauren Loor".

Lauren Loor
Healthy Eating + Active Living Statewide Program Manager

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 Schmitt, Angie, "These Communities Are Making Progress After Jaywalking' Reform," StreetsBlog USA, June 23, 2022, <https://usa.streetsblog.org/2022/06/23/these-u-s-communities-are-makingsafety-progress-after-jaywalking-reform>



Testimony in Opposition to HB941 Relating to Pedestrians

February 13, 2025

Lisa Dau, RN, Injury Prevention Coordinator
Keiki Injury Prevention Coalition (KIPC)

Rep. Darius Kila, Chair, Rep. Tina Nakada Grandinetti, Vice Chair, and Members of the
Committee on Transportation

I appreciate the opportunity to testify in **opposition to HB941**, which would allow pedestrians to disregard statewide traffic laws if they believe there is no immediate danger of a collision. While I understand the intent, I have concerns about the potential impact on public safety and equity.

Public Safety Risks

This bill could significantly increase pedestrian injuries and fatalities. Traffic laws provide clear expectations for pedestrians and drivers, reducing confusion and increasing the number of injuries or deaths. Allowing individuals to decide when it is safe to ignore pedestrian rules increases the likelihood of misjudgments, especially in high-traffic or high-speed areas. Even the most careful pedestrian may misjudge vehicle speeds, driver attention, or other hazards, creating dangerous situations.

Equity Issues

Pedestrian safety laws protect vulnerable populations, including children, the elderly, and individuals with disabilities. A policy that grants more discretion in pedestrian decision-making could disproportionately harm those who cannot assess risk as effectively. Furthermore, this legislation may confuse residents and visitors, potentially making crosswalks and intersections more dangerous.

Conclusion

For these reasons, KIPC strongly urges the committee to **reject HB941**. Instead of weakening pedestrian safety laws, we should focus on solutions that improve pedestrian infrastructure, increase crosswalk visibility, and promote responsible road-sharing for all.

Thank you for your time and consideration. I am happy to answer any questions.

Sincerely,

Lisa Dau, RN, MBA, BSN, CPSTI
KIPC, Injury Prevention Coordinator

The Keiki Injury Prevention Coalition's (KIPC) mission is to prevent and reduce injuries to children in Hawaii. <https://kipchawaii.org/>

HB-941

Submitted on: 2/11/2025 10:34:56 AM

Testimony for TRN on 2/13/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Frank Schultz	Individual	Oppose	Written Testimony Only

Comments:

I oppose this as we see enough pedestrian fatalities in marked pedestrian crossings. This will just cause more injuries\death.

Support for HB941 - Relating to Pedestrians
House Committee on Transportation
February 13th, 2025 at 10AM

Dear Chair Kila, Vice Chair Grandinetti, and members of the TRN committee,

Mahalo for the opportunity to express **STRONG SUPPORT for HB941**, which would authorize pedestrians to cross a street contrary to the state traffic code under certain circumstances. I also offer 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 report titled "Freedom to Walk", published by [Hawai'i Appleseed Center for Law and Economic Justice](#), 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.

Jaywalking enforcement leads 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 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 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, race and ethnicity data was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed.

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. **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.** Typical jaywalking tickets on O‘ahu are between \$130 and \$180. These fines are more than some other driving-related traffic violations, such as speeding. Unpaid traffic 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, difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities.

To address these issues, we should follow in the footsteps of other states such as Virginia and California, and cities such as Denver and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 60 million people living in the US where this reform has occurred.

Additionally, to strengthen the bill and enhance its impact, we recommend removing the provision that the bill shall “only apply when the pedestrian is more than two hundred feet from a marked crosswalk.”

There is no clear rationale or evidence to support that specific measurement. Moreover, it will be difficult to enforce with accuracy. Should there be a desire to restrict the applicability of this bill, we recommend that the bill be amended to clarify the measure is only applicable on roadways that are two-lanes wide or smaller. We believe this is more practical and can be easily assessed by both law enforcement and pedestrians.

Mahalo for the opportunity to testify on this important measure.

Molly Mamaril
(Kaimukī resident)

RE: Support for HB941, Jaywalking Enforcement

Dear Chair and Vice Chair,

I am writing in **strong support** of HB941, which would authorize pedestrians to cross a street contrary to the state traffic code under certain circumstances. We also offer 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 report titled "Freedom to Walk", published by Hawai'i Appleseed Center for Law and Economic Justice, 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.

Jaywalking enforcement leads 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. Only 15% of the articles described a safety solution.
2. **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 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, race and ethnicity data was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed.
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. Typical jaywalking tickets on O‘ahu are between \$130 and \$180. These fines are more than some other driving-related traffic violations, such as speeding. Unpaid traffic 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, difficulty in obtaining government services, as well as negative impacts to employment and housing opportunities.

To address these issues, we should follow in the footsteps of other states such as Virginia and California, and cities such as Denver and Kansas City who have implemented similar legislation to remove jaywalking penalties. This national effort has led to about 60 million people living in the US where this reform has occurred.

Additionally, to strengthen the bill and enhance its impact, we recommend removing the provision that the bill shall “only apply when the pedestrian is more than two hundred feet from a marked crosswalk.” There is no clear rationale or evidence to support that specific measurement. Moreover, it will be difficult to enforce with accuracy. Should there be a desire to restrict the applicability of this bill, we recommend that the bill be amended to clarify the measure is only applicable on roadways that are two-lanes wide or smaller. We believe this is more practical and can be easily assessed by both law enforcement and pedestrians.

Mahalo for the opportunity to testify on this important measure.

Respectfully,
Leigh Ann Lopez

HB-941

Submitted on: 2/12/2025 5:38:30 AM

Testimony for TRN on 2/13/2025 10:00:00 AM

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

Comments:

Aloha Chair Kila, Vice Chair Grandinetti, and members of the Transportation and Regulatory Needs committee,

I would like to express my **strong support for HB941**, which would authorize pedestrians to cross a street contrary to the state traffic code under certain circumstances. And, offer suggested amendments to strengthen the bill.

To strengthen the bill and enhance its impact, I recommend removing the provision that the bill shall “only apply when the pedestrian is more than two hundred feet from a marked crosswalk.” There is no clear rationale or evidence to support that specific measurement. Moreover, it will be difficult to enforce with accuracy. Should there be a desire to restrict the applicability of this bill, I recommend that the bill be amended to clarify the measure is only applicable on roadways that are two-lanes wide or smaller. I believe this is more practical and can be easily assessed by both law enforcement and pedestrians.

Mahalo for the opportunity to testify on this important measure.

HB-941

Submitted on: 2/12/2025 9:39:57 AM

Testimony for TRN on 2/13/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Edgardo Diaz Vega	Individual	Support	Remotely Via Zoom

Comments:

I urge you to support this proposal that prohibits a law enforcement officer to detain, fine, or subject a pedestrian to any other penalty for crossing a roadway in a way that's contrary to the existing laws. As Hawai'i continues to struggle with deaths and injuries on the islands' roads, improvements in traffic enforcement are crucial. Using a vehicle weighing thousands of pounds which can be operated at high speeds, gives drivers a higher amount of power on our roads as well as a higher level of responsibility. Traffic enforcement must focus on the actions of drivers as these are disproportionately responsible for the damage, including loss of lives, on our roadways. Laws criminalizing the reasonable actions of pedestrians and cyclists are ineffective, can be abused against vulnerable individuals, and fail to address the main issues with traffic safety which is the need to better enforce drivers' compliance with road safety laws. Approving this proposal helps ensure law enforcement focuses on the actions of those most responsible.

HB-941

Submitted on: 2/12/2025 4:15:57 PM

Testimony for TRN on 2/13/2025 10:00:00 AM

Submitted By	Organization	Testifier Position	Testify
Diliaur Tellei	Individual	Support	Written Testimony Only

Comments:

Aloha Chair Kila, Vice-Chair Grandinetti, and members of the committee,

I'm testifying in support of HB941, which would prevent a person who is "jaywalking" from being stopped, fined, or otherwise penalized unless they were crossing the street in an obviously unsafe manner, as determined by a reasonable person.

When I was a daily bus rider, the word on the street was always to be wary at the end of the month because HPD needed to make their quota and jaywalkers would get picked up more commonly. This speaks to a punitive society, not a safe one. The report "[Freedom to Walk](#)" (2024), by Hawaii Appleseed, found that punishing jaywalkers did not in fact reduce pedestrian fatalities.

There are better ways to spend public funds to promote public safety, for example by creating safer pedestrian infrastructure as in HB1471, also being heard by this committee, and by creating road infrastructure that forces cars to slow down and yield (I root for this as both a driver and person who doesn't want to get run over while jogging through their neighborhood).

I respectfully urge the committee to pass this measure. Thank you for your consideration.

Mahalo,

Diliaur Tellei
Makiki resident