

ACT 232

H.B. NO. 357

A Bill for an Act Relating to Traffic Safety.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The 2004 Elderly Pedestrian Integration Report prepared by SMS Research & Marketing Services, Inc. for the department of transportation indicated that there are approximately five hundred sixty pedestrian injuries in Hawaii each year, and that an average of twenty-eight pedestrians die each year after being struck by a car. Elderly pedestrians, age sixty-five and older, constituted the highest number of pedestrian fatalities when compared to all other age groups in Hawaii.

The length of a flashing indication (hand symbol) is calculated based on the length of the crosswalk and the nationally recognized average walking speed of pedestrians.

However, elderly pedestrians need more time to cross major intersections due to diminishing physical abilities. Considering that an elderly pedestrian generally crosses the street at a slower walking speed, limited timeframes to cross the street safely put elderly pedestrians at risk.

Recently, AARP Hawaii staff, volunteers, and community partners gathered at intersections across Hawaii to conduct “walkability” assessments along many of Hawaii’s busiest streets and identified many intersections where the timeframes to cross the street safely were too short. Hawaii’s elderly pedestrians should not have to rush to cross the street. The length of a flashing indication should be sufficient for elderly pedestrians to cross the street safely.

While the elderly, children, and disabled persons are the most vulnerable, ordinary citizen pedestrians are also at risk. In 2007, a number of pedestrians were killed, and it was one of the most dangerous for pedestrians ever in Hawaii. Immediate action is needed even as a longer term study is conducted.

The purpose of this Act is to appropriate funds to the department of transportation so that it can:

- (1) Work with nonprofits and the counties to take immediate action to make crosswalks and roadways safer;
- (2) Conduct a study to identify more intersections where the time to cross the intersection is insufficient for elderly pedestrians; and
- (3) Develop additional plans to make crosswalks and roadways safer.

Making Hawaii's roadways safer for pedestrians is consistent with Kamehameha's famous law, Ke Kanawai Mamalahoe, the law of the splintered paddle, which assures that every man, woman, and child is able to travel freely and in peace. This law is established as state law in article IX, section 10, of the Hawaii state constitution:

"Let every elderly person, woman and child lie by the roadside in safety — shall be a unique and living symbol of the State's concern for public safety."

SECTION 2. (a) The department of transportation shall work with the counties and nonprofit organizations to identify and implement immediate improvements to high-risk crosswalks and road crossings. Examples of such immediate improvements, which do not require extensive studies, include:

- (1) Recalibrating traffic signals to lengthen crossing times;
- (2) Accelerating the schedule to replace non-timer crossing signals with traffic countdown timers;
- (3) Strategically reprioritizing installation of traffic countdown timers based on how dangerous the intersection ranks based on data, including the recent AARP Hawaii study;
- (4) Developing a statewide public awareness campaign;
- (5) Pilot projects such as pedestrian-activated flashing signals, portable hand-carried signs and flags;
- (6) Advanced crosswalk markers; and
- (7) Enforcement of crosswalk laws for cars and pedestrians.

(b) The department of transportation shall conduct a study to identify state and county intersections where the time to cross the intersection is insufficient for elderly pedestrians, and to develop additional design, funding, and installation plans to make crosswalks and road crossings safer for pedestrians.

(c) The department of transportation shall focus its study on:

- (1) The principle of the law of the splintered paddle, Ke Kanawai Mamalahoe, that roadways need to be safely shared among all road users;
- (2) The need to consider the capabilities and needs of the elderly, children, and disabled persons to use appropriate roads as pedestrians;
- (3) Impacts on current traffic volumes when pedestrian walk times are lengthened and potential countermeasures for the effects on traffic; and
- (4) Streets, intersections, and communities having insufficient timeframes for elderly persons to cross the street safely.

(d) The department of transportation may:

- (1) Contract out the study to a private contractor; and
- (2) Involve the various county transportation departments as appropriate.

(e) The department of transportation shall submit an interim report to the legislature not later than twenty days prior to the convening of the 2009 regular session and a final report, including accomplishments, findings, future plans, cost estimates, and any proposed legislation, to the legislature no later than twenty days prior to the convening of the 2010 regular session.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$1,000,000 or so much thereof as may be necessary for fiscal year 2008-2009 for the department of transportation to conduct a pilot study to identify state and county intersections where the time to cross the intersection is insufficient for elderly pedestrians and to implement any immediate improvements to high-risk crosswalks and road crossings; provided that the department may consult with the counties and nonprofit organizations as appropriate for purposes of the pilot study.

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The sums appropriated shall be expended by the department of transportation for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2008.

(Became law on July 8, 2008, without the Governor's signature, pursuant to Art. III, §16, State Constitution.)