



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

February 19, 2025
9:45 a.m.
State Capitol, Room 016

S.B. 106, S.D. 1
RELATING TO PEDESTRIANS

Senate Committee on Judiciary

The Hawaii Department of Transportation (HDOT) **opposes** S.B. 106, S.D. 1, which authorizes pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger from a collision with a moving vehicle if the pedestrian is more than 200 feet from a marked crosswalk, and requires a driver of a vehicle to stop for a pedestrian when the pedestrian clearly indicates their intention to cross a roadway within a crosswalk.

The statewide traffic code, Hawaii Revised Statutes 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. S.B. 106, S.D. 1, 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.

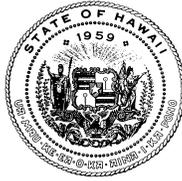
In accordance with Act 134 S.L.H. 2019, also known as the Vision Zero Act, the State Highway Safety Council (SHSC) was required to complete a final report on the Vision Zero Action Plan to reduce traffic fatalities to zero. This report was submitted to the legislature on December 11, 2020. One recommendation 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.

Requiring that a driver stop for a pedestrian who clearly signals their intent to cross a roadway within a crosswalk would lead to confusion for both drivers and pedestrians. It may not be possible or practical for a pedestrian to effectively communicate their intention to cross. A pedestrian might think they have clearly signaled their intention to cross and expect a vehicle to stop if required by law, while the driver could mistakenly believe the pedestrian is waiting for a ride or socializing. Most states do not require vehicles to stop for pedestrians outside of crosswalks, and with the high volume of visitors in Hawaii, this would cause even more confusion. Additionally, this provision of S.B. 106, S.D. 1 would increase uncertainty at unmarked crosswalks.

Thank you for the opportunity to provide testimony.



STATE OF HAWAII
DEPARTMENT OF HEALTH
KA 'OIHANA OLAKINO
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WRITTEN
TESTIMONY ONLY

**Testimony COMMENTING on S.B. 106, S.D. 1
RELATING TO PEDESTRIANS**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 19, 2025

Room Number: Conference Room 016
and Videoconference

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

3 **Department Position:** The DOH respectfully offers comments on the potential health impacts
4 of Senate Bill 106, Senate Draft 1 (S.B. 106, S.D. 1), which would allow pedestrians to cross a
5 street after reasonable determination that there is no immediate danger of a collision with a
6 moving vehicle if the pedestrian is more than 200 feet from a crosswalk. Requires a driver of a
7 vehicle to yield to a pedestrian when the pedestrian clearly indicates their intention to cross a
8 roadway within a crosswalk.

9 **Department Testimony:** Despite Hawaii's favorable climate, geography, and reputation for
10 active outdoor living, only 25% of Hawaii residents, in 2019, met federal guidelines for physical
11 activity.¹ The design of roads that integrate options like walking and bicycling is a public health
12 concern since the built environment can promote or hinder physical activity. This includes
13 removing barriers and providing opportunities to cross streets safely and conveniently to access
14 destinations such as bus stops, schools, and worksites. People who are physically active generally

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

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

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

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

18 Jaywalking laws are ineffective at producing roadway safety results, but also accentuate
19 places which are hostile to walking. Removing jaywalking penalties has not been found to
20 increase adverse public safety outcomes. Initial data from localities where decriminalization of
21 jaywalking was implemented (Virginia, Kansas City,⁵ Denver and California⁶) show that there

² CDC *About Physical Activity*. 2021.

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

⁴ Kawano, L. (2021, February 4). *HPD report shows police force used most on Native Hawaiians, Pacific Islanders*. Hawaii News Now. Retrieved January 31, 2024, from <https://www.hawaiiinewsnow.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 has been little to no change in the number of traffic injuries and fatalities. In addition, cities
2 with the lowest traffic death rates (mainly in Europe) do not have jaywalking laws.⁷

3 Decriminalizing jaywalking and punitive enforcement shift the responsibility for
4 pedestrian safety to systemic changes in urban design and traffic management.⁸ The Federal
5 Highway Administration refers to this as a “safety culture,” that considers safety for all users.⁹
6 Focusing on improving crosswalks, reducing vehicle speeds, and designing safer streets (e.g.,
7 implementing traffic calming measures) can reduce pedestrian injuries and fatalities. When
8 jaywalking is decriminalized, it can encourage municipalities to invest in safer pedestrian
9 infrastructure rather than rely on enforcement.

10 **Offered Amendments:** None

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

⁷ International Federation of pedestrians. *Regulation of pedestrian priority at pedestrian crossings in the Vienna Convention/transmitted by the International Federation of Pedestrians (IFP)* 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>

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February 18, 2025

Committee on Judiciary
Sen. Karl Rhoads, Chair
Sen. Mike Gabbard, Vice Chair
415 South Beretania Street, Conf. Rm. 016
State Capital
Honolulu, HI 96813

Re: Testimony in Support of S.B. 106
Hearing: February 19, 2025, 9:45 AM

Dear Chair Rhoads, Vice Chair Gabbard and Committee Members:

This letter is in support of S.B. 106 which would authorize pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would consider it safe to do so if the pedestrian is more than two hundred feet from a crosswalk.

The Office of the Public Defender ("OPD") is in support of S.B. 106 because it does not pose a danger to a reasonable pedestrian, and it makes common sense. Pedestrians are often waiting for traffic signals to permit crossing when there is no traffic or basis to do so. Similarly, pedestrians who are walking in rural or non-traffic control regulated areas are not privy to or are unable to locate marked crossings or signaled controlled crossings when the need arises. In these instances, their actions, though necessary, may create ambiguity for law enforcement to act. S.B. 106 alleviates the responsibility from law enforcement who can then focus their attention on more important and significant matters. Moreover, S.B. 106 correctly places the duty of care on both the pedestrian and drivers to ensure safety on the roadways.

The State cannot be expected to place traffic control signals and marked crosswalks in every location where pedestrians have a need. Such an expectation would be cost prohibitive and a never ending endeavor. S.B. 106 makes common sense and codifies what already occurs in everyday life.

Thank you for taking these comments into consideration.

HONOLULU POLICE DEPARTMENT
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CITY AND COUNTY OF HONOLULU

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ARTHUR J. LOGAN
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KAHU MĀKA'I

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

OUR REFERENCE JS-TK

February 19, 2025

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

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 106, S.D. 1, 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 Senate Bill No. 106, S.D. 1, Relating to Pedestrians.

The HPD opposes the proposal to authorize pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger of a collision with a moving vehicle. Motorists may not be expecting pedestrians to be crossing at areas not designated by a crosswalk, thus putting them at risk.

Statistics have shown that on O'ahu, the majority of collisions involving pedestrians that resulted in death or critical injuries were a result of pedestrians crossing outside of a marked crosswalk or against a "don't walk" signal.

The HPD urges you to oppose Senate Bill No. 106, S.D. 1, Relating Pedestrians. Thank you for the opportunity to testify.

APPROVED:

A handwritten signature of Arthur J. Logan, consisting of a stylized 'A' and 'L'.

Arthur J. Logan
Chief of Police

Sincerely,

A handwritten signature of James Slayter, featuring a large, looping 'S' and 'J'.

James Slayter, Major
Traffic Division



Testimony of the Oahu Metropolitan Planning Organization

COMMITTEE ON JUDICIARY

Wednesday, February 19, 2025, 9:45 AM
CR 016 & Videoconference

SB106 RELATING TO PEDESTRIANS

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members,

The Oahu Metropolitan Planning Organization (OahuMPO) **supports SB106**, which would 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. The bill would also add language to the statewide traffic code that would require drivers to stop for pedestrians who are indicating their intention to cross the roadway.

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 starts at just \$62 + \$5/mph over the limit on Oahu⁶. Furthermore, law enforcement resources are wasted when used to issue and process citations to pedestrians who have not jeopardized their own safety or the safety of other road users.

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, efficient, and resilient transportation system that serves the mobility needs of all people and freight (including walkways, bicycles, and transit), fosters economic growth and development, 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.honolulu.gov/information/motor-vehicle-safety/>

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



Testimony for Hawai'i Appleseed Center for Law and Economic Justice
Support for SB106 - Relating to Pedestrians
Senate Committee on Judiciary (JDC)
February 19th, 2025 at 9:45AM

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,
Mahalo for the opportunity to express **STRONG SUPPORT for SB106**, also referred to as the “Freedom to Walk” bill, which would authorize pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle. The bill would also require drivers to stop for pedestrians who are indicating their intention to cross the roadway. 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.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

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.

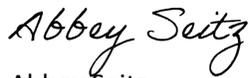
found that 90% of jaywalking tickets in New York City were given to Black and Hispanic people, although they only make up 55% of the city's population.² Unfortunately, race and ethnicity data was not obtained by the police for jaywalking citations reviewed by Hawai'i Appleseed.

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.



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/>.

Feb. 19, 2025, 9:45 a.m.

Hawaii State Capitol

Conference Room 016 and Videoconference

To: Senate Committee on Judiciary

Sen. Karl Rhoads, Chair

Sen. Mike Gabbard, Vice Chair

From: Grassroot Institute of Hawaii

Ted Kefalas, Director of Strategic Campaigns

RE: TESTIMONY IN SUPPORT OF SB106 SD1 — RELATING TO PEDESTRIANS

Aloha Chair Rhoads, Vice-Chair Gabbard and other members of the Committee,

The Grassroot Institute of Hawaii would like to offer its **support** for [SB106 SD1](#), 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 a concern regarding the language of the bill.

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 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.

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.

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

² [Ibid.](#), pp. 8-9.

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

⁴ [Ibid.](#)

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



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SENATE COMMITTEE ON JUDICIARY
Wednesday, February 19, 2025 – 09:45am

Hawai'i Bicycling League SUPPORTS SB 106, SD 1, Relating to Pedestrians

Aloha Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

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 SB 106, SD 1, which authorizes pedestrians to cross roads and streets when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle. The bill would also require drivers to stop for pedestrians who are indicating their intention to cross the roadway. HBL is part of a statewide coalition championing “Freedom to Walk.” We are also 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.

SB 106, SD1 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,

S/Eduardo Hernandez

Eduardo Hernandez

Advocacy Director



HIPHI Board

May Okihiro, MD, MS
Chair

John A. Burns School of Medicine,
Department of Pediatrics

Titiimaea Ta'ase, JD
Secretary

State of Hawai'i, Deputy Public Defender

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ARCH-MEPS Consulting LLC, Owner

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University of Hawai'i - West O'ahu

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Hawai'i Health Partners

Misty Pacheco, DrPH
University of Hawai'i at Hilo

Justin Puckett, CPA, MBA
Humana

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 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 18, 2025

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

RE: Support for SB 106, Relating to Pedestrians

Hrg: February 19, 2025, 9:4 5AM, Conference Room 016

Hawai'i Public Health Institute (HIPHI)¹ and the Healthy Eating + Active Living (HEAL)² Statewide Coalition are in **strong support of SB 106**, 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 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 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.

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.



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>

Committee: Judiciary
Hearing Date/Time: Wednesday, February 19, 2025 at 9:45am
Place: Conference Room 016 & Via Videoconference
Re: Testimony of the ACLU of Hawai'i in SUPPORT of SB106 SD1
Relating to Pedestrians

Dear Chair Rhoads, Vice Chair Gabbard, and Committee Members:

ACLU of Hawai'i **SUPPORTS SB106 SD1**, 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 if the pedestrian is more than 200 feet from a crosswalk. The bill also requires a driver of a vehicle to yield to a pedestrian when the pedestrian clearly indicates their intention to cross a roadway within a crosswalk.

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

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

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

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

Unfortunately, we do not have accurate and readily accessible demographic data of persons currently cited for jay-walking in Hawai'i. However, many criminal justice arrest and conviction data reports highlights racial and ethnic disparities within our legal system. Many states have found that by decriminalizing jaywalking¹ and other minor traffic violations, they have reduced the burden on the justice system, removed opportunities for escalations, and found more constructive applications of traffic safety resources.

Hawai'i should decriminalize jaywalking as outlined in SB106.

Sincerely,

Carrie Ann Shiota

Carrie Ann Shiota

Policy Director

ACLU of Hawai'i

cshiota@acluhawaii.org

The mission of the ACLU of Hawai'i is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawai'i fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawai'i is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawai'i has been serving Hawai'i for over 50 years.

¹ Streetsblog "These Communities Are Making Progress After Jaywalking"

Reform <https://usa.streetsblog.org/2022/06/23/these-u-s-communities-are-making-safety-progress-after-jaywalking-reform/>



February 19, 2025

Support for SB106 - Relating to Pedestrians
Senate Committee on Judiciary (JDC)
February 19th, 2025, at 9:45 AM

Dear Chair Rhoads, Vice Chair Gabbard, and members of the JDC committee,

On behalf of the Maui Bicycling League (MBL), we express our **strong support** for SB106, also known as the “Freedom to Walk” bill. This legislation would permit pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a vehicle collision and would require drivers to stop for pedestrians indicating their intention to cross. Additionally, we recommend amendments to further strengthen the bill.

MBL is committed to advocating for safer streets and equitable mobility options for all road users. We recognize that pedestrians and cyclists face daily challenges navigating our roadways, and outdated jaywalking laws often hinder rather than protect their right to move safely and efficiently.

Key Reasons for Support:

1. **Encouraging Safer Pedestrian Behavior**

Current jaywalking laws discourage natural pedestrian movement and fail to account for real-world conditions, particularly in areas with insufficient or poorly placed crosswalks. Pedestrians should not be penalized for making safe, rational decisions when crossing roadways.

2. **Reducing Unnecessary Penalization of Pedestrians**

Hawaii has issued an excessive number of jaywalking citations compared to other states. From 2018 to 2023, over **30,000** jaywalking citations were issued in Hawaii—far surpassing figures from other states with larger populations. These citations disproportionately affect residents in urban areas where pedestrians frequently travel by foot due to necessity.

3. **Promoting Equity and Fair Enforcement**

Studies have consistently shown that jaywalking laws have led to over-policing in Black and Brown communities. While race and ethnicity data is not readily available for Hawaii’s jaywalking citations, national studies indicate that such laws are often enforced in a biased manner. Reforming these laws ensures fairer treatment of all road users.

4. **Shifting the Focus to Pedestrian Safety**

The history of jaywalking laws traces back to the 1920s when the auto industry lobbied for measures that shifted blame for road fatalities onto pedestrians rather than addressing dangerous driving behaviors. Today, we continue to see media and public narratives that blame pedestrians for their injuries rather than addressing infrastructure deficiencies or reckless driving.

5. **Improving Government Efficiency & Resource Allocation**

Enforcement of jaywalking laws drains public resources, including police time and judicial processing. The revenue generated from these citations is minimal, with less than **23%** of the assessed fines collected. By decriminalizing safe pedestrian crossings, state resources can be redirected toward more pressing traffic safety concerns, such as distracted and impaired driving.

Recommended Amendment:

We propose removing the clause that limits the bill's applicability to instances where the pedestrian is more than **200 feet from a marked crosswalk**. This measurement lacks clear rationale and would be challenging to enforce. Instead, we suggest clarifying that the measure applies to roadways **with two lanes or fewer**, ensuring practical and enforceable provisions that enhance pedestrian safety.

Conclusion

The Maui Bicycling League urges the Legislature to pass SB106 to create safer, more equitable streets for all road users. Eliminating outdated jaywalking penalties will help foster a more pedestrian-friendly Hawaii while ensuring that enforcement efforts prioritize actual traffic safety concerns.

Mahalo for your time and consideration.

Saman Dias



Chair Maui Bicycling League

Together, we can make our streets safer for everyone.

Maui Bicycling League

808-209-2542

maui@hbl.org

www.mauibike.org

SB-106-SD-1

Submitted on: 2/14/2025 7:24:07 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

I strongly oppose SB 106, SD 1, which authorizes pedestrians to act contrary to the statewide traffic code when a reasonably careful pedestrian would determine that there is no immediate danger from a collision with a moving vehicle.

A pedestrian may mistakenly believe it is safe to cross the roadway against traffic signal indicators and believe they have the right-of-way; and unaware of possible turning vehicles into their pathway as well as oncoming cars trying to beat the red light with increased speed.

I have observed while driving that even with speed limits posted in town as well as in rural areas that there are cars that are driving 10-15 mph, sometimes 20 mph above the posted speed limits. Sudden avoidance or direct impact to the individual who crosses outside of a crosswalk or not following the traffic signal indicator would cause severe injury, disability or death to the individual and even to the car/truck driver and their passengers.

Improve and increase the location of crosswalks as well as accessible and safe sidewalks for pedestrians. Please defer SB 106, SD 1. This bill is a pandora box as it is written. Safety first for all residents and visitors.

Thank you for the opportunity to submit testimony in strong opposition of SB 106, SD 1.

SB-106-SD-1

Submitted on: 2/14/2025 9:10:08 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

I strongly oppose this legislation. I drive through Downtown all day and see numerous people crossing whenever and where ever they choose. We need more enforcement of the current laws not less. People also begin to cross when the red hand is blinking on signaled and redlight camera enabled intersections, no consequences for the pedestrian making the driver possibly get a ticket. I also see this happen in Iwilei a lot and nothing is done. We need to hold pedestrians to the same standards as drivers. I strongly oppose this idea of free walking.

SB-106-SD-1

Submitted on: 2/14/2025 10:30:10 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ruth Love	Individual	Comments	Written Testimony Only

Comments:

Just make the law that pedestrian has the right of way irregardless of whether they are in a marked crosswalk or not.

The other is fuzzy.

Thank you

Mrs Ruth Love

SB-106-SD-1

Submitted on: 2/15/2025 8:43:02 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

I oppose this measure.

With the rate of injuries\deaths of pedestrians in authorized crossing areas, allowing people to cross in unmarked areas will just escalate those injuries\deaths.

SB-106-SD-1

Submitted on: 2/15/2025 3:01:21 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
lynne matusow	Individual	Support	Written Testimony Only

Comments:

About time. Recently jaywalking became legal in New York City. And it is working. There is no reason why vehicles are given priority over humans when there is no danger. Please support this bill.

SB-106-SD-1

Submitted on: 2/16/2025 12:09:32 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Caroline Azelski	Individual	Support	Written Testimony Only

Comments:

In support of. Thank you.

SB-106-SD-1

Submitted on: 2/16/2025 12:20:31 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
David Kingdon	Individual	Support	Written Testimony Only

Comments:

Senators:

I strongly support this measure to improve pedestrian safety in our communities. 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.

I urge you to consider proven solutions to make our streets safer for everyone, such as investing in Safe Routes to School, leading pedestrian intervals, and other low-cost, effective solutions. Mahalo for your time and consideration.

Sincerely,

David Kingdon, MPH, Paramedic

SB-106-SD-1

Submitted on: 2/16/2025 12:49:08 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Kathryn Braun	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure to improve pedestrian safety in our communities. I walk a lot for exercise and to and from work. I have to be very careful when I walk because sometimes drivers do not watch out for pedestrians and endanger me. So I find it believable that, in 2024, pedestrian fatalities rose by 61% compared to the previous year

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.

I urge you to consider proven solutions to make our streets safer for everyone, such as investing in Safe Routes to School, leading pedestrian intervals, and other low-cost, effective solutions. Mahalo for your time and consideration.

SB-106-SD-1

Submitted on: 2/16/2025 2:05:19 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Stephanie Austin	Individual	Support	Written Testimony Only

Comments:

Please support this rational bill!

SB-106-SD-1

Submitted on: 2/16/2025 3:07:42 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Shay Chan Hodges	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure to improve pedestrian safety in our communities. 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.

I urge you to consider proven solutions to make our streets safer for everyone, such as investing in Safe Routes to School, leading pedestrian intervals, and other low-cost, effective solutions. Mahalo for your time and consideration.

SB-106-SD-1

Submitted on: 2/17/2025 8:20:30 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
John A. H. Tomoso	Individual	Support	Written Testimony Only

Comments:

02-17-25

RE:SB106 SD1

Aloha e 'oukou,

I believe increasing pedestrian safety is crucial, for all our communities, as traffic fatalities rise in Hawai'i. Investing in the "walkability" of streets and byways, in safer streets will shift our resources from punitive laws to better design and infrastructure, making our communities more "walkable". I know that "high-risk pedestrian areas" account for 60% of fatalities and 42% of injuries. This, I believe, underscores the need for targeted infrastructure improvements, not policing victims of unsafe streets.

Me ka mahalo,

John A H Tomoso, MSW, ACSW

51 Kku'ula St., Kahului, Maui, HI 96732-2906

808-280-1749

john.a.h.tomoso@gmail.com

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

My name is Kiana Otsuka, and I am a Transportation Planner whose expertise is in walk, roll, bike, and transit. I am writing in **support of SB 106 SD1 and offer recommendations to improve the 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.

To strengthen the bill, I'd like to ask the committee to remove the provision that states 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'd like to 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.

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.

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

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

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

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

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

⁶ Honolulu Police Department. (2024). *Motor Vehicle Safety.* Available at:

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

⁷ [State of Hawaii Traffic Fatalities](#)

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

SB-106-SD-1

Submitted on: 2/17/2025 8:33:23 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Lauren Pokipala	Individual	Support	Written Testimony Only

Comments:

I strongly support this measure to improve pedestrian safety in our communities. In 2024, pedestrian fatalities rose by 61% compared to the previous year. Alarmingly, 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.

I urge you to consider proven solutions to make our streets safer for everyone, such as investing in Safe Routes to School, leading pedestrian intervals, and other low-cost, effective solutions. Mahalo for your time and consideration

SB-106-SD-1

Submitted on: 2/17/2025 8:34:25 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Tasman Kekai Mattox	Individual	Support	Written Testimony Only

Comments:

I support this measure.

SB-106-SD-1

Submitted on: 2/17/2025 10:28:56 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee

My name is Molly Mamaril I am an O‘ahu resident who both walks and drives in my community. I am writing in support of SB 106 SD1 and offer recommendations to improve the 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.

I’d like to ask the committee to remove the provision that states 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.

I am supportive of this bill for the following reasons:

- The number of jaywalking-related citations given in Hawai‘i is significantly higher than other localities in the U.S.
- Jaywalking enforcement leads to hostility towards pedestrians, over policing of Black and Brown communities
- Jaywalking fines are more expensive than some other drive-related violations, even though violations such as speeding are key contributors to our traffic deaths, injuries, and crashes. If fines are left unpaid, it can lead to legal consequences such as potential court appearances, wage garnishments, difficulty in obtaining government services, and negative impacts to employment and housing opportunities.
- Many states have found that by decriminalizing jaywalking, they reduced the burden on the justice system and removed opportunities for escalations
- Removing jaywalking penalties has not been found to increase adverse public safety outcomes.

Thank you for the opportunity to provide testimony.

Molly Mamaril

Kaimukī resident

SB-106-SD-1

Submitted on: 2/17/2025 10:42:00 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nathan Dube	Individual	Support	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

My name is Nathan Dube and I am an O‘ahu resident who both walks and drives in my community and across the island. I am writing in support of SB 106 SD1 and offer recommendations to improve the 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 includes when

I’d like to ask the committee to remove the provision that states 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.

I am supportive of this bill for the following reasons:

- **The number of jaywalking-related citations given in Hawai‘i is significantly higher than other localities in the U.S.**
- **Jaywalking enforcement leads to hostility towards pedestrians and over policing of residents from low-income backgrounds and people who are part of Black and Brown communities.**
- **Jaywalking fines are more expensive than some other driving-related violations, even though violations such as speeding are key contributors to our traffic deaths, injuries, and crashes.**
 - **If fines are left unpaid, it can lead to significant legal consequences such as potential court appearances, wage garnishments, difficulty in obtaining government services, and negative impacts to employment and housing opportunities.**
 - **For lower-income residents these fines and penalties are disproportionately harsh and often lead to more disproportionate hardship as referenced in the examples above.**
- **Many states have found that by decriminalizing jaywalking, they reduced the burden on the justice system and removed opportunities for escalations.**
- **Removing jaywalking penalties has not been found to increase adverse public safety outcomes.**

Thank you for the opportunity to provide testimony.

Mahalo nui,

Nathan Dube

SB-106-SD-1

Submitted on: 2/18/2025 9:09:50 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and Members of the Senate Committee on Judiciary,

I appreciate the opportunity to submit testimony in **strong support** of SB106 SD1. This legislation would allow pedestrians to cross streets when it is safe to do so, while also requiring drivers to yield to those indicating their intent to cross.

Hawai‘i’s current jaywalking laws disproportionately penalize pedestrians, particularly in urban areas, without meaningfully improving safety. From 2018 to 2023, more than 30,000 jaywalking citations were issued statewide—far exceeding the rate of enforcement in other states. These penalties can create undue financial burdens, contribute to over-policing in marginalized communities, and fail to address the root causes of pedestrian fatalities.

Decriminalizing safe street crossings aligns with efforts already undertaken in states such as California and Virginia, where legislation passed decriminalizing jaywalking have improved pedestrian autonomy without negatively impacting public safety. Instead of punitive measures, the state's focus should be on infrastructure improvements, such as better crosswalk placement, pedestrian signal solutions such as rapid flashing beacons, and traffic calming solutions, to enhance both pedestrian and vehicular safety.

I respectfully urge the committee to pass SB106 SD1 and help make Hawai‘i’s streets safer and more accessible for all.

Mahalo for your time and consideration.

Justin Menina

SB-106-SD-1

Submitted on: 2/18/2025 9:28:30 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

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

Comments:

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

I fully support **SB106**, 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**. Other states such as Virginia, California, and cities such as Anchorage, Denver, and Kansas City have implemented similar legislation to remove jaywalking penalties. Given that this effort is a relatively new initiative, there are many misconceptions about jaywalking and how removing jaywalking penalties will impact drivers and pedestrians. However, there is evidence that this measure can reduce the burden on the justice system, remove opportunities for hostility toward pedestrians, and provide more constructive applications of traffic safety resources.

Thank you for your consideration of **SB106**, 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.

SB-106-SD-1

Submitted on: 2/18/2025 9:32:23 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Nancy M. McPherson	Individual	Support	Written Testimony Only

Comments:

Aloha e Chair and Committee Members -- I strongly support this measure to improve pedestrian safety in our communities. In 2024, pedestrian fatalities rose by 61% compared to the previous year. Alarmingly, 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.

I urge you to consider proven solutions to make our streets safer for everyone, such as investing in Safe Routes to School, leading pedestrian intervals, and other low-cost, effective solutions. Mahalo for your time and consideration.

LATE

SB-106-SD-1

Submitted on: 2/18/2025 10:01:38 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ryan Willis	Individual	Oppose	Written Testimony Only

Comments:

I Oppose

Slippery slope. Regardless of who has to yield for who and who has the right away for who is at fault, vehicles will always win the battle.

LATE

SB-106-SD-1

Submitted on: 2/18/2025 10:38:31 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Leigh Ann Lopez	Individual	Support	Written Testimony Only

Comments:

I am writing to express my **strong support** for SB106, which would allow pedestrians to cross a street when a reasonably careful pedestrian determines that there is no immediate danger from a collision with a vehicle. I fully support initiatives aimed at enhancing pedestrian safety in our communities. In 2024, we witnessed a staggering 61% rise in pedestrian fatalities compared to the year before. Disturbingly, merely 2% of Honolulu’s streets are responsible for 60% of these fatalities and 42% of injuries. Instead of imposing fines for jaywalking—ranging from \$100 to \$150, often higher than speeding penalties—we need to shift our focus toward essential infrastructure improvements that can truly save lives.

I urge you to advocate for effective, evidence-based solutions that prioritize safety for all, such as investing in Safe Routes to School programs, establishing leading pedestrian intervals, and implementing other affordable measures. Together, we can create a safer environment for pedestrians. Thank you for your attention to this critical issue.

Respectfully,
Leigh Ann Lopez

LATE

SB-106-SD-1

Submitted on: 2/18/2025 3:25:21 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Ellen Awai	Individual	Support	Written Testimony Only

Comments:

I strongly support SB106 SD1 for pedestrians. As a kupuna, I now understand why many do not use cross walks. Although others defy or don't know the law or don't care, others such as kupuna and those with disabilities find it difficult to walk to the nearest crosswalk even if within 200 feet. But they are very cautious and check if crossing can be done safely especially living out in Ewa. I have to veer away from charging barking dogs, loud residences, or the heated side of the street to find shade to walk to my residence, especially when there is only one bus an hour in my area. If I try to advise youths about the importance of not parking at a bus stop, they will yell at me for jaywalking, so disrespectful!

Others teach their kids to ride ebikes up and down our street, where the kupuna fear reporting them since they live in the neighborhood. Still others don't know to allow the elderly and disabled to walk ahead or even to board the bus, but think it's just a race for them to get a seat or make us walk on the street, disregarding posted signs. It is sad that the laws that locals who were born and raised here have known for decades, are not taught or accepted by those who care little about others! People can be so disrespectful to others from different cultural backgrounds!

LATE

SB-106-SD-1

Submitted on: 2/18/2025 5:27:42 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Katie Folio	Individual	Support	Written Testimony Only

Comments:

Aloha, I strongly support this measure to improve pedestrian safety in our communities. I live in Kula on Maui and am the mother of two children who attend Kula Elementary. We walk to school and home every day, and I strongly support funding safe routes to school in addition to other proven solutions to make our streets safer for everyone. Safe Routes to School (SRTS) encourages more keiki to walk, bike, and roll to school, leading to increased physical activity, reduced traffic congestion around schools, improved air quality, and a significant decrease in pedestrian injuries among students. This ultimately improves overall health and well-being for children and the community at large. These funds are one of the only line items dedicated to pedestrian safety programs and projects. The SRTS Advisory Committee recommends budgeting \$15 million for SRTS projects.

Thank you for your consideration,

Katie Folio

Kula, Maui, HI

LATE

SB-106-SD-1

Submitted on: 2/18/2025 5:48:47 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Cyd L. Hoffeld	Individual	Support	Written Testimony Only

Comments:

Committee on Judiciary

Senator Karl Rhoads, Chair

Senator Mike Gabbard, Vice Chair

February 19, 2025

RE: Support of SB 106, SD1

Aloha Chair Rhoads, Vice Chair Gabbard, and members of the Committee,

My name is Cyd Hoffeld, and I work in old Pahoia Town on the Hawai'i Island. I strongly support SB 106, SD1 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 crossing the road when they are more than 200 feet from a crosswalk. It also requires a driver of a vehicle to yield to a pedestrian when the pedestrian clearly indicates their intention to cross within a crosswalk.

The streets of old Pahoia Town are especially narrow, and there are almost no sidewalks or crosswalks to use. Yet, for many people like me who enjoy walking to the post office, 7-11, the banks, to see my chiropractor, and to buy my sourdough bread from our sweet little bakery down the road, being able to cross the streets when the narrow strip of walkable pathway ends in bushes is essential for being safe. The alternative to taking these short walks on mostly dirt pathways is to drive less than a quarter mile in either direction.

The addition to this bill is to require motorists to yield to a pedestrian which they should already be doing, but they don't. Motorists who don't know that they are supposed to stop or yield for pedestrians who are visibly waiting at the crosswalk to cross safely or those drivers who just don't want to stop is very upsetting for pedestrians...especially when it's raining and it rains a lot here.

It is important to not only create bills like SB 106, SD1 but to educate drivers when bills like these are passed.

I urge you to strongly support SB106, SD1 which makes walking and crossing streets a little safer in Pahoia and elsewhere.

Mahalo!

LATE

SB-106-SD-1

Submitted on: 2/18/2025 5:50:53 PM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
(Rev.) Cloudia Charters	Individual	Support	Written Testimony Only

Comments:

In our household we are three senior citizens, 71 years old, 85 years old and 91 years old. A major fear and problem in our lives is vehicles on the sidewalk including bicycles, hoverboards, scooters, skateboards. In order to get our exercise walking, we must have eyes in the back of our heads as these vehicles are constantly whizzing past us at high rates of speed. They could easily change or end our lives. Please please please please please please do something about serious danger to pedestrians. Mahalo!

Cloudia Charters family, 96815

LATE

SB-106-SD-1

Submitted on: 2/19/2025 2:11:54 AM

Testimony for JDC on 2/19/2025 9:45:00 AM

Submitted By	Organization	Testifier Position	Testify
Julie Kuo	Individual	Comments	Written Testimony Only

Comments:

Dear Chair Rhoads, Vice Chair Gabbard, and members of the Judiciary Committee,

I am writing in support of SB 106 SD1 and offer recommendations to improve the 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.

I'd like to ask the committee to remove the provision that states 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.

Thank you for the opportunity to provide testimony.

Mahalo,

Julie Kuo