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## A BILL FOR AN ACT

RELATING TO SIDEWALKS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that policies that make  
2 it safer and easier for students to walk to school provide many  
3 public benefits including reduced traffic congestion and carbon  
4 dioxide emissions from reduced vehicular use, increased  
5 opportunities for healthy exercise, and increased sense of  
6 community. These benefits are acknowledged by the federal,  
7 state, and county safe routes to school programs, which, among  
8 other things, strive to make walking to school a safer, more  
9 routine activity.

10           However, across the State, many sidewalks in school zones  
11 and other areas of significant school-related pedestrian traffic  
12 are unsafe because of aging and a lack of proper maintenance and  
13 repair. These sidewalks may have trip hazards, including  
14 vertical and horizontal separation, vegetative growth  
15 encroachments, and other sidewalk obstructions. It is  
16 imperative that across the State, maintenance and repair of  
17 these sidewalks be fast-tracked to make them safe for routine



1 use by students and other school-related pedestrian traffic  
2 throughout the State. Fast-tracking should apply regardless of  
3 whether a sidewalk falls under county or state jurisdiction or  
4 whether a sidewalk should have been, but has not been dedicated  
5 to the county.

6 The legislature further finds that each county administers  
7 a sidewalk maintenance program. Moreover, where ownership of a  
8 particular highway and its appurtenant sidewalks is disputed  
9 between the State and county, the county is authorized to  
10 maintain and repair the disputed highway and its appurtenant  
11 sidewalks. Furthermore, county ordinances typically make a  
12 county responsible to investigate sidewalk damage concerns and  
13 enforce the repairs of sidewalks when damage is attributable to  
14 the abutting property owners.

15 The purpose of this Act is to establish and fund a two-year  
16 pilot school sidewalk maintenance and repair program in each  
17 county. The pilot program shall require each county to fast-  
18 track the maintenance and repair of sidewalks in school zones or  
19 other areas of significant school-related pedestrian traffic to  
20 make these sidewalks safe for routine use, particularly for  
21 students and other school-related pedestrian traffic.



1 SECTION 2. There is established a pilot school sidewalk  
2 maintenance and repair program in the city and county of  
3 Honolulu, county of Hawaii, county of Maui, and county of Kauai,  
4 and which shall be in coordination with the department of  
5 transportation. Under the pilot program, each county shall  
6 fast-track the maintenance and repair of sidewalks in school  
7 zones or other areas of significant school-related pedestrian  
8 traffic to make them safe for routine use and with priority  
9 given to maintaining and repairing sidewalks that pose the  
10 greatest safety concerns. The pilot school sidewalk maintenance  
11 and repair program shall cease on June 30, 2019.

12 As used in this Act:

13 "Sidewalk" means that portion of a street between the curb  
14 lines, or the lateral lines of a roadway, and the adjacent  
15 property lines, intended for use of pedestrians.

16 "School zone" means every street and all public property in  
17 the vicinity of a school as designated by the department of  
18 transportation and the respective counties.

19 SECTION 3. Each county shall submit a report on the  
20 progress made and plans for the maintenance and repair of  
21 sidewalks in school zones or other areas of significant school-



1 related pedestrian traffic in its jurisdiction, as required by  
2 this Act, to the legislature at least twenty days prior to the  
3 convening of the regular sessions of 2018 and 2019. The report  
4 shall include:

- 5 (1) The location, remedial action taken, and costs of  
6 repairs of sidewalks that have been repaired;
- 7 (2) The location, remedial action taken, the estimated  
8 cost of repairs, and a timeline for the remedial  
9 action for all sidewalks to be repaired; and
- 10 (3) Findings and recommendations, including proposed  
11 legislation, for the maintenance and repair of  
12 sidewalks to meet the objectives of this Act.

13 SECTION 4. There is appropriated out of the general  
14 revenues of the State of Hawaii the sum of \$                    or so much  
15 thereof as may be necessary for fiscal year 2017-2018 and the  
16 same sum or so much thereof as may be necessary for fiscal year  
17 2018-2019 for the pilot school sidewalk maintenance and repair  
18 program to assist the counties in maintaining and repairing  
19 sidewalks in school zones and other areas of significant school-  
20 related pedestrian traffic pursuant to this Act. The following  
21 sums shall be allocated to each county as follows:



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- 1 (1) City and county of Honolulu \$
- 2 (2) Hawaii county \$
- 3 (3) Maui county \$
- 4 (4) Kauai county \$

5 SECTION 5. The sums appropriated to each county shall be  
 6 expended by the respective county for the purposes of this Act.

7 SECTION 6. The sums appropriated shall constitute the  
 8 State's share of the county mandates under the pilot school  
 9 sidewalk maintenance and repair program pursuant to article  
 10 VIII, section 5, of the state constitution.

11 SECTION 6. This Act shall take effect on July 1, 2017, and  
 12 shall be repealed on June 30, 2019.

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INTRODUCED BY:

*[Handwritten signatures and names follow, including: Gussie Adams, Calvin K. ... Evans, John M. ... Mark J. ... Richard ...]*

# H.B. NO. 491

**Report Title:**

Pilot Program; Sidewalk Maintenance and Repair; School Zones; Appropriations

**Description:**

Establishes and funds a two-year pilot school sidewalk maintenance and repair program that requires counties to maintain and repair sidewalks in school zones or other areas of significant school related pedestrian traffic. Requires each county to report on the status of the pilot program.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

