

STAND. COM. REP. NO.

1783

Honolulu, Hawaii

MAR 20, 2025

RE: S.B. No. 106
S.D. 1
H.D. 1

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Transportation, to which was referred S.B. No. 106, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PEDESTRIANS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) 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 if the pedestrian is more than two hundred feet from a crosswalk; and
- (2) Require a driver of a vehicle to yield to a pedestrian when the pedestrian clearly indicates their intention to cross a roadway within a crosswalk.

Your Committee received testimony in support of this measure from the Office of the Public Defender; one member of the Kaua'i County Council; Hawai'i Appleseed Center for Law & Economic Justice; Grassroot Institute of Hawaii; Oahu Metropolitan Planning Organization; Hawai'i Public Health Institute; Hawai'i Workers Center; Health Eating + Active Living; and numerous individuals. Your Committee received testimony in opposition to this measure

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from the Honolulu Police Department; Keiki Injury Prevention Coalition; and six individuals. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that existing pedestrian laws often penalize individuals for making reasonable and safe decisions when crossing the street, particularly in areas with limited marked crosswalks. Studies show that enforcement of jaywalking laws disproportionately affects vulnerable communities and does not necessarily improve pedestrian safety. Instead, focusing on infrastructure improvements and ensuring drivers yield to pedestrians can create safer and more accessible streets for all.

However, your Committee believes that it is imperative to ensure the safety of all pedestrians in the State and that a pilot program would provide a better understanding of the impacts of allowing pedestrians to cross in areas with an unmarked crosswalk rather than allowing pedestrians to act in a way that is contrary to the Statewide Traffic Code.

Accordingly, your Committee has amended this measure by:

- (1) Amending the purpose section;
- (2) Making this measure a three-year Pedestrian Safety Pilot Program (Pilot Program) in each county with a population of two hundred fifty thousand or less by placing the language in session law rather than codifying it in the Hawaii Revised Statutes and clarifying the scope of the Pilot Program;
- (3) Authorizing each county to opt out of the Pilot Program, subject to the approval of the Director of Transportation;
- (4) Establishing fines and exceptions to the fines and depositing the fines collected into the State Highway Fund to support pedestrian safety infrastructure improvements;
- (5) Authorizing a pedestrian to contest a citation through an administrative hearing process;



- (6) Requiring the Department of Transportation and each county law enforcement agency to develop clear enforcement guidelines;
- (7) Specifying that burden of proof lies with the issuing officer;
- (8) Authorizing the Governor to:
 - (A) Revoke and abolish the Pilot Program statewide at any time if deemed necessary for public safety; and
 - (B) Overturn a county's approved opt-out request, in consultation with various individuals;
- (9) Authorizing a county with a population of over two hundred fifty thousand to participate in the Pilot Program, subject to certain conditions;
- (10) Requiring the Department of Transportation, in coordination with the State Highway Safety and Modernization Council, to collect and analyze data on the impacts of the Pilot Program and report to the Legislature before and after the Regular Sessions of 2026, 2027, and 2028;
- (11) Exempting certain roadways and areas from the Pilot Program;
- (12) Defining "immediate danger";
- (13) Inserting a sunset date of June 30, 2028;
- (14) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 106, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 106, S.D. 1, H.D.



1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Transportation,

A handwritten signature in black ink, consisting of a large, stylized 'D' followed by a series of loops and a final horizontal stroke.

DARIUS KILA, Chair



Hser 1383

Bill/Resolution No.: SB 106, SD 1	Committee Referral: TRN, JHA	Date: 3/18/25		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TRN Members	Ayes	Ayes (WR)	Nays	Excused
1. KILA, Darius K. (C)	✓			
2. GRANDINETTI, Tina Nakada (VC)	✓			
3. COCHRAN, Elle				✓
4. EVSLIN, Luke A.	✓			
5. KITAGAWA, Lisa	✓			
6. LA CHICA, Trish	✓			
7. MIYAKE, Tyson K.			✓	
8. MURAOKA, Christopher L.		✓		
9. PIERICK, Elijah	✓			
TOTAL (9)	6	1	1	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				