
A BILL FOR AN ACT

RELATING TO PEDESTRIANS.

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

1 PART I

2 SECTION 1. The legislature finds that pedestrian mobility
3 is an essential part of a sustainable and accessible
4 transportation system. However, pedestrian safety is a critical
5 concern, especially in densely populated areas with high
6 vehicular traffic. While the legislature acknowledges the
7 benefits of walking as a mode of transportation, including
8 reducing carbon emissions and promoting public health, it also
9 recognizes the need to balance pedestrian freedom with public
10 safety.

11 The legislature further finds that counties with smaller
12 populations may be better suited to test pedestrian-friendly
13 policies, whereas counties with populations exceeding two
14 hundred fifty thousand require a more structured approach to
15 ensure pedestrian and driver safety.

16 Accordingly, the purpose of this Act is to provide
17 pedestrians with greater freedom by:



- 1 (1) Establishing a three-year pedestrian safety pilot
2 program in each county with a population of two
3 hundred fifty thousand or less, under certain
4 conditions, which prohibits a pedestrian from being
5 stopped, fined, or subjected to a penalty for crossing
6 outside of a marked crosswalk;
- 7 (2) Authorizing the governor to:
- 8 (A) Revoke and abolish the pilot program statewide at
9 any time if deemed necessary for public safety;
10 and
- 11 (B) Overturn a county's approved opt-out request
12 after consulting with certain individuals;
- 13 (3) Authorizing a county with a population of over two
14 hundred fifty thousand to participate in the pilot
15 program, subject to certain conditions;
- 16 (4) Requiring reports to the legislature; and
- 17 (5) Requiring any driver of a vehicle to yield to a
18 pedestrian who clearly indicates their intention to
19 cross the roadway at a crosswalk.

20 PART II



1 SECTION 2. (a) There shall be established a three-year
2 pedestrian safety pilot program in each county with a population
3 of two hundred fifty thousand or less; provided that a county
4 may opt out of the pilot program upon request by the mayor of
5 the county, subject to the approval of the director of
6 transportation. Notwithstanding any other law to the contrary,
7 under the pilot program, no pedestrian shall be stopped by a law
8 enforcement officer, fined, or subjected to any other penalty
9 for crossing outside of a marked crosswalk; provided that:

10 (1) The pedestrian is at least two hundred feet from the
11 nearest crosswalk; and

12 (2) A reasonably careful pedestrian would determine there
13 is no immediate danger of a collision with a moving
14 vehicle.

15 (b) The department of transportation and each county law
16 enforcement agency shall develop clear enforcement guidelines to
17 enforce the pilot program.

18 (c) The burden of proof shall lie with the issuing
19 officer, who must show that the pedestrian engaged in behavior
20 that created an immediate danger of collision with a moving
21 vehicle.



1 (d) The governor may:

2 (1) Revoke and abolish the pilot program statewide at any
3 time if deemed necessary for public safety; and

4 (2) Overturn a county's approved opt-out request under
5 subsection (a); provided that the governor shall
6 consult with the following individuals before
7 overturning an opt-out request:

8 (A) The attorney general;

9 (B) The president of the senate;

10 (C) The speaker of the house of representatives;

11 (D) The chairs of the senate and house standing
12 committees with primary jurisdiction over
13 transportation; and

14 (E) The chairs of the senate and house standing
15 committees with primary jurisdiction over the
16 judiciary.

17 (e) A county with a population of over two hundred fifty
18 thousand may participate in the pilot program; provided that the
19 state highway safety and modernization council shall first, in
20 consultation with the department of transportation and county
21 law enforcement agencies, determine designated areas in the



1 county to implement the pilot program, subject to the final
2 approval from the director of transportation in consultation
3 with the:

4 (1) Chairs of the senate and house standing committees
5 with primary jurisdiction over transportation; and

6 (2) Chairs of the senate and house standing committees
7 with the primary jurisdiction over the judiciary.

8 (f) The department of transportation shall, in
9 coordination with the state highway safety and modernization
10 council, collect and analyze data on the impacts of the pilot
11 program and submit biannual reports to the legislature no later
12 than sixty days prior to the convening of the regular sessions
13 of 2026, 2027, and 2028 and sixty days after adjournment sine
14 die of the regular sessions of 2026, 2027, and 2028. The
15 reports shall include but not be limited to:

16 (1) Assessments of the benefits and drawbacks of the pilot
17 program;

18 (2) Traffic crash data before and after the implementation
19 of the pilot program;

20 (3) Pedestrian citation data, including how many fines
21 were issued and contested;



(4) Public feedback on the pilot program's effectiveness and concerns raised by business districts and communities;

(5) Law enforcement reports on compliance challenges; and

(6) Recommendations for the continuation, expansion, or modification of the pilot program.

(g) This section shall not apply to:

(1) Roadways with speed limits exceeding twenty-five miles per hour;

(2) Roadways with limited pedestrian visibility, such as tunnels, bridges, and high-traffic intersections; and

(3) Areas with high pedestrian-vehicle conflict, as determined by law enforcement agencies.

(h) This section shall not relieve:

(1) A pedestrian from the duty of using due care for their safety and the safety of others; or

(2) A driver of a vehicle from the duty of exercising due care for the safety of any pedestrian within the roadway.



1 (i) For purposes of this section, "immediate danger" means
2 crossing in a manner that requires an oncoming vehicle to brake
3 suddenly or swerve to avoid impact.

4 PART III

5 SECTION 3. Section 291C-72, Hawaii Revised Statutes, is
6 amended by amending subsection (a) to read as follows:

7 "(a) The driver of a vehicle shall stop for a pedestrian
8 who is crossing the roadway within a crosswalk when the
9 pedestrian is [~~either~~]:

10 (1) Upon the half of the roadway upon which the vehicle is
11 traveling; [~~or~~]

12 (2) Approaching the vehicle so closely from the opposite
13 half of the roadway as to be in danger[~~τ~~]; or

14 (3) Clearly indicating to the driver of a vehicle their
15 intention to cross the roadway,

16 and shall not proceed until the pedestrian has passed the
17 vehicle and the driver can safely proceed.

18 For purposes of this section, "a pedestrian who is crossing
19 the roadway within a crosswalk" occurs when any part or
20 extension of the pedestrian, including any part of the
21 pedestrian's body, wheelchair, cane, crutch, or bicycle, is



1 beyond the curb or edges of the traversable roadway and moves
2 onto the roadway within an intersection or crosswalk."

3 PART IV

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect on July 1, 3000, and
7 shall be repealed on June 30, 2028.



Report Title:

Pedestrians; Safety; Street Crossing; Pilot Program

Description:

Establishes a three-year Pedestrian Safety Pilot Program in a county with population of two hundred fifty thousand or less, under certain conditions. Authorizes the Governor to revoke and abolish the Pilot Program and overturn a county's request to opt-out of the Pilot Program. Authorizes a county with a population of over two hundred fifty thousand to participate in the Pilot Program, subject to certain conditions. Requires reports to the Legislature. 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. Sunsets 6/30/2028. Effective 7/1/3000. (HD2)

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