



GOV. MSG. NO. 920

EXECUTIVE CHAMBERS

HONOLULU

July 9, 2008

LINDA LINGLE
GOVERNOR

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fourth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

Re: House Bill No. 357 HD2 SD1 CD1

On July 8, 2008, House Bill No. 357, entitled "A Bill for an Act Relating to Traffic Safety" became law without my signature, pursuant to Section 16 of Article III of the State Constitution.

This bill appropriates \$1 million in general funds to the State Department of Transportation to conduct a study and identify State and county intersections where the time to cross is insufficient. The Department is directed to implement improvements to crosswalks identified in the study as high risk. Examples would be adjusting the signal timing or adding countdown timers. The bill also asks the State Department of Transportation to recommend legislation to the 2010 session.

My Administration strongly supports improved pedestrian safety. We have installed countdown timers, improved crosswalk stripping, added signage, and improved shoulders and pedestrian walk lanes over this biennium period with the intended purpose of improving the safety of the State's roadways. We have also promoted pedestrian safety education programs including "Walk-Wise Hawaii." We recognize this is an on-going responsibility, particularly as our population ages.

This bill raises several concerns that resulted in my decision not to sign the bill. Most notably, the fiscal picture of the State has changed, meaning each decision that impacts the expenditure of State funds must be cautiously reviewed. This bill appropriates general funds, which I concur is preferable to using State highway funds, for pedestrian improvements. However, the \$1 million appropriation in this measure is outside of the State's 6-year balanced budget plan.

Second, the Department of Transportation informs me that they are skeptical this amount will be adequate to finance all of the items enumerated in this bill. Engineering studies are not

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inexpensive. Thus, it is questionable whether adequate funds will remain to carry out some of the implementation projects contemplated in this legislation.

Finally, as I pointed out in 2007, the counties collect a fuel tax to cover the costs of maintaining and improving county roadways. The county jurisdictions should be encouraged to budget funds for pedestrian improvements on their roads, rather than anticipating they will receive funds from the State.

For the foregoing reasons, I allowed House Bill No. 357 to become law as Act 232, effective July 8, 2008, without my signature.

Sincerely,



LINDA LINGLE

A BILL FOR AN ACT

RELATING TO TRAFFIC SAFETY.

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

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

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

13 However, elderly pedestrians need more time to cross major
14 intersections due to diminishing physical abilities.

15 Considering that an elderly pedestrian generally crosses the
16 street at a slower walking speed, limited timeframes to cross
17 the street safely put elderly pedestrians at risk.



1 Recently, AARP Hawaii staff, volunteers, and community
2 partners gathered at intersections across Hawaii to conduct
3 "walkability" assessments along many of Hawaii's busiest streets
4 and identified many intersections where the timeframes to cross
5 the street safely were too short. Hawaii's elderly pedestrians
6 should not have to rush to cross the street. The length of a
7 flashing indication should be sufficient for elderly pedestrians
8 to cross the street safely.

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

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

- 16 (1) Work with nonprofits and the counties to take
17 immediate action to make crosswalks and roadways
18 safer;
- 19 (2) Conduct a study to identify more intersections where
20 the time to cross the intersection is insufficient for
21 elderly pedestrians; and



1 (3) Develop additional plans to make crosswalks and
2 roadways safer.

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

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

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

17 (1) Recalibrating traffic signals to lengthen crossing
18 times;

19 (2) Accelerating the schedule to replace non-timer
20 crossing signals with traffic countdown timers;

21 (3) Strategically reprioritizing installation of traffic
22 countdown timers based on how dangerous the



1 intersection ranks based on data, including the recent
2 AARP Hawaii study;

3 (4) Developing a statewide public awareness campaign;

4 (5) Pilot projects such as pedestrian-activated flashing
5 signals, portable hand-carried signs and flags;

6 (6) Advanced crosswalk markers; and

7 (7) Enforcement of crosswalk laws for cars and
8 pedestrians.

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

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

17 (1) The principle of the law of the splintered paddle, Ke
18 Kanawai Mamalahoe, that roadways need to be safely
19 shared among all road users;

20 (2) The need to consider the capabilities and needs of the
21 elderly, children, and disabled persons to use
22 appropriate roads as pedestrians;



1 (3) Impacts on current traffic volumes when pedestrian
2 walk times are lengthened and potential
3 countermeasures for the effects on traffic; and

4 (4) Streets, intersections, and communities having
5 insufficient timeframes for elderly persons to cross
6 the street safely.

7 (d) The department of transportation may:

8 (1) Contract out the study to a private contractor; and

9 (2) Involve the various county transportation departments
10 as appropriate.

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

18 SECTION 3. There is appropriated out of the general
19 revenues of the State of Hawaii the sum of \$1,000,000 or so much
20 thereof as may be necessary for fiscal year 2008-2009 for the
21 department of transportation to conduct a pilot study to
22 identify state and county intersections where the time to cross



