



GOV. MSG. NO. 1046

EXECUTIVE CHAMBERS  
HONOLULU

LINDA LINGLE  
GOVERNOR

July 10, 2007

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:

I am transmitting herewith SB1191 SD2 HD2 CD1, without my approval, and with the statement of objections relating to the measure.

SB1191 SD2 HD2 CD1

A BILL FOR AN ACT RELATING TO PEDESTRIAN SAFETY.

Sincerely,

A handwritten signature in black ink, appearing to read "Linda Lingle".

LINDA LINGLE

P R O C L A M A T I O N

Whereas, under Section 16 of Article III of the Constitution of the State of Hawaii, the Governor is required to give notice, by a proclamation, of the Governor's plan to return with the Governor's objections any bill presented to the Governor less than ten days before adjournment sine die or presented to the Governor after adjournment sine die of the Legislature; and

WHEREAS, Senate Bill No. 1191, entitled "A Bill for an Act Relating to Pedestrian Safety," passed by the Legislature, was presented to the Governor within the aforementioned period; and

WHEREAS, Senate Bill No. 1191 is unacceptable to the Governor of the State of Hawaii;

NOW, THEREFORE, I, LINDA LINGLE, Governor of the State of Hawaii, do hereby issue this proclamation, pursuant to the provisions of Section 16 of Article III of the Constitution of the State of Hawaii, giving notice of my plan to return Senate Bill No. 1191 with my objections thereon to the Legislature as provided by said Section 16 of Article III of the Constitution.

DONE at the State Capitol, Honolulu,  
State of Hawaii, this 25th  
day of June, 2007.



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LINDA LINGLE  
Governor of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2007

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 1191

Honorable Members  
Twenty-Fourth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 1191, entitled "A Bill for an Act Relating to Pedestrian Safety."

This bill appropriates \$1,500,000 in fiscal year 2007-2008 and \$1,500,000 in fiscal year 2008-2009 for projects that are designed to increase pedestrian safety. The bill would require the State Department of Transportation to submit an interim report to the Legislature for the 2008 regular session and a final report before the 2009 regular session.

While my administration strongly supports improved pedestrian safety, we are concerned about the adverse impact this bill creates on the State Highway Fund. The State Highway Fund has been decreasing as a result of increased efforts to address long-standing highway construction needs in the State. In fiscal year 2005-2006 the Fund had a balance of \$135,200,000. At the end of fiscal year 2008-2009, the Fund is projected to have a balance of about \$36,700,000.

In recognition of this decline, my Administration requested a \$72,000,000 cash infusion into the State Highway Fund to ensure that ongoing projects can continue. The Legislature did not approve this funding request. Diverting \$3,000,000 from the State Highway Fund will cause further

STATEMENT OF OBJECTIONS  
SENATE BILL NO. 1191  
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depletion of resources needed to match federal highway dollars and construct much needed roadways in our State.

The bill would allocate \$1,200,000 from State Highway funds as grants to the counties to purchase and install pedestrian-related changes on county roads and county intersections. The county fuel tax is already available for addressing these types of improvements on county roadways.

As noted in my July 5, 2007 communication to Speaker Say and President Hanabusa, the defect in this bill can be easily remedied by appropriating moneys from the General Fund rather than the State Highway Fund. I have asked the Legislature to make this amendment so that I may sign this measure for improved pedestrian safety. Without this amendment, which only the Legislature can enact, the bill is unacceptable.

For the foregoing reasons, I am returning Senate Bill No. 1191 without my approval.

Respectfully,



LINDA LINGLE  
Governor of Hawaii

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## A BILL FOR AN ACT

RELATING TO PEDESTRIAN SAFETY.

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

1           SECTION 1. The 2004 "Elderly Pedestrian Integration  
2 Report" prepared by SMS Research & Marketing Services, Inc., for  
3 the 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 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 safely  
5 cross the street were too short. Hawaii's elderly pedestrians  
6 should not have to rush to cross the street. The length of a  
7 flashing signal should be sufficient for elderly pedestrians to  
8 safely cross the street.

9 While the elderly, children, and disabled persons are the  
10 most vulnerable, others are also at risk. Already in 2007,  
11 eleven pedestrians have been killed. At the current rate, 2007  
12 could be one of the most dangerous years ever for pedestrians in  
13 Hawaii. Immediate action is necessary.

14 The purpose of this measure is to appropriate funds to the  
15 department of transportation to work with nonprofit  
16 organizations and the counties to take steps for immediate  
17 action to make crosswalks and roadways safer.

18 Making Hawaii's roadways safer for pedestrians is  
19 consistent with Kamehameha's famous law, Ke Kanawai Mamalahoe,  
20 the Law of the Splintered Paddle, which assures that every man,  
21 woman, and child is able to travel freely and in peace. This



1 law is established as state law in article IX, section 10, of  
2 the Hawaii State Constitution:

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

6 SECTION 2. The department of transportation shall work  
7 with the counties and nonprofit organizations such as the AARP  
8 in implementing improvements - which do not require extensive  
9 studies - to make crosswalks and roadways safer for pedestrians,  
10 with priority to high-risk areas, including but not limited to:

- 11 (1) Recalibrating traffic signals to lengthen crossing  
12 times;
- 13 (2) Accelerating the schedule to replace non-timer  
14 crossing signals with traffic countdown timers;
- 15 (3) Strategically reprioritizing installation of traffic  
16 countdown timers based on how dangerous the  
17 intersection ranks based on available data, including  
18 the recent AARP Hawaii study;
- 19 (4) Developing a statewide public awareness campaign;
- 20 (5) Implementing pilot projects using such strategies as  
21 pedestrian-activated flashing signals, in-pavement



1 warning lights, and portable hand-carried signs and  
2 flags, and advanced crosswalk markers; and  
3 (6) Enforcement of crosswalk laws for cars and  
4 pedestrians.

5 SECTION 3. There is appropriated out of the state highway  
6 fund the sum of \$1,500,000 or so much thereof as may be  
7 necessary for fiscal year 2007-2008 and the same sum or so much  
8 thereof as may be necessary for fiscal year 2008-2009 for the  
9 department of transportation to work with the counties and  
10 nonprofit organizations to identify and implement improvements,  
11 which do not require extensive studies to make crosswalks and  
12 roadways safer to pedestrians.

13 Of the total sum of \$3,000,000 in both fiscal years:

14 (1) The sum of \$900,000 or so much thereof as may be  
15 necessary for fiscal year 2007-2008 and the same sum  
16 or so much thereof as may be necessary for fiscal year  
17 2008-2009 shall be expended by the department of  
18 transportation for purposes of section 2 of this Act;  
19 and

20 (2) The sum of \$600,000 or so much thereof as may be  
21 necessary for fiscal year 2007-2008 and the same sum  
22 or so much thereof as may be necessary for fiscal year



1           2008-2009 shall be disbursed as grants-in-aid to the  
2           counties for the purchase and installation of traffic  
3           countdown timers at county-controlled intersections  
4           and other pedestrian safety improvements; provided  
5           that no funds shall be released to a county unless  
6           that county matches the appropriation on a one-to-one  
7           basis. The appropriation to each county for each  
8           fiscal year shall be as follows:

9           (A) City and county of Honolulu	\$300,000
10          (B) Hawaii county	\$150,000
11          (C) Kauai county	\$75,000
12          (D) Maui county	\$75,000

13           The sums appropriated shall be expended by the respective  
14           counties for the purposes of this section.

15           SECTION 4. The department of transportation shall submit  
16           an interim report to the legislature not later than twenty days  
17           prior to the convening of the regular session of 2008 and a  
18           final report, including accomplishments, findings, future plans,  
19           cost estimates, and any proposed legislation relating to  
20           pedestrian safety improvements, to the legislature not later



1 than twenty days prior to the convening of the 2009 regular  
2 session.

3 SECTION 5. This Act shall take effect on July 1, 2007.

