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Historic Agreement Reached in Hawai'i Youth-Led Constitutional Climate Case

HONOLULU, Hawai'i—Today, June 20, 2024, youth plaintiffs in the [*Navahine v. Hawai'i Department of Transportation*](#) constitutional climate suit joined Hawai'i Department of Transportation (HDOT) Director Edwin Sniffen and Governor Josh Green to announce and celebrate a [groundbreaking agreement](#) resolving the case. The settlement agreement, which the court has approved, recognizes children's constitutional rights to a life-sustaining climate and mobilizes HDOT to plan and implement transformative changes of Hawai'i's transportation system to achieve zero emissions in all ground transportation, and interisland sea and air transportation, by 2045. The court will retain jurisdiction to enforce the agreement for the next 21 years until its terms have been achieved.

Navahine v. Hawai'i Department of Transportation is the world's first youth-led constitutional climate case addressing climate pollution from the transportation sector. Thirteen youth from across the Hawaiian Islands brought the case in June 2022, asserting their rights to a safe and healthy climate and asking the Hawai'i state government to take necessary actions to meet the climate emergency and enable Hawai'i's paradigm shift to a climate-safe, zero emissions transportation system. Many of the *Navahine* plaintiffs are Native Hawaiian youth who are already experiencing climate change harms like sea level rise, drought, floods, and fires, which have threatened their lives and their ability to practice cultural traditions such as kalo farming, fishing, and gathering.

The settlement of *Navahine* is also an historic first – the first settlement agreement of its kind, in which government defendants have decided to resolve a constitutional climate case in partnership with youth plaintiffs, committing to comprehensive changes and the systemic decarbonization of a state transportation system to reduce greenhouse gas pollution and fossil fuel dependence. In this case, HDOT's Director Edwin Sniffen took unprecedented leadership to negotiate a resolution and embrace the government's kuleana (responsibility) to lead the way on bold and broad climate action.

The agreement sets forth a framework that positions Hawai'i among the leading states in the nation in moving from the legacy 20th-century transportation system that depends on costly

imported fossil fuels, to a cleaner, cheaper, and safer system that supports converting to vehicles that run on clean electricity and gives people more choices to get around by walking, cycling/scootering, and riding public transit. This framework offers an exemplary and replicable model for decarbonizing transportation systems around the U.S., and the world.

The agreement recognizes climate rights and responsibilities, including the understanding that the state transportation system must be established and operated to “preserve, protect, and maintain Hawai‘i’s public trust resources and all Hawai‘i citizens’ right to a clean and healthful environment,” and that HDOT will “take any actions necessary” to achieve zero emissions across all transportation modes within the state, including ground, sea, and air and interisland air transportation.

The agreement also includes numerous provisions for immediate and ongoing action steps by HDOT. These include, for example:

- **Establishing a Greenhouse Gas Reduction Plan** within one year of the agreement, laying the foundation and roadmap to decarbonize Hawai‘i’s transportation system within the next 20 years.
- **Creating a lead unit and responsible positions within HDOT** to coordinate the mission of GHG reduction throughout the agency; oversee climate change mitigation and adaptation for the highways program; and ensure implementation of the Complete Streets policy of building and upgrading public highways for all users, ages, and abilities.
- **Establishing a volunteer youth council** to advise on HDOT’s mitigation and adaptation commitments in the years to come.
- **Improving its transportation infrastructure budgeting process** to prioritize reduction of GHG and vehicles miles traveled (VMT) and transparently analyze and disclose the GHG and VMT impacts of each project and the overall program.
- **Making immediate, ambitious investments in clean transportation infrastructure**, including completing the pedestrian, bicycle, and transit networks in 5 years, and dedicating a minimum of \$40 million to expanding the public electric vehicle charging network by 2030.

The parties and the court agreed the court will maintain continuing jurisdiction over their agreement through 2045 to ensure implementation.

Statements from all Parties follow.

“I am so proud of all the hard work to get us to this historic moment. We got what we came for, and we got it faster than we expected. Mai kuhihewa young people have the power to make a difference for their futures.”

- **Navahine F.**, youth plaintiff

"Being heard and moving forward in unity with the State to combat climate change is incredibly gratifying, and empowering. This partnership marks a pivotal step towards preserving Hawai‘i for future generations--one that will have a ripple effect on the world. I hope our case inspires youth

to always use their voices to hold leaders accountable for the future they will inherit."

- **Rylee Brooke K.**, youth plaintiff

"The thirteen youth Plaintiffs in *Navahine v. Hawai'i Department of Transportation* have just achieved the first Settlement Agreement in a constitutional climate case, paving the way for systemic decarbonization of transportation. One of the most intractable barriers to combatting the climate crisis is now being addressed head-on, and this historic Agreement offers a holistic roadmap for states and countries to follow around the world."

- **Andrea Rodgers**, Deputy Director, U.S. Strategy, Our Children's Trust, Co-Counsel for the *Navahine* plaintiffs

"Hawai'i's young people raised their voices to protect our future here in the islands, and their voices were heard. Today's settlement shows that the State and HDOT are committed to transformative action to reduce our transportation emissions before it's too late. This new partnership puts climate action in the fast lane towards a more just and equitable future."

- **Leinā'ala Ley**, Senior Associate Attorney, Earthjustice

"Climate change is indisputable, burying our heads in the sand and making it the next generation's problem is not pono. In our agreement with Our Children's Trust and Earthjustice we're committing to develop and use greenhouse gas emission measurements and reductions in vehicle miles traveled when we develop ground transportation projects and look for ways to translate that to our Airports and Harbors projects." -**Ed Sniffen**, Director of Transportation

"The passion demonstrated by these young people in advocating for a healthy, sustainable future for their generation and those to come, is laudable. This settlement informs how we as a state can best move forward to achieve life-sustaining goals and further, we can surely expect to see these and other youth in Hawai'i continue to step up to build the type of future they desire."

-**Governor Josh Green, M.D.**

"The historic resolution of the Navahine case came down to the spirit of leadership and partnership modeled by HDOT Director Ed Sniffen. Hawai'i has often led the way in setting goals, but this agreement gets us moving on real action. All journeys begin with a step, and we're taking a huge one here for the moonshot mission of our generation." – **Isaac Moriwake**, Managing Attorney, Earthjustice Mid-Pacific Office

"Our courts are essential guardians of children's constitutional rights and empowered to protect the planet, but they rely on our collective engagement. *Navahine* youth plaintiffs activated the courts and inspired true democracy in action—all three branches of government committing to work together to do what needs to be done according to best available science, to safeguard their futures. Young people across the country and around the world will follow in their footsteps, carrying the same values of care, defense, and love of the land to action."

- **Julia Olson**, Founder and Chief Legal Counsel, Our Children's Trust

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Our Children's Trust was founded in 2010 on the idea that courts are vital to democracy and empowered to protect our children and the planet. Without a stable climate system, every natural resource we rely upon to exercise our basic human rights—life, liberty, home, happiness—is under threat. Our work will be achieved when there is universal recognition of children's climate rights by courts around the world and children's fundamental rights to life on this planet are protected. www.ourchildrenstrust.org

Earthjustice is a premier non-profit public interest law firm committed to environmental justice. We wield the power of the law and the strength of partnership to protect people's health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. www.earthjustice.org