

INFRASTRUCTURE MANAGEMENT COMMITTEE

Council of the County of Maui

MINUTES

August 2, 2010

Council Chamber, 8th Floor

CONVENE: 9:01 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Joseph Pontanilla, Vice-Chair
Councilmember Gladys C. Baisa
Councilmember Sol P. Kaho'ohalahala
Councilmember Danny A. Mateo
Councilmember Michael J. Molina
Councilmember Michael P. Victorino

NON-VOTING MEMBERS:
Councilmember Wayne K. Nishiki

EXCUSED: Councilmember Bill Kauakea Medeiros, Chair

STAFF: Michael J. Geers, Legislative Analyst
Camille Sakamoto, Committee Secretary
Leinaala Kihm, Executive Assistant to Councilmember Bill Kauakea Medeiros

ADMIN.: Milton M. Arakawa, Director, Department of Public Works
Nolly Yagin, Civil Engineer, Department of Public Works
Michael Kaho'ohanohano, Lieutenant, Department of Public Works (Item No. 74)
Edward S. Kushi Jr., Deputy Corporation Counsel, Department of the
Corporation Counsel (substituting for Deputy Corporation Counsel David Galazin)

OTHERS: Joanne Shibuya Nakashima (Item No. 74)
Stanley Kiyonaga (Item No. 74)
Walter Enomoto, President, Maui Bicycle Alliance (Item No. 40)
Warren McCord, President, Maui Outdoor Circle (Item No. 40)
Gina Flammer (Item No. 40)
Fred Rohlfing (Item No. 40)
Richard Goodenough, President, Maui Downhill Bicycle Tours (Item No. 40)
Lesley Ann Bruce (Item No. 40)
James Broder, Upcountry Citizens for Bike and Traffic Safety (Item No. 40)
Phil Feliciano, Owner, Cruiser Phil's (Item No. 40)
Russell Allen (Item No. 40)
Glenn Kimura, Kimura International, Inc. (Item No. 40)
Nancy Nishikawa, Kimura International, Inc. (Item No. 40)
Paul L. Horikawa, Legal Counsel for Kimura International, Inc. (Item No. 40)

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Charlene Shibuya, Assistant District Engineer and Construction Engineer, Maui
District Office, State Department of Transportation (Item No. 40)

Glen Nakashima (Item No. 74)

Jackie Kiyonaga (Item No. 74)

Four (4) additional unidentified attendees

PRESS: *Akaku: Maui Community Television, Inc.*
Claudine San Nicholas, The Maui News

VICE-CHAIR PONTANILLA: . . .(*gavel*). . . The Infrastructure Management Committee Meeting is now in session. The time is 9:02. Good morning, Members. At this time the Chair would like to introduce the Members that are here this morning. We do have Committee Member, let's see, Gladys Baisa.

COUNCILMEMBER BAISA: Good morning, Chair.

VICE-CHAIR PONTANILLA: Good Morning. Committee Member Michael Molina.

COUNCILMEMBER MOLINA: Good morning, Chairman.

VICE-CHAIR PONTANILLA: Committee Member Sol Kaho'ohalahala.

COUNCILMEMBER KAHO'OHALAHALA: Good morning, Chair.

VICE-CHAIR PONTANILLA: Committee Member Danny Mateo.

COUNCILMEMBER MATEO: Good morning, Chair.

VICE-CHAIR PONTANILLA: Good morning. Committee Member Michael Victorino.

COUNCILMEMBER VICTORINO: Aloha and good morning, Chair.

VICE-CHAIR PONTANILLA: Joining us this morning is Non-Committee Member, Mr. Wayne Nishiki.

COUNCILMEMBER NISHIKI: Morning.

VICE-CHAIR PONTANILLA: . . . Um. . .the Chairman of the Infrastructure Management Committee meeting is not here this morning. He had some personal items that he needed to take care of. I'm the Vice-Chair, my name is Joe Pontanilla. I'll be conducting this meeting this morning. At this time, the Chair would like to recognize the Staff members that are supporting the Committee this morning. We do have Michael Geers who is the Legislative Analyst, as well as Camille Sakamoto, our Committee Secretary. Members,

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we do have members of the Administration with us this morning. From the Corporation Counsel Office, we do have Deputy Corporation Counsel, Mr. Ed Kushi Jr., from--

MR. KUSHI: Morning.

VICE-CHAIR PONTANILLA: --morning. From the Public Works Department, we have Director Milton Arakawa.

MR. ARAKAWA: Morning.

VICE-CHAIR PONTANILLA: Good morning, and. . .Engineer--

UNIDENTIFIED SPEAKER: . . .*(Inaudible)*. . .

MR. ARAKAWA: Nolly Yagin.

VICE-CHAIR PONTANILLA: Okay. Mr. Yagin. Members, we do have two items on the agenda this morning. They are. . .IM-74, A BILL RELATING TO DESIGNATION OF IAO INTERMEDIATE SCHOOL LOADING ZONE; as well as IM-40, the DOWNHILL BICYCLE TOURS STUDY. At this time, the Chair would like to have public testimony. We do have several people signed up for public testimony this morning. For those of you that are providing public testimony this morning, if you can provide us your name, the organization that you represent, and we'll start with the first testimony...testifier, Joanne Nakashima.

NOTE: Pause while Ms. Nakashima approached the podium.

VICE-CHAIR PONTANILLA: . . . You have three minutes to provide public testimony, with one minute to conclude. Joanne?

...BEGIN PUBLIC TESTIMONY...

MS. NAKASHIMA: . . . Good morning, Chairman and Committee Members. My name is Joanne Shibuya Nakashima, and I'm here with my family to provide testimony in opposition of the bill, 1M [*sic*] -74, as property owners of 253 South Market Street. The property is located directly opposite from Iao School and it includes a business and a residence. We would like to provide some background history of what transpired in the past on this matter when the State of Hawaii, Department of Accounting and General Services, DAGS, proposed to incorporate the old Armory...Wailuku Armory into the Iao Intermediate School campus. In August of 2000, we provided testimony in opposition to this expansion to the County Board of Variance Appeals, primarily due to the proposed loss of parking on the makai side of South Market Street in front of the Armory--which the DOE, oh...*(chuckles)*...of the armory, and would impact the small businesses in this area for the traffic and safety concerns of the students. It was mentioned by the DOE that they would put in some kind of barrier, whether it be fencing or vegetation, to discourage

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the drop off of students on South Market Street. As a result, DAGS and its consultants met with us and developed an alternative plan which allowed for . . . only a minimal removing of parking stalls and loading and unloading of the students on the newly developed drive-through. *This* is the plan we agreed on for parents to use, for parents to use this route to load and unload the students. Absolutely *no* student was to unload or load on South Market Street. The two crosswalks provided are for students walking to and from school, and the school was . . . is to provide adult security for them. The DOE needs to share in some of the hardships we encountered during their renovation. They must comply with the loading and unloading drive-through that was specifically put there to, to prevent students from loitering on South Market Street, waiting for their ride. The DOE clearly did not adhere to the compromises that were met. Therefore, we would like for you to deny Iao Intermediate School for the loading and unloading of students on busy South Market Street. We would also want to make a change in the three-hour parking sign fronting our building to two hours. The office workers monopolizes these stalls. We are hoping you find it in your hearts to help the small businesses in this area. Thank you kindly.

VICE-CHAIR PONTANILLA: Thank you. Members, any questions for the testifier this morning?

COUNCILMEMBER BAISA: No, . . . *(inaudible)* . . .

VICE-CHAIR PONTANILLA: Member Victorino?

COUNCILMEMBER VICTORINO: Thank you.

COUNCILMEMBER BAISA: No, Joanne--

COUNCILMEMBER VICTORINO: Ms. Nakashima?

COUNCILMEMBER BAISA: --stay.

COUNCILMEMBER VICTORINO: . . . Sorry.

COUNCILMEMBER BAISA: She wants to run away.

COUNCILMEMBER VICTORINO: You're not gonna get away that easy. . . *(Chuckles)* . . .

COUNCILMEMBER BAISA: . . . *(laughter)* . . .

COUNCILMEMBER VICTORINO: Ms. Nakashima, this, this, this drive-in, drive-out or the loading and unloading area, the purpose of that was to . . . they shut down Noeau Street and made it so that it would be circular on the Wailuku-side and come right up by Market Street. That was the intent, that was what we originally had agreed upon, is that correct?

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MS. NAKASHIMA: And they also said that they would make the cars go right.

COUNCILMEMBER VICTORINO: Right. They could--

MS. NAKASHIMA: You know--

COUNCILMEMBER VICTORINO: --not turn left onto Market--

MS. NAKASHIMA: Yeah.

COUNCILMEMBER VICTORINO: --it was right only.

MS. NAKASHIMA: Not turn left on Market.

COUNCILMEMBER VICTORINO: And that sign has never been put up, right?

MS. NAKASHIMA: No, no.

COUNCILMEMBER VICTORINO: Okay. Okay, thank you. Thank you very much,
Ms. Nakashima.

VICE-CHAIR PONTANILLA: Thank you. Member Molina?

COUNCILMEMBER MOLINA: Thank you, Chair. Good morning, Ms. Nakashima.

MS. NAKASHIMA: Good morning.

COUNCILMEMBER MOLINA: You mentioned the DOE. Do you know who was representing
the DOE, to your knowledge, that was supposed to have been involved?

MS. NAKASHIMA: Nichols, Nichols. I forgot his name.

COUNCILMEMBER MOLINA: Okay.

MS. NAKASHIMA: Yeah, Elizabeth Ayson was there, too.

COUNCILMEMBER MOLINA: Okay.

MS. NAKASHIMA: But she's no longer there.

COUNCILMEMBER MOLINA: Yeah, she's no longer the Principal, right. Okay. Thank you.
Chair, Chairman?

VICE-CHAIR PONTANILLA: Yes?

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COUNCILMEMBER MOLINA: Do you know if we had...the Committee Chair invited someone from the Department of Education to be here as a resource person?

COUNCILMEMBER VICTORINO: Mr. Chair, I can answer that question.

VICE-CHAIR PONTANILLA: Mr. Victorino?

COUNCILMEMBER VICTORINO: Yes, the Chair did invite, upon my request, the Administration. Unfortunately, today is the first day of school. So *that* made it very difficult. They did say they would *try* to send somebody up, but we did ask for them to attend, Mr. Chair.

VICE-CHAIR PONTANILLA: Okay. Thank you.

COUNCILMEMBER MOLINA: Yeah, well, Chairman, you know, if, if the DOE representative is not...I mean I know it's the first day of school but *this* is important, and if they're not gonna be here, you know, for me I don't know, I, I have reservations about moving on this. But--

VICE-CHAIR PONTANILLA: Okay. Fine.

COUNCILMEMBER MOLINA: --anyway just my thoughts. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Member Molina asked the key question. I was hoping that we had a DOE person here because the testimony kept referring to the DOE and arrangements and promises made with them, and I think they're a key player here today. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Any more questions from the Members? If not, Mr. Nishiki?

COUNCILMEMBER NISHIKI: Yeah, thank you. Thank you, Ms. Nakashima. So now you're saying that what was agreed upon...and I'm, and I'm sure that you people were at this meeting. . .is, is a total renege.

MS. NAKASHIMA: Yes.

COUNCILMEMBER NISHIKI: And, and people are now, stopping on Market Street and dropping off their kids.

MS. NAKASHIMA: Yes, on both sides.

COUNCILMEMBER NISHIKI: On *both* sides.

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MS. NAKASHIMA: On *both* sides.

COUNCILMEMBER NISHIKI: Okay. And, and also...the renege also is the fact that the only right-turn agreement is not even being followed also.

MS. NAKASHIMA: Yes. You know why? They should put a "No Left Turn" into that drive-through.

COUNCILMEMBER NISHIKI: Right.

MS. NAKASHIMA: Then that will eliminate the traffic jam, you know, traffic jam. They should come around and do a right-turn into that drive-through.

COUNCILMEMBER NISHIKI: Okay. And, and now this is occurring on both sides of Market Street, thereby creating a problem with safety for the kids also?

MS. NAKASHIMA: Safe. That's right.

COUNCILMEMBER NISHIKI: And, and if what was agreed upon by DOE was, number one, to address your concerns for the business--

MS. NAKASHIMA: Yes.

COUNCILMEMBER NISHIKI: --and number two, the concerns for the kids--

MS. NAKASHIMA: Yes. Safety.

COUNCILMEMBER NISHIKI: --for being dropped off on Market Street--

MS. NAKASHIMA: Safety was an important thing. That's why they said they closed Noeau, which was not as busy as Market Street. Market Street is so *busy*, you know.

COUNCILMEMBER NISHIKI: Okay. And, and, and when this was...yeah, I don't...this is from Chairman Hokama's time. When this ordinance that is being proposed today. . .was heard, did you people voice and, and, and yet were still having this ordinance . . .(inaudible) . . .

MS. NAKASHIMA: Yes, but, you know, there's some things that we discussed that were never in with the Board of Variance, you know.

COUNCILMEMBER NISHIKI: Uh-huh.

MS. NAKASHIMA: And we don't know where it is.

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COUNCILMEMBER NISHIKI: . . . But you, you, you did go to the meeting--

MS. NAKASHIMA: Yeah.

COUNCILMEMBER NISHIKI: --and testified?

MS. NAKASHIMA: We also met about three times with them, and we told them that, you know, we'll just meet them at Board of Variance. And they're talking apples, we're talking oranges and you know--

COUNCILMEMBER NISHIKI: Right.

MS. NAKASHIMA: --we just couldn't come to anything. So finally the *day* before the Board of Variance meeting, they called another meeting and they said that they came up with this alternative plan that, I mean, you know, that drive-through. And that was, you know, so that's why we *agreed* to that.

COUNCILMEMBER NISHIKI: Okay. Thank you very much.

VICE-CHAIR PONTANILLA: Thank you. Member Kaho'ohalahala--

COUNCILMEMBER KAHO'OHALAHALA: Good morning, Ms. Nakashima.

VICE-CHAIR PONTANILLA: --followed by Member Baisa.

COUNCILMEMBER KAHO'OHALAHALA: Just to clarify then, you're saying that, that you did *not* go to a Board of Variances process then?

COUNCILMEMBER VICTORINO: . . . *(inaudible)* . . .

MS. NAKASHIMA: We *did* go to the Board of Variance.

COUNCILMEMBER KAHO'OHALAHALA: Oh, you *did* go through it?

MS. NAKASHIMA: Yes.

COUNCILMEMBER KAHO'OHALAHALA: But you had an alternative--

MS. NAKASHIMA: Yes.

COUNCILMEMBER KAHO'OHALAHALA: --proposed plan at that time then?

MS. NAKASHIMA: Uh-huh. They were sort of blasted there, too, because. . . you know, the enrollment is *double* of what an intermediate school *supposed* to be.

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COUNCILMEMBER KAHO'OHALAHALA: Uh-huh.

MS. NAKASHIMA: And they don't have enough. . . acreage. But Elizabeth said that they...I don't know if they made a, you know, they...they're using Wells Park, you know. And even on the *parking*, the...this is because they wanted their variance. You know, they said that they have *enough* parking for their employees, all of them, that they shouldn't be using, you know, the street parking. But then it's public parking so, you know, you cannot control that.

COUNCILMEMBER KAHO'OHALAHALA: Uh-huh. Okay. Thank you for the clarification.

VICE-CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Yes, thank you, Chair. And just to clarify your testimony, in your testimony you mentioned a sign that had three-hour parking on it--

MS. NAKASHIMA: Yes, it's--

COUNCILMEMBER BAISA: --and . . . *(inaudible)* . . .

MS. NAKASHIMA: It's on the mauka side . . . *(laughter)* . . .

COUNCILMEMBER BAISA: Hang on. And you'd prefer to see a *two*-hour parking?

MS. NAKASHIMA: Yes.

COUNCILMEMBER BAISA: Can you tell us what the *effect* this sign has on your business as it is now? This three-hour parking sign, does it have an effect on your business?

MS. NAKASHIMA: Well, you know, we *needed* that when we were working, but. . .the office workers, the employees use those stalls. And because it's a long, you know, three hours--

COUNCILMEMBER BAISA: Three hours.

MS. NAKASHIMA: --they leave it, they leave their car there, you know, and it wasn't enforced, you know. Taguma said he couldn't do anything about it because it wasn't law, you know.

COUNCILMEMBER BAISA: *I* see.

COUNCILMEMBER NISHIKI: Ah . . .

COUNCILMEMBER BAISA: So the sign that's up--

MS. NAKASHIMA: But we would like to have it changed.

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COUNCILMEMBER BAISA: --doesn't have the force of law?

MS. NAKASHIMA: What is that?

COUNCILMEMBER BAISA: So the *sign* that's up doesn't have the force of *law*?

MS. NAKASHIMA: No.

COUNCILMEMBER BAISA: That's interesting; we'll pursue that. Thank you.

MS. NAKASHIMA: Thank you.

VICE-CHAIR PONTANILLA: Thank you. I, I remember we passed something on that--

COUNCILMEMBER VICTORINO: Yeah, Chair--

VICE-CHAIR PONTANILLA: --three-hour parking.

COUNCILMEMBER BAISA: Yes.

MR. VICTORINO: Put the three hour ... (*inaudible*)....

COUNCILMEMBER ____: We did.

VICE-CHAIR PONTANILLA: So, thank you. Members, any more questions for the testifier?

. . . If not, thank you, again.

MS. NAKASHIMA: Thank you.

COUNCILMEMBER NISHIKI: I got a question.

MS. NAKASHIMA: Thank you. Oh.

VICE-CHAIR PONTANILLA: Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah.

. . . I don't care to know who the employees are, but are they County employees?
They're basically...you, you can probably see that they're County employees?

COUNCILMEMBER VICTORINO: ... (*inaudible*) . . .

COUNCILMEMBER NISHIKI: Because I know we have a--

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COUNCILMEMBER BAISA: School employees.

COUNCILMEMBER NISHIKI: --parking problem.

UNIDENTIFIED SPEAKER: . . .*(inaudible)*. . .

MS. NAKASHIMA: . . . What was the question?

COUNCILMEMBER NISHIKI: Are they...are there pretty much County employees that park there?

MS. NAKASHIMA: Well at the *beginning* it was County employees. It's the school--

COUNCILMEMBER VICTORINO: Yeah.

COUNCILMEMBER NISHIKI: *Oh*, it's the *school*--

MS. NAKASHIMA: --employees from the school.

COUNCILMEMBER NISHIKI: --people also now.

MS. NAKASHIMA: Yes, the school people get there early, and they, you know, get the parking . . .*(laughter)*. . .

COUNCILMEMBER NISHIKI: And, and no tickets are being given. Okay, thank you.

MS. NAKASHIMA: We *asked* for the three-hour parking.

COUNCILMEMBER BAISA: Yeah.

MS. NAKASHIMA: You know, while we were working. But my sister and I are *retired* for almost three years now, you know, so we wanna...*(chuckles)*...we wanna--

COUNCILMEMBER NISHIKI: Thank you.

MS. NAKASHIMA: --change it to two hours.

VICE-CHAIR PONTANILLA: Okay. Thank you. Thank you very much.

MS. NAKASHIMA: Thank you.

VICE-CHAIR PONTANILLA: Next testifier is Stanley Kiyonaga.

COUNCILMEMBER VICTORINO: . . .*(inaudible)*. . .

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NOTE: Pause while Mr. Kiyonaga approached the podium.

COUNCILMEMBER MATEO: . . . *(inaudible)*. . .

MR. KIYONAGA: . . . Morning, Mr. Chairman--

VICE-CHAIR PONTANILLA: Morning.

MR. KIYONAGA: --Members of the . . .Infrastructure Management Committee. My name is Stanley Kiyonaga, and today I'm before you providing testimony in opposition to bill, IM-74, as property owner of 253 South Market Street. Essentially, I just want to reiterate testimony provided by Joanne Nakashima and to tell you that, you know, our family. . .put in a *lot* of time and effort back in the year 2000--during the early stages of the process for Iao School expansion--to ensure survival of a nearly 70-year-old small business. You know, sometimes it's really unfortunate that. . .as time goes by administrators of the school change, people turnover result. . .people turnover resulting in certain things being forgotten. And I guess that's the normal course of life. I also believe that the plan for permanent student loading and unloading on South Market Street goes beyond. . .that for us, especially as it relates to safety of students. . .since the students also unload, as Joanne mentioned, from the makai *side* of South Market Street. And I've personally witnessed student unloading and dashing across the street in front of oncoming cars. Now. . .I don't know even if you don't approve a loading and unloading zone there, that there won't, there won't be things like this. So. . .I really believe that. . .the school should. . .make parents, or put parents on notice as far as what was agreed upon in the past. . .that loading and unloading would be via their parking lot off to Noeau, back up to South Market Street via Kaohu. Now another thing that I feel that. . .is problematic is. . .the situation currently there requires more supervision by the school and its administrators. You know, that. . .is sorely lacking.

. . . In closing, as a small business operator and resident of the area, we strongly opposed to this bill and request full respect. . .respectfully request this Committee deny approval of the proposed change that the school administrator, and that the school administrators adhere to our agreement made back in the year 2000.

NOTE: Silence.

MR. KIYONAGA: . . . And I thank you for this opportunity to testify.

VICE-CHAIR PONTANILLA: Thank you.

MR. KIYONAGA: And I'm open for questions if you have any.

VICE-CHAIR PONTANILLA: Thank you. Members, question? Member Molina?

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COUNCILMEMBER MOLINA: Thank you, Chair. Good morning, Mr. Kiyonaga.

MR. KIYONAGA: Morning.

COUNCILMEMBER MOLINA: You mentioned the school security. There are security people out there in the morning to help monitor things? . . .*(inaudible)* . . .

MR. KIYONAGA: You know, not to my knowledge.

COUNCILMEMBER MOLINA: Yeah?

MR. KIYONAGA: I, I...unless any of them see, or saw anybody up there, I...I'm not sure.

MS. NAKASHIMA, FROM THE AUDIENCE: There may be one.

COUNCILMEMBER MOLINA: So, so, so they're basically, the kids are going unsupervised as parents just dropping their kids right off, kind of, pretty much endangering things and--

MR. KIYONAGA: Yeah, I agree.

COUNCILMEMBER MOLINA: --traffic--

MR. KIYONAGA: You know, they, they. . .I guess a year or two ago they installed that crosswalk right in front of our property now, where we go into our, where we go into our gate and into the home, they installed a crosswalk right there. And. . .regardless of that, kids drop off--

UNIDENTIFIED SPEAKER: . . .*(inaudible)* . . .

MR. KIYONAGA: --kids are kids, yeah, we creatures of. . .comfort, and they just dart across the street from the. . .mauka side of the road.

COUNCILMEMBER MOLINA: Uh-huh.

MR. KIYONAGA: And. . .as Joanne mentioned, there's loitering afterschool where, where people waiting for their ride, not, not waiting on the makai side anyway. They, they go across *mauka* side, especially when it rains--it has a little . . .

. . . a little cover so they're, they're inclined to go there. And, you, you know, kids loitering. . .one thing leads to another.

COUNCILMEMBER MOLINA: So, so in essence this is an accident waiting to happen if there's no supervision--

MR. KIYONAGA: Yeah.

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COUNCILMEMBER MOLINA: --out there.

MR. KIYONAGA: I would agree, and I can tell you it's problematic. You know, it's not only problematic for our business, but it's problematic for the State, the County, and . . .the DOE.

COUNCILMEMBER MOLINA: Uh-huh. Okay. Thank you. Thank you, Chair.

VICE-CHAIR PONTANILLA: Thank you. Stanley, just a quick question. When the renovation was completed and the new section was put in place. . .in regards to the traffic pattern at that time. . .did Maui County Police Department. . .was out there trying, you know, guiding the parents as well as the students in, in regards to the right-in, right-out traffic pattern for Iao School?

MR. KIYONAGA: You know, Mr. Chair, I'm really not aware of that. So I, you know, I haven't been there 24/7 or all during the day, but I, I can't--

MS. NAKASHIMA, FROM THE AUDIENCE: Never.

MR. KIYONAGA: --I'm not aware of that.

VICE-CHAIR PONTANILLA: Okay.

MR. KIYONAGA: You know, if I may, I just wanna clarify one issue about the three-hour parking. You know, as Joanne mentioned. . .as a business operator, especially a beauty salon. . .you know oftentimes, and the women can appreciate this. . .two hours is not sufficient when you go in there and do your hair. You take a perm, it can take you pretty much near the better part of the *day*. So, you know our request for making that a current two-hour parking *now*, is sort of a double-edged sword for them. You know, on the one side, it kind of provides or, or puts a crimp on the, the work that they need to do in the beauty shop. But on the other hand, it alleviates the. . .the parking issue somewhat by, by allowing more, you know, more time for people, people to park. So in essence, they would *love* to have a three-hour parking if. . .you know, this thing can be resolved and policed properly.

VICE-CHAIR PONTANILLA: Thank you. Members, any more questions--

COUNCILMEMBER VICTORINO: Chair?

VICE-CHAIR PONTANILLA: --for the testifier? Member Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you. And thank you Mr. Kiyonaga for being here. Am I correct in, in saying that there was never a right-only turn sign put on Noeau Street to come out to Market?

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MR. KIYONAGA: I believe that's correct.

COUNCILMEMBER VICTORINO: Yeah. And, and so I think part of the challenge is it's never been complete. The whole work has never been completed in that area. . .if I'm correct.

MR. KIYONAGA: That's correct.

COUNCILMEMBER VICTORINO: Okay. And then secondly, the Market Street situation, as we well know, has existed for many, many years. Not only in recent time--'cause my children went to that school, just like yours--and that's always been a real challenge, but been exacerbated when we took over the Armory and made *that* into classrooms, and the administration. Is that correct?

MR. KIYONAGA: Absolutely.

COUNCILMEMBER VICTORINO: Yeah. So, the agreements that were made, is the...as far as *you* know, was anything in *writing* ever transferred or transposed to the various departments?

MR. KIYONAGA: Well. . .I'm not sure. But what I can tell you, Mike, is. . .that. . .you know, it's on record with the County Board of Variance and Appeals meeting, I believe the meeting in October of 2000.

COUNCILMEMBER VICTORINO: Uh-huh. Uh-huh.

MR. KIYONAGA: You, you can find something to that affect where DAGS proposed...well they came up with several--

COUNCILMEMBER VICTORINO: Right.

MR. KIYONAGA: --they say that there's several options or alternatives that they look, they looked at. And they, they came up with. . .the current one--

COUNCILMEMBER VICTORINO: Yeah.

MR. KIYONAGA: --or the one that's supposed to be in place right now.

COUNCILMEMBER VICTORINO: See and then I do have the, the October 12th, 2000 meeting, right, and all the suggestions were...that were made and--the problem is when you read through this, *nothing* is *conclusive*--

MR. KIYONAGA: Yeah.

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COUNCILMEMBER VICTORINO: --as far as what they...what we were gonna end up doing. And there was supposed to be a subsequent, like you mentioned, couple meetings after that...but I cannot find the notes from those meetings. Because I, I went through looking for all of this because when you guys first asked me and you gave me your notes, I tried to find it. But, Mr. Chair, we can't, you know, I could not come up with anything. So I do apologize for that. But let us work on this, but thank you, Mr. Kiyonaga.

MR. KIYONAGA: Okay. All, all I can tell you is that, you know, *maybe*. . .I'm not sure that there's anything written. I'm, I'm not *aware* of that.

COUNCILMEMBER VICTORINO: Right.

MR. KIYONAGA: But all I can tell you is that's the way it was built. . .now. All that was lacking was the signage.

COUNCILMEMBER VICTORINO: Right.

MR. KIYONAGA: So. . .I'm, I'm. . .just gonna say that as far as *we're* concerned, that was the way. . .we sought it in agreement, one; and two, that's the way it was made up until. . .2008 when, when the proposal, I guess, came up to. . .make that a loading and unloading zone--

COUNCILMEMBER VICTORINO: That is correct.

MR. KIYONAGA: --on South Market Street.

COUNCILMEMBER VICTORINO: Yeah, and thank you. And, and, and I appreciate that, as you well know that my in-laws' house is right in that corner, and I've, I've seen all, you know, I've watched all of this change and have been fighting with you folks as far as this is concerned. So let us try to work it out. And I'll check with the Departments, Mr. Chair, after this, to get some, some clarification, please.

VICE-CHAIR PONTANILLA: Thank you. Members, any more questions for Mr. Kiyonaga?

MR. KIYONAGA: Okay. If I, if I may add one more thing now? And Joanne mentioned that, you know, parking is a premium on South Market Street now. In the process. . .Iao School administration, administrators indicated that parking would be in their parking lot. Now, again, creature of habits, convenience--people who work, a lot of people who work in the Armory, and some of 'em from the County Building, I believe, park in those stalls on South Market Street. Now. . .I think. . .the school should be put on notice that their workers should be setting the example and parking in the parking lot where, where they *should*. You know, I. . .I make observations. You know me, yeah? I. . .I look at the, the people parking there and I walk down to the parking lot; well, maybe the parking lot is full. But there's. . .lots of parking in the parking stalls. So, again, my...I surmise that it's like a. . .creature of habits thing, yeah.

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VICE-CHAIR PONTANILLA: Okay.

MR. KIYONAGA: I'm not saying if I worked in the Armory I wouldn't be doing that. But I think in a situation like *this*, we really need to have some oversight on what's going on, on the street because of the issue.

VICE-CHAIR PONTANILLA: Okay. Thank you. Thank you. Members, any more questions for Mr. Kiyonaga?

COUNCILMEMBER VICTORINO: No.

VICE-CHAIR PONTANILLA: Thank you again, Stanley.

MR. KIYONAGA: Thank you for your time.

VICE-CHAIR PONTANILLA: Next testifier is Walter Enomoto.

NOTE: Pause while Mr. Enomoto approached the podium.

MR. ENOMOTO: Aloha, and good morning Committee Chair Pontanilla, Members of the Committee and those in attendance. My name is Walter Enomoto and I'm speaking on behalf of the Maui Bicycle Alliance, a grassroots bicycling advocacy organization. We're testifying in support of the recommendations outlined in the Downhill Bicycle Tour Study, agenda item IM-40. We would like to thank the Department of Public Works for providing an electronic copy of the study for our review. And based upon our review of the study, we strongly support all of the short-term implementation items and *one* mid-term implementation item with some additional comments. I'll highlight some of the items from my written testimony, which has additional comments. In regards to the short-term implementation items, we would add that the Department of Public Works also consider an additional pull-out or shoulder widening along Baldwin Avenue directly below Holomua Road on the downhill or Haiku-side of Baldwin Avenue. This will help to alleviate traffic that backs up through the Job Corps, Rainbow Park, and Makawao Union Church area. In regards to closing the permit loophole in Section 5.22.020 of the Maui County Code to include all roadways, it was quite interesting to note on Page 5-1 of the study that only three companies had permits to operate in the County in 2008, and begs the questions what about the other tour companies that were operating during that time. Prohibiting tours on certain road segments in the commercial districts of Makawao and Paia during business hours will help to alleviate traffic congestion in these areas, and we commend the bicycle tour companies that are voluntarily doing this already. Regulating tour spacing; requiring mandatory use of pull-outs; requiring the tour leader with...to be equipped with a speedometer to monitor and control the tour speed; mandatory identification of tour vans, trailers and bicycles; and requiring the use of safety briefing videos will all help to address many of the issues that have arisen over the years. We also recommend that mandatory data collection also be considered in your

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discussions. The existing County ordinance regarding bicycle tours allows for additional information to be collected--and this could be part of the County's permitting process for bicycle tours. ...*(Clears throat)*... The additional information gathered should be based on gauging the effectiveness of the implemented items, and the mandatory data collection will also help to plan for any future changes or improvements with more objective data. We ask that ...*(clears throat)*... any review of the downhill tour industry and the implemented items be conducted at least one year after all short-term improvements have been made in order to judge their effectiveness of the implemented items. Now for the big question, how can we *pay* for these items? And if you ask me about that, I will lend that to you but my time is running short. I would like to thank you for the opportunity to comment on this. And the Maui Bicycle Alliance will gladly assist your efforts toward this ends. Mahalo.

VICE-CHAIR PONTANILLA: Thank you.

COUNCILMEMBER VICTORINO: Mr. Chair?

VICE-CHAIR PONTANILLA: Member Victorino? And by the way--

COUNCILMEMBER VICTORINO: Thank you.

VICE-CHAIR PONTANILLA: --Members, Mr. Enomoto provided us with some written testimony. Member Victorino?

COUNCILMEMBER VICTORINO: Yeah, thank you. Thank you, Mr. Enomoto, and I know you've worked long and hard on this, so thank you very much. I would like to ask that question, how *would you* fund this if you had...I could take your advice and use it somehow, what would, how would you?

MR. ENOMOTO: Well, okay--

COUNCILMEMBER VICTORINO: In, in 30 seconds or less now, okay?

MR. ENOMOTO: Okay. Fiscal Year 2011 Budget has \$200,000 in Bikeways Funds appropriated for the design work for the Baldwin Avenue Bike Path. Now that bike path is not supported in the study. If that \$200,000 can be re-appropriated for the design of the physical improvements on the County sides that...the County improvements that are identified in the study that will help to get the ball *rolling* in terms of getting the design work ...*(clears throat)*... done for the physical improvements. For the construction, there was \$1 million in bonds listed for the right-of-way purchase for property to be used for the Baldwin Avenue Bike Path in Fiscal Year 2012. We ask that, that be removed and possibly a more appropriate bond be appropriated ...*(clears throat)*... based on what, once the design and cost estimates are done for these physical improvements identified in the study--that a more appropriate bond fund or bond amount be developed and approved at that time. And we would support that endeavor. One of the other things is that

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currently the STIP, the State Transportation Improvement Plan process is finalizing its public involvement process. The Baldwin Avenue Bike Path project has been deferred out to 2015 and beyond, in terms of the Federal match requirements for that also. So in terms of how to fund that, hopefully these are suggestions that can be implemented. If the bond appropriation would be the local 20 percent match, that could be matched with Federal monies to fund these improvements, much like the State has. In Fiscal Year 2011, State Highways has a project listed on the STIP for bicycle pull-outs on Crater Road. And we're supporting the funding of those also.

COUNCILMEMBER VICTORINO: Thank you. Thank you for those ideas, thank you. Thank you, Chair.

MR. ENOMOTO: Thank you.

VICE-CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Yes, thank you very much, Chair. And thank you very much, Walter, for being here. I know how hard you work on these bicycle paths and tours and all of the things you've been doing ever since I've been on the Council, and I appreciate all of that.

MR. ENOMOTO: Thank you.

COUNCILMEMBER BAISA: Question, I noticed you say in your testimony that you and your group had the opportunity to very carefully review the study. Did you get a draft copy in advance? Because transmission of the copies to *us* is dated July 29th, so we've barely had a chance to look at it.

MR. ENOMOTO: I received a...an electronic copy, electronic disk with a copy of the study the Saturday before last. So we basically only had, really, a week to review it. You know, a lot of the...there are other more nitpicky things that we could look at, but in terms of what we've been able to review and the recommendations put forward, we're gonna support all of the short-term implementation items.

COUNCILMEMBER BAISA: I wanted to ask you because I also received an email from another group that is very actively involved and they were saying can you please give us more time, we just got it. So I, I wanted to know, and I really appreciate. You must've worked *very* hard.

MR. ENOMOTO: I burned a little midnight oil...(chuckles)...

COUNCILMEMBER BAISA: I figured you did, thank you, dear.

MR. ENOMOTO: Thank you.

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VICE-CHAIR PONTANILLA: Thank you. Members, any more questions for Mr. Enomoto? If not, thank you again for being here.

MR. ENOMOTO: Thank you.

VICE-CHAIR PONTANILLA: Next testifier is Mr. Warren McCord.

NOTE: Pause while Mr. McCord approached the podium.

MR. McCORD: . . . Good morning. My name is Warren McCord, and I'm representing the Maui Outdoor Circle. The Outdoor Circle has proposed, for a number of years, to make cycling, walking, and other recreational activities on Baldwin Avenue safer. We applaud the results of the Maui Downhill Bicycle Tour Study as Maui County moves forward to make these tourist businesses a better experience for our visitors. It also points out that the top community desire is to provide bike lanes and/or paths and reduce the hazards for and of cyclist on our roads. I refer to Table 5 on Page 4-8. We do need turn-outs on Baldwin Avenue, but the individual bikers will not use them. Yesterday I followed a biker down Baldwin Avenue; three cars behind him crossed the double yellow line to pass him. I could see the expressions on the four bikers coming *up* the hill as those cars zoomed around that bike, and they were coming up the hill and were fairly hard to see.

. . . I have to admit I actually grow tired of the few naysayers that say that the Baldwin Avenue Bicycle and Recreational Greenway is too expensive. We, the County of Maui, just constructed approximately one half mile of bike path from Baldwin Park to the edge of Paia. It cost \$414,000, almost half a million dollars for less, for just half a mile. The Baldwin Avenue corridor is six miles long and that makes it very cost effective. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Members, questions for Mr. McCord?

. . . Seeing none, thank you again for being here. Next testifier is Gina Flammer.

NOTE: Pause while Ms. Flammer approached the podium.

MS. FLAMMER: . . . Good morning.

VICE-CHAIR PONTANILLA: Morning.

MS. FLAMMER: My name is Gina Flammer. I wanna thank the Council Members for proposing and for funding this study. A few years ago when the study was being looked at, I did work with the Department of Public Works, with Joe Krueger at the...to look at the scope and the outline of the study. And I wanna say that Kimura did a really good job. They provided a very *useful* document, which I think you guys can take and use to create some draft legislation.

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. . . They provide a very nice menu of options which you can look at. You can look at the short-term, which I think most people would support, doesn't cost a lot of money when you look at the regulatory ones--especially when you look at the simple things like closing the permit loophole. I mean something like that is *very* noncontroversial. So are things like putting speedometers on the cruise leader's bikes. There's many things that we can go ahead and do right now. And they're also many of the bike company tours that are doing...that have good practices right now. And I think that they would be willing to support what they're already doing. It...what we're really looking at is increasing the safety, and I think everybody supports that.

. . . Excuse me, I'm just getting used to wearing glasses.

COUNCILMEMBER VICTORINO: . . .*(laughter)*. . .

MS. FLAMMER: So I would encourage the County to take the next *step* and really study the plan and put together some draft legislation, and then see where we can go. I do wanna tell you that, though I'm not representing the Kula Community Association, that I know it's on their agenda tomorrow night. And they're gonna be taking a look at it and probably coming back with their opinion to you. It was kind of quick, we didn't have a meeting in-between. But they'll have a chance to take a look at it and get back with you. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Members, questions for Ms. Flammer?

. . . Seeing none, thank you again.

. . . Fred Rohlfig?

NOTE: Pause while Mr. Rohlfig approached the podium.

MR. ROHLFING: . . . Good morning, Mr. Chairman, Members of the Council.

VICE-CHAIR PONTANILLA: Good morning.

MR. ROHLFING: I really didn't plan to testify originally this morning 'cause I hadn't really had a chance to dig into the study. My, my computer's not working very well, so I had to borrow my wife's to get the...read the thing this morning before coming down here. And I do wanna congratulate the . . .study. . .firm, Kimura, for an excellent report. And it pulls together all of the various aspects that we have been looking at for many years, some people long before I got here, and some. . .along the same road. But it...it's well done, and as Gina has just stated, it gives you, basically, a timeframe of...or analysis based on things that can be done immediately, things that can be enacted over time. Is there still a need for this? Yes, there is. As I go down this morning, at 8:14 in the morning, I made the road...went down Kekaulike, and as I was passing Crater Road, a bicycle tour came right in front of me, you know, at that stop sign, and proceeded down the highway. So,

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yes, it's still going on. If the rules are gonna be changed to let them go through that corner, okay. But then, you better put a cautionary for the people coming down the road.

. . . There's need, obviously, to consider what it's gonna cost. And weighing that is your responsibility. And particularly in hard times, we don't wanna see you spending a lot of money. But on the same...by the same token, we've had a real problem for some time, and I think it justifies the expenditure of public funds to provide safety on the mountain. We, in...back in 2007--when I say "we", it was a committee, that, that is in some status now or sort of waiting to see what would happen. But we met with the Mayor, and we recommended various types of action. Immediate, concurrent, and otherwise--and I can furnish this for consideration at a later time, but, when you look with detail into the recommendations that the Kimura study has made. But overall, I think we have a good place for the Council to make some major decisions on...*finally* on getting some rules and regs for this process, and to have the cooperation *also* of the bicycle companies. Thank you, Mr. Chairman.

VICE-CHAIR PONTANILLA: Thank you. Members, questions for Mr. Rohlring? Member Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Yeah, thank you. Mr. Rohlring, did you said that you, you had some recommendations that you would like to provide for us?

MR. ROHLFING: Say again, please?

COUNCILMEMBER KAHO'OHALAHALA: Did you say you had some recommendations that you would like to provide for us?

MR. ROHLFING: I would just make a copy of, you know, when the, the Park laid down the rule of non, non-operations, no operations up there in the park itself, and at that time I guess it was called a safety stand-down. . .and that's continued till today insofar as the park operations are concerned. Well, our committee for the Kula Community Association met with the Mayor and made some recommendations for an interim procedures. And they weren't necessarily adopted, but...and we pushed the panic button, too, but it wasn't that bad. I can furnish those to anybody who's interested.

COUNCILMEMBER KAHO'OHALAHALA: Okay. Thank would be helpful for us to get some idea on what you, your thinking was at the time. Yeah.

MR. ROHLFING: Okay.

COUNCILMEMBER KAHO'OHALAHALA: Thank you.

VICE-CHAIR PONTANILLA: Thank you. Members, any more questions for Mr. Rohlring?

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. . . Chair would just like to recognize Mr. Rohlfling for doing a lot of lobbying in, in regards to bicycle safety two years ago at the State Legislature. Next testifier is Richard Goodenough.

NOTE: Pause while Mr. Goodenough approached the podium.

MR. GOODENOUGH: . . . Good morning, Council Members, Chairman, audience. I came here today, after seeing the notice in the newspaper yesterday. I received the . . .the disk of the study on Friday in the mail. So I really haven't had a chance to review it in its entirety or analyze it, but I, I do see a lot of good things in it. And I think that this company did a very comprehensive study for the County. I, I came this morning too, to tell you that the cooperation of my, my company, Maui Downhill, and I'm sure the other owners of the . . .seven bicycle tour companies will be happy to work with the County and work through. . .any proposals of regulation, safety items. You know, the bicycle tours began in 1983...*(chuckles)*...that's 27...we're in our 28th year now. And it wasn't too long after starting. . .Bob Kiger and I . . .talked to the County about putting some pull-outs for us on Baldwin Avenue and some other areas. Well, we're 20...in our 28th year now. . .still awaiting the infrastructure improvements--whether they're large or small, everything will help. So I think with this study, because it's been outlined so well for everyone to understand and, and look at these recommendations--we are looking forward to infrastructure changes that will make the tours safer for the motorists, for the riders of the bicycles, and. . .enhance safety. This is a very popular activity. . .and. . .we have been doing it *safely* for 28 years in comparison statistics of the number of people that have ridden down the mountain, the, the volcano. When you apply those statistics to the number of injuries. . .in other bicycle. . .areas of the United States, you'll find that one fraction of the one percent injuries for the number of people that have ridden down in a 10,000. . .10,000, I think the, the table said 10,000 riders, there were 8.5 incidents. And as an owner I can tell you if these 8.5 incidents, more than likely, *six* of them were minor scratches or minor, minor things. But because we...we're required to in, in the park to report all of them, they labeled them "incidents" or "accidents". And, I'll, I'll take any questions from the Council Members. I see my, my time's about out.

VICE-CHAIR PONTANILLA: Thank you.

MR. GOODENOUGH: Thank you.

VICE-CHAIR PONTANILLA: Members, any questions for the testifier? Member Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair. And thank you very much, Mr. Goodenough, for being here this morning. I kinda share your concerns. As the Upcountry representative, I would feel a lot more comfortable, and I really wanna thank the, the Committee Chair for so promptly getting this report and scheduling it, but I would feel more comfortable in decision making on this report and where we're gonna go, that we wait and have some time here to hear from groups like yours. I'd like to hear from the Kula Community Association, I'd like to hear from Mr. Rohlfling and see what

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he has, and there's other groups who have been very actively involved with this *problem*. So thank you very much for coming this morning. Your group, you do get together as a group.

MR. GOODENOUGH: Occasionally.

COUNCILMEMBER BAISA: I--

MR. GOODENOUGH: We could do a better job.

COUNCILMEMBER BAISA: Do you plan to kind of get together to review this study and hopefully come up with recommendations?

MR. GOODENOUGH: Yes, we will.

COUNCILMEMBER BAISA: I think that might be every helpful to this Committee, as we look at it. Because it's people like yourselves who are actually involved in it that have a lot of information to share. And I know this has been going on for a long time and it's...but it's a very important issue to the people of my district. I know because I run into the bikes myself, and I also understand the safety as well as the business implications of this issue so I would welcome that. Thank you.

VICE-CHAIR PONTANILLA: Thank you.

MR. GOODENOUGH: You're welcome.

VICE-CHAIR PONTANILLA: Members, any more questions for the testifier? Seeing none, thank you again for being here.

MR. GOODENOUGH: Thank you.

VICE-CHAIR PONTANILLA: Next testifier is Lesley Ann . . .Bruce.

NOTE: Pause while Ms. Bruce approached the podium.

MS. BRUCE: . . . Good morning, my name is Lesley Ann Bruce. I'm representing myself today; I'm not part of any group.

. . . I wanna thank you for considering the bicycle report today. I'm sorry I have not read it, because although Mr. Enomoto emailed it to me, my computer is not working. I would like you to consider the General Plan transit corridors when you look at this plan. If we have the elevated train as recommended, it's proposed by the General Plan to have safe bikeways, safe walkways, safe equestrian trails, and even community gardens beneath the elevated train.

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. . . The bicycle tours that come down Baldwin Avenue are all violating the current community plans, as you probably know. This is a major problem for the people of the community plan district who gave so much consideration to safety of where the bicycle tours should go. Bicycle...Baldwin Avenue is *heavily* used by local athletes and cyclists in training. They cycle *alone* or in pairs *uphill*. . .uphill, and as far as I know have never killed themselves on Baldwin Avenue. My mother who will be 105 in August, has lived on Baldwin Avenue since 1943, and since the bicycle tours come down Baldwin Avenue, she now lives on dead-man's curve above Rainbow Park. As she works in the yard, she has to listen to the leaders shouting dead-man's curve, dead-man's curve. It should be dead-woman's curve for I was present one day when the leader asked to use our phone, I heard the whack, and he came into our yard asking to call 911. We offered blankets and traffic cones to help if we could. The woman's husband was a physician and he did CPR to try to maintain her heartbeat, but she had no vital signs. No tourist should die on bicycle tours on what is now dead-woman's curve.

. . . The community plan designers were correct in not permitting the bicycle tours on Baldwin Avenue. No one else should die there.

VICE-CHAIR PONTANILLA: . . . Thank you. Members, any questions for the testifier this morning? Seeing none, thank you again for being here.

. . . Members, the last person to sign up. . .for testimony this morning, prior to the meeting, is James Broder. Is there anyone that would like to provide public testimony that haven't signed up? If you could go in the back, sign up with the Secretary out in the lobby area? Thank you.

MR. BRODER: Morning. I'm a homeowner in Kula. I'm also a, a license holder of a, a US Cycling Federation Racing license. And I'm a member of the Upcountry Citizens Committee for Bike and Traffic Safety. First of all, I would like to thank the Council for seeing through this whole Kimura study and for getting it to us. In particular, Mr. Victorino, who met with us; and Mrs. Baisa, who's endured our continual salvo of emails.

COUNCILMEMBER BAISA: . . .*(laughter)*. . .

MR. BRODER: Jimmy Muschietti, who's the head of the Committee, is still in the middle of reading the study, every word. Myself. . .hoping that the perfect wouldn't be the enemy of the good, wanted to show up and just go over a few points today about this. In general, what I'd like to say is that what Walter Enomoto had to say, for us it's ditto. We endorse the short-term implementations. I, myself, was frankly a little surprised. . .when the study arrived. What I've been able to read, I was not very optimistic after having attended a couple of the very contentious meetings with the Kimura people. But I think they did a really good job.

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. . . I also specifically like the way that they are not pulling monies away from the ongoing Northshore Greenway projects and diverting it towards this. And we'd like to reserve the right to . . .comment further, after we've had to...a chance to study the thing and, and...in its full glory.

VICE-CHAIR PONTANILLA: . . . Thank you. Members, any questions for the testifier? Member Baisa?

COUNCILMEMBER BAISA: Thank you very much, Mr. Broder, for being here this morning. And . . .I'm assuming, we got an email this morning, and I think it went to all of the Members, from Mr. Muschietti. And he was respectfully asking--and this is the same request, I guess, that you're giving us--that he'd like a little more time to take a look at it before he would feel comfortable in making recommendations. Is that the message?

MR. BRODER: . . . Yes.

COUNCILMEMBER BAISA: Thank you very much.

VICE-CHAIR PONTANILLA: Thank you.

COUNCILMEMBER VICTORINO: Chair?

VICE-CHAIR PONTANILLA: Members, any more questions? Member Victorino?

COUNCILMEMBER VICTORINO: And thank you, and thank you for being here. I was curious on your statement that during these meeting that you had with the Kimura group it was kind of contentious. But yet on the other side when your final recommendations came out--and yet we're not totally satisfied, but I mean we're working on it--you felt they did a pretty good job in hearing what you and your concerns were?

MR. BRODER: Yeah.

COUNCILMEMBER VICTORINO: Okay.

MR. BRODER: Yeah, I was...the first meeting that I went to--

COUNCILMEMBER VICTORINO: Yeah.

MR. BRODER: --a lot of the downhill bike people showed up, and there were two cyclists there. So really, the downhill people *dominated* the meeting. And the...just from, from regardless of what was said, just from a standpoint of time taken, it was 90 percent the downhill people and 10 percent the cyclist or other, others. There was, I think, one other person there who was not a cyclist but had a lot of concerns about the downhills. The second meeting, about 35 or 40 people from the cycling community showed up, and it was a completely different ball game.

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COUNCILMEMBER VICTORINO: So you, you felt...and, and I again, I'll close it with, as far as you're concern, this study has, in your mind, been pretty fair in recognizing the concerns of *all* parties involved in, in this situation?

MR. BRODER: From what I've read so far--

COUNCILMEMBER VICTORINO: So far? Yeah.

MR. BRODER: --yeah. It, it stops short of where...what I personally would like to see, but I think it's a...or, or it gets us going in the right direction.

COUNCILMEMBER VICTORINO: And I think that was the, the whole key to this, getting us in the right direction and getting it taken care of.

MR. BRODER: Yes, sir.

COUNCILMEMBER VICTORINO: Thank you, Chair. Thank you. Thank you very much.

VICE-CHAIR PONTANILLA: Thank you. Members, any more questions for the testifier? Seeing none, thank you again.

. . . Mr. Broder was the last person to sign up for public testimony. Is there anyone in the gallery that would like to provide public testimony at this time?

MR. FELICIANO, FROM THE AUDIENCE: . . .*(inaudible)*. . .

VICE-CHAIR PONTANILLA: Yes, if you could come forward and..provide your testimony? Please provide us with your name and your...the organization that you represent. You have three minutes to provide public testimony. When you're done, if you can see the Secretary right outside the door and, and sign up. Thank you.

MR. FELICIANO: I will. Hi, my name is Phil Feliciano, I'm the owner of Cruiser Phil's Volcano Riders, an owner of a downhill bicycle tour company. We do guided tours and unguided tours. And I would like to congratulate Mr. Kimura and his staff on a job well done. But like all of you, we, we all got the disk just a few days ago. We're going through it. . .so there are a lot of things in there to digest, and, and we will and we'll make recommendations. Some of the stuff that kind of pops out at me, the permit process definitely needs to have some teeth. . .so that companies can be held accountable. 'Cause as you can see in the, in the documents, if you had some time, there's the good, the bad, and the ugly. And we need to get rid of the bad and the ugly. And so the permit process would be the perfect place to start. I was at the meetings that Mr. Broder just spoke about and everyone had equal opportunity and the documents show there were like 13 people at one meeting, 17 at another and some of you Council Members were there. And everyone get equal opportunity to speak their mind. So it was not *contentious*, and, and I take

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exception to that statement. But in, in closing, we would work very closely with all of you to try and get, get this right so we can move on in the future. Some of us have become very *old* in this process. When I started coming to meetings, my hair was black and I was 160 pounds, and you can see what the stress has done.

. . . With that, I'm open to questions or comments. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Members, any questions for the testifier?
. . .(laughter). . . Mr. Phil, I, I was--

MR. FELICIANO: Thank you.

VICE-CHAIR PONTANILLA: --similar like you six years ago, all black.

ALL: ...*(Chuckles)*...

MR. FELICIANO: I remember.

VICE-CHAIR PONTANILLA: . . .(laughter). . . Thank you very much.

COUNCILMEMBER VICTORINO: . . .(inaudible). . .

VICE-CHAIR PONTANILLA: Is there anyone else out there that would like to provide public testimony? If you could come forward, please?

NOTE: *Pause while Mr. Allen approached the podium.*

VICE-CHAIR PONTANILLA: . . . Once you're done with your public testimony, if you could see the Secretary outside the door and please sign up?

MR. ALLEN: How's everybody doing?

COUNCILMEMBER BAISA: . . .(inaudible). . .

MR. ALLEN: I do this stuff. I'm not an owner. I'm a guy who takes these folks down this hill. I've done this...

VICE-CHAIR PONTANILLA: Excuse me, sir, can you identify yourself?

MR. ALLEN: Am I what?

VICE-CHAIR PONTANILLA: Can you identify yourself?

MR. ALLEN: My name is Russ Allen, known as Uncle Russ on the mountain.

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COUNCILMEMBER VICTORINO: Okay . . . *(laughter)* . . .

MR. ALLEN: I haven't worked for 'em for a while, but I may be going back. The reason I'm here is to see if it's profitable to go back 'cause this is concerning it. I've taken probably...if it's one, I've taken 5,000, 10,000 people down this mountain.

. . . On Saturday nights I do it with my wife.

. . . I'm a golfer, but it took me away from golf because I like to do it, it's fun. But it's *dangerous* fun. In one minute you can have...be having the time of your life, in the next minute you could be having your life.

. . . I don't like that, and I do like it. Our island is in a situation as the country is. It's a revenue creator for everybody involved, until the bad things happen. The gentleman here who was talking about when the people . . . were coming around the corner at, I believe it's at Crater Road and Kula Highway, we're talking about, which is a very key area in that run down the mountain because you've got those folks coming down from Kula and you got the guys coming down from Crater Road, they come around that turn, that's always been an issue. You gotta be aware of that when you're doing this kind of stuff.

. . . It's you guys to *decide* whether we keep this going or not. With...my, myself personally, I'm gonna continue doing this, 'cause I have extreme fun from this. But this *is* a dangerous activity. My wife follows me in the truck on Saturday nights. And I do this on my own. You folks have probably seen me out there. I don't know whether we should keep this around or not. But I can tell you one thing, I've ridden people down from every state in the union. . . all over the world. They're telling me through their mouths. . . that this is some of the most fun they've ever had in their life and they're gonna come back. I don't know if it's for the beautiful sunsets, unreal sunrises up there in the morning and stuff. I don't do it for that. I go up there to ride that mountain. I don't look inside the crater. I don't do anything. I go clear to the top, ring a ding, ding down.

. . . Life and safety is important.

. . . There's things going on across the country. And the riders inside the vans will let me know that in other national parks they're doing stuff that is *dangerous* to the person's safety. We have to decide as humans how far do we go with fun and where safety is involved. There, I'm a thrill seeker, that's why I'm on this island. I was a surfer. Now I'm an old man, and I raised my kid here. They're afraid of me going...the reason I'm here because, she's here right now. . . and I'm trying to go back to work for her, it shows me how much she's interested on what's happening here. It won't determine whether I ride or not down the mountain. But with the safety stuff. . . it can be done. . . it can be done. But to go 100 *percent*. . . free of injury or maiming and laming people, 'cause what got 'em in trouble, what got 'em in trouble in this County was two things, impeding traffic and maiming, laming, and killing people. Other than that, they're bringing in a lot

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of revenue to the State. Now that the people are seeing how it's been chopped up, they've taken the top away from a death that happened right in front of the headquarters. Now we're discussing stuff to be implemented on the highways. I can understand 'cause we're growing. We're not like...I rode down this mountain when...1969, before...I guess the guy's name was Cruiser Bob, he must've...it was a bunch of surfers started riding skateboards and bikes down this mountain. I had to go to skateboard 'cause my brakes on my bike would blow up coming down the hill. They can't handle it. They have perfected this thing, but I am gonna tell you this is...it is a dangerous activity, it can be done. Can you be 100 percent? I had a meeting with a gentleman right here in...it was kind of heated because it was when I was going out of his company. But I think, you know, as a right, the people who come to do this activity. . .have a right to feel safe. And can you go 100 percent clean and not have anybody get injured? That's pretty tough, 'cause they've never done that around the world. But I can tell you they love it.

. . . They love it. And the funny thing is, it's a give-and-take situation.

VICE-CHAIR PONTANILLA: Mr. Allen, can you conclude, please?

MR. ALLEN: Okay. I'm, I'm gonna shorten this up.

VICE-CHAIR PONTANILLA: Thank you.

MR. ALLEN: When you got a folk...a person that can do it and is capable of riding a bicycle, you, you can feel them in the van. When you got a person who decided I'm gonna go with my family. . .we're talking about young kids or old grandmas and stuff like that, you know, who are out there just like me. . .and all of a sudden they know they've got in over their head with a ticket that's one of the most expensive tickets on the rock. . .of activities to do. . .and they're all of a sudden compelled because of if they're gonna get their money back or not, be put in that situation. Then you've got a situation where stuff can happen. And. . .I'm really here to see if I should go at this way to get a job. But I do think this is a fun thing to do. I do think they've done an unreal job at doing it. Because I think the count is--you probably know better than me--14 or 15 have died since it's started out in its original thing. And we're talking about probably, lord Jesus . . .

VICE-CHAIR PONTANILLA: Thank you.

MR. ALLEN: . . . five, ten million?

VICE-CHAIR PONTANILLA: Thank you.

MR. ALLEN: And take care, but I'll tell you . . .*(laughter)*. . . what. . .maybe you gotta think about where we're at right now in the economy--

VICE-CHAIR PONTANILLA: Mr. Allen?

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MR. ALLEN: --and how it's gonna go.

VICE-CHAIR PONTANILLA: Mr. Allen, thank you very much.

MR. ALLEN: Thank you for giving me your time. You guys take care, yeah. It was fun being here, really was.

VICE-CHAIR PONTANILLA: ...*(chuckles)*...

COUNCILMEMBER NISHIKI: I got a question.

VICE-CHAIR PONTANILLA: Mr. Allen, question please. Mr. Nishiki?

MR. ALLEN: Oh, question.

COUNCILMEMBER NISHIKI: Yeah . . .

MR. ALLEN: Yes, Wayne?

COUNCILMEMBER NISHIKI: I just take it that you're probably not for and against and yet. . .in your statements you said the concern for. . .safety. I happened to look briefly at this Kimura report. And seeing what the national park logged in the years. . .for Members, if you wanna look, it's Appendix D, and. . .it's Page 1--and then they've got whether it's been an accident or death or citation. I've seen one fatality in 2006. Then I looked at 2007 and I see. . .another fatality, and I, I presume that this, this has happened in the. . .national park area. Then in 2008, the national park stopped allowing commercial licenses and the reason is, is because they say that they're in a process of creating a framework to manage all entities that do business in the park. So it doesn't say that because of a *death* that they stopped doing this tour. My question to you is just as all of us have to pass a permit and a license, and now even more for younger kids, they have to go to school to get a drivers permit--now we're having people, and I was looking at the ages of people that got injured. They go from the ages of 13 to 70. . .of people that got hurt. So my question is this. . .national park has stopped this tour. Do you know...I know there's no representative here and I would have *loved* to see a representative here, but do *you* know why and is it because of the safety concern?

MR. ALLEN: . . .*(laughter)*. . . Well, I think it all started...

COUNCILMEMBER NISHIKI: I don't want you to speculate.

MR. ALLEN: No, no, no, I'm not gonna speculate. I think when we did get cast out of the park. . .a woman got killed in front of the headquarters, and I think this might have done something to have that situation happen. The Kimura company had a lot of interesting suggestions about what was going on out there. I will tell you doing it, of all the things like the pull-outs, so when the people are coming down the road and we're hanging 'em

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up because we're in front of them, like any of you if you go, pull out on the road and you have a bike company pull in front of you, your first feeling is oh, no, here we go. The key, when you're riding down the hill 'cause I do, do it all the time is wait. The more you wait, the quicker you're gonna go. Uh . . .

VICE-CHAIR PONTANILLA: . . . Mr. Allen, could you answer Mr. Nishiki's--

MR. ALLEN: I think . . .

VICE-CHAIR PONTANILLA: --answer, question?

COUNCILMEMBER NISHIKI: . . . *(inaudible)* . . .

MR. ALLEN: . . . I, I, I think that, to tell you the truth--

COUNCILMEMBER NISHIKI: ...*(inaudible)*... riding but I don't know how ...*(inaudible)*...

MR. ALLEN: They're saying the speed. Now, of all those suggestions they were giving, one of the key things that's gonna be involved with turn-outs and everything, is speed and what is the safe speed. This is one thing that I was interested in, is for the fact that you tend...what I would tell, always tell my folks, even if they didn't like me telling it, the owners and stuff, you have to be able to roll at least 30 miles an hour 'cause the speed limit on the road is 30 miles an hour. On Saturday nights, yeah I go faster, I probably pull sometimes 45, 50 miles an hour. It's speeds where if I know, if I go down, I'm done, I'm probably done right there. A safe speed like, I don't know what they're *suggesting* is a safe speed --

VICE-CHAIR PONTANILLA: Mr. Allen, can you...

MR. ALLEN: But 10, 15 miles an hour...

VICE-CHAIR PONTANILLA: Mr. Allen. . .can you answer Mr. Nishiki's question?

MR. ALLEN: . . . it's gonna hang, hang people up. Excuse me?

. . . Did I answer your question, Wayne?

COUNCILMEMBER NISHIKI: Do, do people get in accidents because they're going too fast?

MR. ALLEN: . . . Uh. . . I don't think so. I think the reason why is the person does the activity and doesn't realize when a person asks you can you ride a bike, your ability of actually riding that bike, because when you go on top of that hill, that comes into question, right there on how your safety's gonna be. And I'll tell you when I'm with guys that can, are capable of riding a bike, that becomes a really fun thing to do. When not, they're gonna tend to go slower, all of a sudden the traffic coming down because it is wait, okay the

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bikes go this fast, you know how fast the cars go? So they start stacking behind. Now this guys gotta get to a turn-out, if he doesn't he gets, somebody hits you there in that line, he's gonna try to make a shot in the upbound lane and go for it.

VICE-CHAIR PONTANILLA: Thank you.

MR. ALLEN: And he's got this long line, it creates a situation out there.

VICE-CHAIR PONTANILLA: Thank you, Mr. Allen.

MR. ALLEN: I'm sorry, Joe. ...*(chuckles)*....

VICE-CHAIR PONTANILLA: Mr. Nishiki?

MR. ALLEN: You know, anyway. . .I'm behind what you decide here. But one thing you gotta realize, it's about revenue and everything else. And I don't know why the government took the top of the park away, maybe it was--

VICE-CHAIR PONTANILLA: Okay. Mr. Allen....

MR. ALLEN: --that incident, but...

VICE-CHAIR PONTANILLA: Mr. Allen, I just wanna, you know--

MR. ALLEN: Okay.

VICE-CHAIR PONTANILLA: --let you conclude. Thank you.

MR. ALLEN: Thank you for your time, yeah.

VICE-CHAIR PONTANILLA: You welcome . . .*(laughter)*. . . Okay. Members, Mr. Allen was the last person to testify this morning.

MR. ALLEN, FROM THE AUDIENCE: . . .*(inaudible)*. . .

VICE-CHAIR PONTANILLA: If there's no objection, the Chair is gonna close public testimony.

COUNCILMEMBER MOLINA: No objections.

COUNCILMEMBER VICTORINO: No objection.

COUNCILMEMBER BAISA: No objection.

VICE-CHAIR PONTANILLA: Thank you very much . . .*(laughter)*. . .

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...END OF PUBLIC TESTIMONY...

VICE-CHAIR PONTANILLA: . . . Okay. Members, again we do have two items on the agenda.

ITEM NO. 74: BILL RELATING TO DESIGNATION OF IAO INTERMEDIATE SCHOOL LOADING ZONE (C.C. No. 08-203)

VICE-CHAIR PONTANILLA: The first item is IM-74, this is in regards to a BILL RELATING TO DESIGNATION OF IAO INTERMEDIATE SCHOOL LOADING ZONE. And, Members, we heard this morning testimony in regards to the proposal that was made back in the year 2000. And listening to the testifier, it seems like there's some communication gap between the Department of Education, probably with our Public Works Department *and* the school itself. So at this time, Chair is not gonna take action on this item because I think there's a lot of things that need to be researched. But first of all, I'd like to call on Mr. Arakawa for some opening comments.

MR. ARAKAWA: . . . Thank you, Mr. Chair.

. . . As you know the, the item before you pertains to a proposed bill to designate 13 loading stalls on South Market Street in front of Iao Intermediate School as a loading zone between the morning peak hours of 7:00 a.m. and 8:00 a.m., and between the afternoon peak hours of 1:00 p.m. and 3:00 p.m. This item was transmitted to the Public Works and Facilities Committee last term. This was back in March 10, 2008, got passed out of Committee; and at its meeting of June 20, 2008, the full Council referred Public Works and Facilities Committee Report No. 08-70 to the Traffic Safety Council for review and recommendation within 45 days. By transmittal dated August 29, 2008, Department of Public Works noted that the Traffic Safety Council was not able to meet the 45-day period, and returned the original documents back to the Council.

. . . I just wanted to go over some of the background of the request. As you all know, space is limited on the school site, as well as along the street for the drop-off and pickup of children. The loading zone would help to facilitate drop off and pickup of children along the school frontage during the before-, as well as the after-school rush hours. Otherwise parked cars would serve to limit the extent of drop-off and pickup and otherwise cause more traffic congestion. The loading stalls were installed during the construction of the Armory renovation for the expansion of Iao Intermediate School. And this occurred in the 2001, 2002 timeframe. The loading zone stalls were included in the State's building permit submittal and, thus, the implementation of the loading stalls occurred as part of the building permit process.

. . . It is noted that the loading zone *signs* and the sidewalk are on *school* property; but the loading zone *stalls* are within the County right-of-way on Market Street. In 2008, we re-reviewed the location of the loading stalls with representatives of Iao Intermediate

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School, and the school submitted testimony in support of the bill to retain the loading zone. Since the loading stalls *are* within the County right-of-way, Council action is necessary to *establish* the loading stalls. And this is an after-the-fact submittal and we apologize for that, for that fact. The discussion of the Public Works and Facilities Committee back in 2008 indicated acknowledgement that the *lack* of the loading zone could increase traffic congestion because drivers might decide to stop in the travel lane to discharge passengers. The Committee did indicate its concern over the impact of the loading zone on customers of existing businesses. It was noted by the Department at that time that the impact should be limited by the fact that the loading zone restriction applies only during the morning and afternoon peak hours. You have a bill before entitled A BILL FOR AN ORDINANCE AMENDING CHAPTER 10.56A, MAUI COUNTY CODE, PERTAINING TO LOADING ZONES, and that's . . . in your binders. And in accordance with the Chair's request, we're open to any questions to that, that proposed bill.

VICE-CHAIR PONTANILLA: Thank you. Members, question? We'll, we'll go with Member Victorino, the representative of the area, followed by Member Molina.

COUNCILMEMBER VICTORINO: Thank you. Mr. Arakawa, you heard the testimony this morning. And obviously. . . at that time, I, I see where on the Board of Variance, Mr. Hashiro had, had, had been one of the attendees, along. . . this is the meeting of October 12th--I'm referencing that, yeah, everybody who's looking, the meeting of October 12th, 2000. And there's a. . . there. . . on Page 3 there is some discussion about some of the alternatives that were going to be applied, especially the designated number of spaces, off-street. And. . . required 71 off-street parking spaces, whereas there was 109 off-street parking spaces required in the Wailuku Armory parcel. That's on Page 3. I, I, you know, in just reviewing all of this--and I've done this a few times, and each time when I look at it, it seems to be more and more where, you know, the Department as well as the DOE were really kind of trying to get a workable solution which was the roundabout, the turnaround area on the. . . or Waihee-side of school and the shutting down of Noeau Street. And I remember that very distinctly 'cause my father-in-law folks were still alive and that came to us and that inconvenienced them because they no longer had Noeau Street as a through. They had to come up from Market Street. They no longer could come off of Kaohu. So I'm kind of aware of all of this and I understand their testimony and I remember that as being part, and my father-in-law being very adamant about, you know, if they're gonna do that, then they better make sure that there's no parking on Market Street. But anyhow, all that said and done, where are we with this now? And the question I have for you, first of all is who put up the signs? Because those signs were put up before were approved anything, and I think that, that bothered us from the beginning because all of a sudden, boom, the signs were up. The second question I had, and maybe you can't answer, maybe we have to have Police. We designated three-hour parking and now we're hearing from the testifiers that that's not enforceable. So maybe, Mr. Chair, we have to ask the Police on that one, that may be another section on a question right. But let's go with the sign first, who authorized that and why was that

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done without approval? And I know you said after-the-fact, but I get kinda tired of this after-the-fact stuff. But please explain to us--

VICE-CHAIR PONTANILLA: Thank you. Department?

COUNCILMEMBER VICTORINO: --Mr. Arakawa.

MR. ARAKAWA: Councilmember Victorino, the signs as well as the loading zone stalls were actually approved, as I mentioned, during the building permit process. And I, I guess at that time what was assumed was that the sign, as well as the sidewalk and the stalls, were in the school property. But as I mentioned, in 2008 we discovered that actually the *stalls* itself are within the, the, the Market Street right-of-way. And that's when we came forward for the...with the bill to designate that as a loading zone. With regard to your other question about the time...restrictions on Market Street, that three-hour time restriction pertains only to the, the West Maui mountain side--

COUNCILMEMBER VICTORINO: Uh-huh.

MR. ARAKAWA: --of the street.

COUNCILMEMBER VICTORINO: Uh-huh.

MR. ARAKAWA: And...you can clarify this with the testifier, but I believe what they're referring to is that because the...there is no *bill* or ordinance on the loading zone on the *school* side, the Police cannot enforce that at this point. But I understand that they *are* enforcing the timed restriction on the West Maui mountain side as far as the three-hour parking restriction.

COUNCILMEMBER VICTORINO: So on the mauka side, that, that is being enforced on the makai side, or nearest to school--as far as you know that has not, not been changed.

MR. ARAKAWA: Yes.

COUNCILMEMBER VICTORINO: So there's no enforceability in that regard?

MR. ARAKAWA: Yes.

COUNCILMEMBER VICTORINO: Okay. Next question I have for you, coming out of Noeau Street onto Market, and that's by...Hashi's old...that Hashi's used to have that little house, and I forget who owns it now. It's a little, I think bed and breakfast, if I'm not mistaken, Mr. Chair. Why wasn't a sign...because I also understood it to be right-turn only, but never a sign put up. Was that the Department of *Education* was supposed to do that, or was that Public Works supposed to have done that right-turn only out of Noeau Street?

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MR. ARAKAWA: Our review of the records of that BVA hearing--I know a number of things were discussed before the BVA, but we did not find any requirement that this was a right-in, right-out only.

COUNCILMEMBER VICTORINO: Uh-huh.

MR. ARAKAWA: But, I mean, *if* that's something that . . . comes forward from this Council, I mean certainly we can, we can impose those types of restrictions. But we would want to have some further discussion with the businesses, as well as the school. . . and try to see if we can come to some sort of a meeting of the minds. But as far as we know, there was no restriction to right-in, right-out only.

COUNCILMEMBER VICTORINO: And who still retains the right to that, that, that roadway, Noeau, at this time? Because I've been told by State that they were supposed to take all of that over, 'cause my mother-in-law guys were told they could no longer park out there because the State was taking over. And I remember this, this is, you know, 10 years ago, so, my memory is just . . . and God rest their soul, both of them not there, but I, I remember this argument taking place, you know, so what happened with that and what is the . . . who has that control?

MR. ARAKAWA: . . . I, I'm not certain at this point. We can get back to the Committee on that. But I'm not certain if that's under . . . State property or is it, is . . . it's considered County right-of-way.

COUNCILMEMBER VICTORINO: Okay. If you could, I would appreciate that, I think, Mr. Chair, that's a very important point because again we're talking about a roundabout or turnaround loading and unloading that was supposed to be set up where traffic was to go in, and come right back out. And we were told, I remember that my father-in-law folks could no longer park there, that was gonna be taken over by the State, and so the only place he *could* park was up by the street or down on the other side. And, you know, there was no parking allowed so, you know, I . . . I'm trying to like now putting all these pieces after hearing testimony, Mr. Chair, I think there's some *real* big questions and I know you not gonna take action, so I think this gives us some time to get some of these answers. And I, you know, I think I'd appreciate that from the Department. Thank you, Mr. Chair.

VICE-CHAIR PONTANILLA: Thank you. Thank you for bringing that up because we had allowed the B&B to be there. . . having, you know, patrons of the B&B park across the . . . across that particular building in that--

UNIDENTIFIED SPEAKER: Right.

VICE-CHAIR PONTANILLA: --parking area.

COUNCILMEMBER VICTORINO: Right.

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VICE-CHAIR PONTANILLA: Mr. Molina?

COUNCILMEMBER MOLINA: Yeah. Thank you very much, Mr. Chairman. First of all, I wholeheartedly support your recommendation *not* to take action today. One, we don't have the Committee Chair here; *two*, there's no representative from the Department of Education here. And I heard the *reason* for it earlier, but I can't buy that as an acceptable reason--because this is the first day of school, they cannot send a representative here. I mean, come on, if this is so important to the school, there's *no* excuses for someone from the DOE *not* to be here. So . . .and I think we need to respect the concerns of the *residents* who are being impacted by this current proposal. And I'd like to know why, you know, get that question answered. If the DOE were in on this original plan, why isn't it...well, according to the testimony, being adhered to. It also opens up the questions for me upon hearing the testimony, if there is no *supervision* or some type of *monitoring* where parents are *stopping* in the middle of the road to drop their kids, we're potentially endangering lives, I mean, it could cause a fender bender. You know, 'cause I've seen it happen in other school areas--parents just stop right in the middle of the road. I mean, who's responsible for monitoring, is it the school, is it the Police? And it's disturbing. If the school is not doing *something* to *monitor* this...these actions that parents are taking, somebody's gotta be held accountable for it--the State, the County, maybe all of us. So those questions need to be answered. So out of respect for time, Mr. Chairman, I know we've got a important bike study and *because* we're not taking action I think, you know, as a Committee Member, Mr. Chairman, I think we should just keep things to a minimum, defer, and move on to the next study. So I don't know if Mr. Arakawa would like to give any additional comment with regards to some of the testimony given, related to the plan and why maybe the residents, or the plan wasn't adhered to by the DOE. I don't know if he has some insight he'd like to share on that, Mr. Chair.

VICE-CHAIR PONTANILLA: Department?

MR. ARAKAWA: Councilmember Molina, the only thing I, I would wanna say is that, you know, this has been a, a fairly well discussed issue. It dates back, you know, over the past decade or so. The general situation there is that there's a shortage of onsite parking on the school side and it's a traditional portion of Wailuku Town where you have a number of businesses and residential areas where there's insufficient parking on the site as well. So street parking is at a premium. So . . .we . . .over the past decade have tried to craft some sort of a compromise with all of the various parties involved. And we're still willing to meet with them and see if we can come up with something and, you know, massage it so that, you know, everybody's reasonably happy. So we're willing to do that for, for the Committee in terms of sitting down with all the parties and coming up with a . . .a satisfactory resolution.

COUNCILMEMBER MOLINA: Okay. Thank you, Mr. Director. And, Mr. Chair, if I could offer a suggestion, when we do meet on this, I guess for, maybe for Mr. Medeiros's

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consideration--a site inspection, we can go observe in the morning, see this traffic, see it up close firsthand and see what is happening. So I would like to just offer that as a suggestion, as a Committee Member. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Member Baisa?

COUNCILMEMBER BAISA: Yes, thank you, Chair. And I thoroughly support Member Molina's recommendation. I usually come to work on Waiale and make the turn onto Kaohu and come up, so often I'm there when the school kids and buses and everything are arriving in the morning. And I think it might be a really good idea to *be* there as a Committee to kind of observe what's happening. So I think that--of course, we're talking about a deferral today and I *certainly* would like to see all of the players here at the next time we talk about this. Thank you.

VICE-CHAIR PONTANILLA: Thank you. The Chair would like, since...Lieutenant Kaho'ohanohano is here this morning. . .Chair would like to request that, you know, because school has just started, maybe some Police presence in the morning, prior to school starting, and then when school ends--just to monitor the traffic to make sure that, you know, we're saying right-turn in, right-turn out but there's no signs out there to indicate that. But. . .yeah, we do have some parents that are stopping in the middle of the lane to pick up or drop off students in the morning, so my request to the Department. Thank you. Member Kaho'ohalahala?

COUNCILMEMBER KAHO'OHALAHALA: Yeah. Thank you, Chair. I just have a couple questions for Public Works. One is in the minutes of 2008, it says that the Traffic Safety Commission or. . .yeah, Traffic Safety Council did not meet. Was there, was there a reason why they had not enough time to, to meet on this issue?

MR. ARAKAWA: We had quorum issues during that time period as far as the number of members on the Council.

COUNCILMEMBER KAHO'OHALAHALA: So for quorum then this item was never taken up then?

MR. ARAKAWA: No. Actually. . .the Council asked us for comments within 45 days, the Traffic Safety Council was not able to meet within 45 days. So we--

COUNCILMEMBER KAHO'OHALAHALA: Because of quorum then?

MR. ARAKAWA: Yes, yes.

COUNCILMEMBER KAHO'OHALAHALA: Okay. And then, only because was mentioned in testimony that the idea or the agreements for the right turn on Market Street was something that had been thoroughly discussed, and you said that this item has been around for awhile and has been *thoroughly* discussed. And yet you say that you're not aware of *that* concern or request for a right turn on, on South Market. How is that?

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MR. ARAKAWA: . . . We, we're not saying that it wasn't *discussed*, but just in terms of the BVA action on the matter, we're not aware that they actually *required* the applicant to install those signs. That's not saying that we're totally against it, but we, like I said, you know, we'd want to discuss the issue with the parties involved and also see what kind of impacts that it may have for larger Wailuku traffic as well.

COUNCILMEMBER KAHO'OHALAHALA: Okay. So just clarify for me then--you are aware of discussion that this was a request made by the, the, the community immediately across the street. Yes or no?

MR. ARAKAWA: Well, I was made. . .I was made aware of it through the testimony and discussion with the testifiers, yes.

COUNCILMEMBER KAHO'OHALAHALA: Just, just, just today?

MR. ARAKAWA: Just recently, yes. I, I spoke...I did speak with the testifiers last week. But, yeah, that was the time when I, I, I was...I became aware of it, yes.

COUNCILMEMBER KAHO'OHALAHALA: So that's the only time you became aware of it?

MR. ARAKAWA: . . . That, that's correct.

COUNCILMEMBER KAHO'OHALAHALA: Okay. Thank you.

VICE-CHAIR PONTANILLA: Thank you. Member Nishiki?

COUNCILMEMBER NISHIKI: . . . Chairman, if you...Members would turn to Page 16 and 17? This was during the testimony that Mr. Victorino speaks of, the Board of Variances and appear...Appeals. One testifier was Glen Nakashima--

COUNCILMEMBER VICTORINO: Uh-huh.

COUNCILMEMBER NISHIKI: --retired Police Officer. And, and it seems like in his testimony. . .that. . .there was a deal made, and then he even talks about giving Brian, I guess it's Brian Hashiro, some kind of raise. But besides the point. Then, you go down and you read the testimony of Mr. Bruce Cary, Mr. Chairman. And in it, he talks about the impact of parking and, and a reduction from 25 to 3. In it, he discusses about DOE and the present situation. I don't know what the impact is on Kaohu Street and how many parking stalls were eliminated. *However*, I think that when you listen to Milton today--and, and I did listen very. . .*intensely*. He said that during that construction time is when the loading was allowed to occur, and *obviously* because construction was going on. It did not say upon *completion*. . .what was to occur, however, he did say, after the fact, that now they are *continuing* to allow the unloading to occur. Okay? And these [*sic*] is what these people are concerned about. They had thought that there was a

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deal. And *this* was *not*--what they see today. . .is what the deal is. In *fact* what is being done *now* is a violation of what. . .really *is*. . .parking. Not unloading.

. . . So while this safety occurs and while those of you that have spoken earlier say oh, well, the DOE's not here . . .

. . . what is going to be done? Is this going to continue? These people are of the opinion, Mr. Chairman, that the deal *was* that there would be no unloading. And now it is existing. They are also of the opinion that. . .only right turn was going to be allowed. And now right and left is going to be...and right now it's being allowed. So you've got a safety concern, number one. You've got a violation of the law which now is, is as, as you said, they're allowing unloading to do it. And we...we've not even *passed* it. . .so there's a violation after the fact. *Finally*. . .finally, Mr. Chairman. . .we, we, we *need* to stop this if there is a safety concern.

. . . *If* there is, as testifiers said, that. . .people from the DOE parking in this place, right--both sides, obviously, Milton, or, or maybe it is just the mauka side. Okay? We need to maybe pass a law today saying that because the police officer right now has no law to enforce, we need to pass a law maybe on, on the, mauka side to say that. . .immediately they go put up two-hour parking.

VICE-CHAIR PONTANILLA: Thank you, Mr. Nishiki.

COUNCILMEMBER VICTORINO: . . .*(inaudible)*. . .

COUNCILMEMBER NISHIKI: You know. . .now I need to ask Milton this question. Milton--

VICE-CHAIR PONTANILLA: Go ahead.

COUNCILMEMBER NISHIKI: --so we've got an after the fact and, and, and we've got all of these concerns, what is your recommendation to us today or are you going to do anything about what is now existing and creating problem? And, and, and, and *probably*, not "and probably", *and* it seems like a deal was struck and yet those of us in *government* are not even *keeping* these deals. . .including the DOE. . .if that occurred. Are you privy to some of the testimony and what was discussed in Board of Variances or wherever?

MR. ARAKAWA: . . . Councilmember Nishiki. . .just keep in mind that the, the BVA discussion, of course, occurred ten years ago. It was quite some time ago. And as I mentioned, there is a shortage of street parking in the area, there's a high demand for it. We are open to trying to craft a compromise with all of the various parties involved, and we're willing to sit down with them and try to come back to the Council with. . .hopefully a, a reasonable compromise where everyone's happy. *If*. . .folks have not been complying with their representations made before the BVA ten years ago, we wanna at least sit down with those parties and see what can be. . .worked out with them. I mean we're willing to do that and come back before the, this Council with a proposal.

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COUNCILMEMBER NISHIKI: Mr. Corporation Counsel, *right now* because our super policeman who gives violations now is telling the people, the residents that he can't give any tickets, what really is allowed on the *mauka* side of Market Street fronting Iao School, what is the law right now? The people can park? He's saying that he's not able to give it and, and people are. . .are using it. So is there a violation?

MR. KUSHI: This is on the mauka side, West Maui mountain side?

COUNCILMEMBER NISHIKI: Mauka side, yeah.

MR. KUSHI: Fronting the Shibuya business?

COUNCILMEMBER NISHIKI: Exactly.

MR. KUSHI: It is what it is right now, so...

COUNCILMEMBER NISHIKI: Which is?

MR. KUSHI: I'm not sure, you haven't...it's not before you. The, the, the bill before you is for the makai side.

VICE-CHAIR PONTANILLA: Yeah. Let, let me answer Mr. Nishiki's question. Right now the limit is three-hour parking.

COUNCILMEMBER NISHIKI: It is.

COUNCILMEMBER VICTORINO: It is.

VICE-CHAIR PONTANILLA: Yeah. It is, and, and it *is* enforceable.

COUNCILMEMBER NISHIKI: So the police officer doesn't know this.

VICE-CHAIR PONTANILLA: He probably know, but I'm, I'm *hoping* that with the Lieutenant Kaho'ohanohano here--

UNIDENTIFIED SPEAKER: Uh-huh.

VICE-CHAIR PONTANILLA: --that, that message will be relayed to, you know, the person that is doing the tire marks. And, and again, you know. . .hopefully with the help of the Police Department we can at least remedy some of the safety issues in the morning and in the afternoon. For us to create an ordinance at this time, I...I don't think we have all of the information that is before us, and I'd like to have Mr. Arakawa, as well as the Department of Education and the surrounding business area. . .business people in the area to continue this discussion in regards to what we should do on that segment of South Market Street.

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COUNCILMEMBER NISHIKI: Okay--

VICE-CHAIR PONTANILLA: I, I think, you know, here we are, you know, going back to the year 2000 looking at minutes. Yeah, we, we can discuss that, but I, I think we should take a look in regards what we can do going *forward*. You know, I've worked with. . .Ms. Shibuya, Ms. Shibuya, I think from the Department of Education. She is one person that handles some of the public safety issues for the, for the schools in Central Maui. And I've worked with her along with Milton Arakawa to create crosswalks, as well as raised crosswalks, in the particular area. So hopefully...and I don't know who is the representative for the DOE in regards to, you know, school safety in Central Maui. But I, I think maybe Mr. Arakawa is privy, privy to who, whoever the person is. But we can work with the Department of Education to resolve this problem, along with the business owners in the area. And if, if Mr. Arakawa could provide us--if, *if* you know, if there is that one particular person that is still handling safety concerns for the public schools here in Maui County.

COUNCILMEMBER NISHIKI: Yeah, Mr., Mr. Pontanilla, my, my concern is this, if it is *now* what we're doing illegal, someone gets hurt. . .now we're doing it. . .and, and, and it's illegal, as Milton said. This was only allowed during the *construction* time, that the loading zone is. Somebody should get hurt, what is the County's liability?

VICE-CHAIR PONTANILLA: Thank you.

COUNCILMEMBER NISHIKI: We're, we're breaking our own laws and allowing somebody to get hurt.

VICE-CHAIR PONTANILLA: Thank you, Mr. Nishiki. And that's the reason why the Chair is requesting the Maui Police Department's support in trying to create *safety* in the morning and in the afternoon when school is starting and when school is being let out. Mr. Arakawa?

MR. ARAKAWA: Mr. Chair, I, I don't know who the exact point person would be, but I mean certainly DOE should be represented.

VICE-CHAIR PONTANILLA: Thank you. Members, any more questions? Member Mateo?

COUNCILMEMBER MATEO: Chairman, thank you. And just to reiterate what Mr. Molina had started a while ago--the importance of having all of the players, you know, at the table so we can discuss it. Today was a real good example of major chaos right in front of the school. And unfortunately it wasn't the whole school in session, it was primarily the sixth graders, I believe, that showed up today. But the traffic in front of the school was very slow. We stopped just to have kids cross, cross the street, outside of the crosswalks, because I didn't see any security or any, you know, guards available. And I think that's one of the, one of the issues that the DOE need to address itself--because the

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officers cannot be there all the time--that they need to also help assist with the safety of the youngsters. So I look forward to the meeting. When all of the players are here, we can ask all of the questions and try to reach an understanding--both the County, the DOE, and the residents involved, as well as the businesses. Thank you, Mr. Chairman.

VICE-CHAIR PONTANILLA: Thank you, Mr. Mateo. And I agree with you. In fact Pomaikai, you know, right now we do have the Maui Lani Parkway and Kam Avenue four-way stop. And. . .I've, I've made a request to the Police Department to station a, an officer in that. . .at that location to ensure that, you know, traffic safety is apprised by everyone that comes to that one particular intersection. And, you know, if we see fit as Council Members, you know, because, you know, this is the first day of school and if there are any safety concerns *around* the areas that, you know, you represent that have schools, *make* a request so that at least, you know, some of this traffic safety. . .first day of school is mitigated. So. . .Mr. Victorino?

COUNCILMEMBER VICTORINO: I'll, I'll, I'll close with this then. Thank you for the suggestion, but I will also ask if we could have the former Public Works Director and the Planning. . .because their names are mentioned prominently in here, a number of times in the Board of Variance. And if they could be invited, now whether they come or not that's. . .we cannot mandate them to come. But I would them, if we could, and put it in the minutes today that, that request is made by myself, by the Committee, if the Committee Chair would ask them to attend. Because we need their input, too, because they were a part of this whole process. And the testifiers mentioned that they have tried to reach them and not gotten any response. So maybe if we ask, they'll be able to respond.

VICE-CHAIR PONTANILLA: . . .*(inaudible)*. . .

COUNCILMEMBER VICTORINO: Thank you, Mr. Chair.

VICE-CHAIR PONTANILLA: Thank you. Just my last question before we move on to the next item. Mr. Arakawa, is Iao School in the Maui Redevelopment Area?

NOTE: Silence.

MR. ARAKAWA: . . . Sorry, Mr. Chair, I, I'm not certain.

VICE-CHAIR PONTANILLA: Okay. Fine. And, and if it is, we'll have a representative from that agency also here. Thank you. Member Baisa?

COUNCILMEMBER BAISA: Yes, Chair. Point of personal privilege. If we're going to move on, could we have our morning break? A short one?

VICE-CHAIR PONTANILLA: Yes, the Chair is gonna go--

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COUNCILMEMBER BAISA: Thank you.

VICE-CHAIR PONTANILLA: --do that. Okay, Members, I just wanna say thank you to Mr. Arakawa and Mr. Yagin for item IM-74. And they're gonna be here for the next item, also. So at this time the Chair is recommending to defer this. . .Committee item, if there's no objections.

COUNCIL MEMBERS: No objections.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: WKM)

ACTION: DEFER pending further discussion.

VICE-CHAIR PONTANILLA: Thank you. Members, we're gonna take our mid-morning break, and we gonna reconvene at five to 11. Thank you. This meeting is now in recess. . . .(gavel). . .

RECESS: 10:45 a.m.

RECONVENE: 10:58 a.m.

VICE-CHAIR PONTANILLA: . . .(gavel). . . The Budget and Finance Committee meeting is now reconvened. Members, our last item this morning is IM-40, this is in regards to the Downhill Bicycle Tours Study.

ITEM NO. 40: DOWNHILL BICYCLE TOURS STUDY (C.C. No. 10-93)

VICE-CHAIR PONTANILLA: Um . . .

NOTE: Silence.

VICE-CHAIR PONTANILLA: . . . Chair is having. . .not "a senior moment", but--

COUNCIL MEMBERS: . . .(Chuckles) . . .

VICE-CHAIR PONTANILLA: --you know, we, we do need some people from the Administration to be at this...to address this item. So I see Mr. Arakawa, as well as Mr. Yagin . . .(laughter). . .

COUNCILMEMBER VICTORINO: Senior moment . . .(laughter). . .

VICE-CHAIR PONTANILLA: . . . here. So at this time, Members, we're gonna take a short recess to lower the screen so that Mr. Kimura can provide us. . .some information regarding the study for Maui County Downhill Bike Tours. So, Members, we'll take a short recess.

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COUNCILMEMBER VICTORINO: Shoot.

VICE-CHAIR PONTANILLA: . . . We'll go through the study, and then after the study if we do have questions for the Department as well as for Mr. Kimura, if we could...if you could write your questions down so that. . .we not interrupt Mr. Kimura when he does his presentation. So this meeting is in recess. . . .(*gavel*). . .

RECESS: 10:59 a.m.

RECONVENE: 11:02 a.m.

VICE-CHAIR PONTANILLA: . . .(*gavel*). . . Infrastructure Management Committee meeting is now reconvened. At this time, I'd like to call on Mr. Kimura to provide us. . .information regarding the Maui County Downhill Bike Tour Study that was made, or was concluded. Mr. Kimura?

MR. KIMURA: Thank you, Chair Pontanilla and Members of the Council. My name is Glenn Kimura, I'm the President of Kimura International. Here today with me is my associate, Nancy Nishikawa, who was a primary author of the report, and she's here to answer the hard questions that I can't answer . . .(*laughter*). . . Also here is our Legal Counsel, Paul Horikawa, who we retained in case there is some legal issues that came about as a result of this study. What I'd like to do is give you a very brief presentation on our study. . .which we just finished. What we'll present today is our...a background on why we did the study, our purpose and objectives, how we did it, and our schedule. Also, go over our findings, and then go over some assessment and recommendations. These fall into three categories: physical improvements, regulatory, and non-regulatory recommendations. Our study team consisted of the Department of Public Works, who we're contracted with; Joe Krueger who was our primary Project Manager, saw through the whole study until he just retired recently. As you can see, we're the primary contractor for Planning. We also had Herb Lee assisting us with our, our...facilitating our meetings. We had an Engineer from R. M. Towill, a Traffic Engineer; and also, as I mentioned, Legal Counsel Paul Horikawa.

. . . In terms of project background, the key events regarding this study was way back in 1995 an ordinance was passed by the Council that would establish permit requirements for the bike tour business. The Council held a number of public hearings regarding this issue and they recommended passage of a bill to increase insurance requirements. Mayor Tavares signs an ordinance in...right before in January of 2007 that increased the liability requirements from 1 million to \$3 million. A key piece of legislation was passed in June of '07--this was at the State Legislature, which gave the Counties the power to regulate the tour companies, this was an enabling legislation.

. . . In September of 2000, right before then, the National Park Service had a number of accidents and fatalities. This prompted them to...have a, what they called a

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“stand-down” for 60 days, until they could assess what the, what the issues were. So the National Park Service conducted what was called a Safety Analysis Report, and they...in their report they, they recommended extending the moratorium until they had a what’s called a commercial services plan. So way back in May of ‘08, our study began.

. . . So our study purpose and objectives were basically. . .to conduct an assessment of the downhill bike tour industry. We wanted to look at some alternatives and develop recommendations--and this would cover commercial bike tours, both the guided and the unguided tours. And what was key was that it had, it was on *both* the State and County highways. And the intent of any new ordinance is to provide for the *safety* of bicyclists-- ‘cause that was always our, our main concern, as well as the motoring public. These study purposes and objectives were, were the same words that we used in our public meetings. So none, none of these...our statements have been changed for this presentation. Our methodology, we were there to collect accurate information. . .about the operations. You know, we had to learn about the downhill bike tour industry, and we collected safety and traffic information. We had a . . .couple rounds of meetings with stakeholders, and then we encouraged all stakeholders to suggest and discuss possible solutions. And then our job was to take all of this information and evaluate them and then develop cost wherever we thought they were appropriate. So our study schedule, we started in May of 2008, after we got notice to proceed. And we had two rounds of public meetings. The first occurred in July. And for these meetings, we had two venues. So we didn’t have only one. We had one in Makawao and one in the Kula community. We tried to go into the neighborhoods where the tour industries were operating. The first public meeting was basically to tell them what we were doing and to gather information. So after we, we got information from them, in October we went back with our second public meeting. And at that time, we presented all of our preliminary recommendations that were. . .contained within the draft report. So we wanted them to *see* exactly what we’re considering and get their feedback on that as well. So in January of 2010, we issued a draft report. Now as you can see, there’s a, a pretty big hiatus here in terms of time. And the reason for that was we were actually contracted within our scope of work to *include* whatever recommendations came out of the National Park Service. So they...we’re communicating with them, they said that their commercial services plan was supposed to go underway, and actually none, none of that happened overtime. So we had to wait, and finally we got to the point where we felt like it wasn’t worth waiting so we issued the draft report. Now the key legislation, as I mentioned before, is a State law. And this enabled the regulation of commercial bike tours. The key points was that the Council could adopt regulations for bicycle tours on *State* and County highways. Not that’s important because previously the permits were only issued for *County* roadways. And what was key here is. . .you can barely see it in, in red, but at the bottom of the first paragraph it says that each county shall follow Federal guidelines for commercial bicycle tours that begin from *Federal* or State parks and continue on to State highways. And that was a primary reason why we were waiting for the National Park Service. So for our study, the purpose of this. . .for this study, “bicycle tour”, we’re, we’re defining it to include both guided bicycle tours and unguided bicycle rental operations.

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. . . So our findings. . . how we got all of the information? As I said, we had two rounds of public meetings. . . in July and November. And we also consulted with a number of different agencies and groups. We had meetings with the Maui Corp. Counsel, Department of Parks and Recreation, Department of Public Works, also we interviewed the Police Department and the Office of the Mayor. We also talked to the National Park Service, as well as the State Department of Transportation. We also went out into the community, we talked to the Kula Community Association, the Maui Bicycle Alliance. We had a meeting with the Main Street Program Coordinator, and Upcountry Citizens for Bike and Traffic Safety. We, we actually went out and interviewed all of the bicycle companies that we knew were operating in the area, including all of these eight companies here.

. . . So the data and information that we got, we, was from the National Park Service. . . Hawaii State Department of Health, basically the EMS Services; DOT Traffic Branch; and even the Maui County Emergency Medical Service; as well as the Planning Department.

. . . Now, just, this map will show you where the bike tours are operating. The green area is where the National Park Service is right now, and there's about an eight mile stretch of roadway that actually goes through the park which is in the stand down operation now. They're not allowing bikes to operate there. But basically the current launch area occurs right outside the park boundary, and then we have our first stretch of roadway, Haleakala Crater Road which is owned by the State of Hawaii. Then our next state...our next stretch is Haleakala Highway, also, but it's running through the Kula Community, and that's owned by the State of Hawaii. Portion of Hanamu Road, and then, then it goes on Baldwin Avenue. One tour...tours operate down Baldwin Avenue and also get onto Hana Highway; and another, another one goes on Kokomo Road, which is actually a County roadway.

. . . Now in terms of bicycle tour, participants, before the stand down--and that would be right before September or so of 2007--there were almost 6...12,000 bicycle tour participants, and the bulk of them were escorted, the, the bigger portion of that bar graph on the left. Right after the stand down, the next year, as you can see, the number dropped significantly to almost. . . about 6,000. That was actually the result of the, the stand down, and most of the decrease occurred in the escorted tours.

. . . So one of the issue is safety concerns.

. . . In 2007, there were 130 bicycle accidents, and 25 percent of that of that occurred within the, the zip codes in which the tours operate--that would be Kula, Makawao, Paia, and Haiku. There were none in Paia or Haiku, but as you can see, most of them occurred in Kula and Makawao. The other zip codes, there were 97 bicycle accidents, but it's...it, it doesn't compare to the 25 percent that occurred within the, the two operating areas. Also in 2007, there were 123 vehicular accidents that did *not* involve bicycles. But as

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you can see, the bikes, the, the accidents that occurred--21 percent compared to 11 percent elsewhere on Maui. . .within the bicycle tour areas.

. . . Now what we tried to do was compare Maui to *another* island that had comparable. . .statistics. The Big Island is one because it has almost the same amount of roads and the same amount of population. Maui had 622 fewer total vehicular accidents. There are a lot, lot more accidents on the Big Island. I guess they drive a lot faster there and I just don't know why, but . . .

. . . But on the other hand, Maui had 58 *more* bicycle accidents or *80* percent more. The Big Island has a lot of bicycle activities. They have the Iron Man, and, and those kinds of events, but those occur on, on. . .organized. . .on the main highway, but it's a well-organized event and the shoulders are really wide there.

. . . Now the National Park Service, when they allowed bicycle tours to operate within the park, really had a *number* of very specific regulations that they enforced. They were concerned about the condition of the bike. They were also concerned about what the participants wore. They controlled the group size. They also wanted to make sure that the, the tours were staggered so they went out in ten-minute intervals. They didn't want to have any tour clients or bicycles or support vehicles obstructing vehicular or pedestrian traffic, and basically they wanted to make the operations safe. So they, they. . .the, the National Park Service has the manpower, because it's a Federal park, they had enough rangers to, to enforce these regulations.

. . . The other issue is traffic impacts, concerns. What we. . .our Traffic Engineer did was he got us some traffic counts. Now these are not *bicycles*, these are cars. And these graphs show you the different segments of the road. This first graph shows you at the top, basically from the start point coming down the, the winding roadway from the park. And the, the, the bars on the top represent going *uphill*, in that stretch of roadway; and the bars on the bottom represent coming down. So the traffic volume is highest between 7:15 a.m. and 8:15 a.m. coming *down*, and the peak rate occurs between 7:30 and 7:45. After that, the volumes drop down to more than half. So this is really a reflection of all of the tourists that are going up to look at the sunrise and then coming back down. So we have an issue with a lot of cars coming down as the bike tour companies are coming down as well.

. . . Then when you go along the Kula Highway area, through the community, there's a similar situation. In this, in this case there's a significant drop in traffic volumes after eight o'clock. So this traffic volume also coincides with a lot of commuters that are going to work and taking their kids to school as well.

. . . And then this last graph shows you how it is on *Baldwin*. As you can see, traffic is more or less pretty heavy from the early morning hours, the peak hours, and. . .they continue on for most of the day.

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. . . The significance of this is basically that there's a lot of cars, not that the cars themselves would cause accidents with the, the tours going downhill. The accidents that have *occurred* are basically the, the bikers going downhill heading in and oncoming traffic going uphill.

. . . So we had a...as a result of our meetings. . .come up with a number of proposals. And as I said, we divided them to three categories: physical improvements, of which we have six proposals; regulatory, we have six proposals plus eight, which are actually subsets of the major six; and then non-regulatory proposals, basically some things that can be implemented just through safety. A lot has to do with courtesy and enforcement as well. All of these, as I mentioned, were. . .were reviewed during our second round of our public meetings.

. . . So in terms of our guidelines, we looked at them in terms of benefits--whether they're high, medium, low, or unknown. The high benefits are those that are favored by the community and the industry and they would. . .result in significant improvement in traffic flow and safety. The mediums are more the, the ones that either are favored by the community but not by the industry or vice versa, and only some of the improvement is traffic flow would occur. And then the low benefits would be those that there's no position taken by either the community or the industry and there would only be marginal improvements. The unknown is basically where we were ending up with insufficient information. The assessment guidelines also looked at impacts, and these were either organizational resource impacts or *financial* resources. The high impacts would be those that would require creation of a new *government* entity or a third-party entity to, to implement these, and that's the impact and that translates to *cost*, actually, with financial resources and so forth. So we went through high, medium, and low for both organizational as well as financial resources.

. . . So what we did was we rated the benefits and the impacts. . .and looked at the physical improvements, regulatory improvements, and non-regulatory improvements matched against the benefits that they would provide in terms of low, medium, or high. . .the organizational impacts and funding impacts.

. . . So we integrated these. And in, in planning, in, in our profession, this is similar to what's called a "goals achievement matrix" in which we match up the impacts against the benefits. So if you have a low impact with low benefit, it could come out with a mid-term implementation. A high benefit with a high impact, you know, end up with further consideration, so forth.

. . . So now we're going through the recommendations we made, and this is for the short-term, and it's for our high-priority recommendations. In terms of the first category, physical improvements, we're recommending improving staging areas, constructing pull-outs and widen shoulders, and the bike path connector from Crater Road to Haleakala Roadway. This connector is simply. . .what we're recommending is a small stretch of actual bike path where the. . .it's at a T-intersection where the, the bikers have

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to come to a stop. That creates a problem for the industry in terms of suddenly their whole tour group having to stop--and in fact not. . .many of them do not stop there, and that's caused a lot of problems with the community. So instead what we're recommend. . .recommending is a bike path that can be constructed along the, the shoulder within the right-of-way so that the, the bikes can just continue moving on straight through. Regulator, regulatory proposals. . .closing the permit loophole, some of the people testified about this. This is an easy one to do. Not, not all of the people within the industry is complying with this. Prohibiting tours on certain road segments, regulating tour group spacing, requiring mandatory use of pull-outs. And in this case, the mandatory pull-outs, we'd have signs that *say* that a pull-out is coming up ahead, so that a car that's trailing a, a bike convoy would know that the bikers will be pulling out within a half mile or so, so that they can be a little bit more patient instead of trying to overtake them. And also requiring speedometers for the cruise leader. This is one thing that's very easy to do, and it'll help to make sure that the spacings are correct, and that safety is being considered as well. Non-regulatory proposals, the one that's easy to do--identify vans and trailers, 'cause right now. . .if there's an issue, there's an accident or a situation, some of the vans are not identified so people don't know who is involved; and also a safety video is recommended. The safety video would be something that you see in, you know, every time you ride an airplane, they tell you, you know, what you're supposed to do and so forth. We think this is a very good idea because. . .I actually *took* the bike tour so that I could understand what it was all about. And you're going up, you know, an hours' trip, hour-and-a-half trip up the...up to the mountain, and that's when you're a captured audience. So if you have to look at a, a safety video, you can actually see one. And if it's an industry-wide *standard*, then everybody would get the same information.

. . . Now in terms of the pull-outs, the good news is that in the STIP of FY 2011, they're...the State *is* gonna be implementing these pull-out areas, so they're actually *four* that they're gonna be implementing along this stretch of roadway.

. . . Recommendations for the mid-term? Physical improvements, these get to be a little bit more *costly* and time...takes time to implement. One would be physical improvements, having rest stops at the scenic overlooks for example. Regulatory proposals: having mandatory data collection every time you have a permit application, and then mandatory drug and alcohol testing as well. Non-regulatory, establishing a complaint hotline. What we're calling a "best practices manual" is, you know, all of the, the kinds of things that all the industries should have in terms of how they conduct their businesses. Courtesy is one of the main, important factors as well in dealing with the community. Directional signage. . .in our observation. . .sometimes, especially the independent tour participants get lost, so I think directional signage would help them as well. And, and then the last one is to install speed monitors on Haleakala Highway, and this would be primarily in the Kula area because the feedback we got was that. . .it's dangerous because people speed. And we talked to the Police Department and they said that they understand that, but it's always an enforcement issue. Every time they're out there, people stop and then it's a, it's a habit. So as soon as the police are not there, then speeding occurs again. So what we're talking about is the kinds of...it can be portable or

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it could be permanent where you have a sign with a, a radar detector that will actually tell you how fast you're going so that people can see that they're really exceeding the speed limit sign.

. . . And these are recommendations for further consideration. These are not our really *strong* recommendations, and some of them are very costly. Physical improvements: bridge improvements, bridges cost a lot of money to build. . .but we have some choke points, and if we had money, if this was a perfect world we'd be improving those areas. And also the Baldwin Avenue path, this is something that. . .as we mentioned, is not something that we're highly recommending at this time. Regulatory proposals: restricting the number of tours that are allowed, restricting size of tour groups, developing a credential monitoring program and a surcharge fee. These are things that I think the Council *should* consider, but maybe not for immediate implementation. And then lastly, non-regulatory proposals: increasing police enforcement.

. . . We are recommending eliminating these proposals: restricting the bicycle tours during certain times. This was a suggestion because of the conflict between the, the peak commuter traffic that occurs in the Kula neighborhood. The problem with trying to implement this is the, the sun always doesn't come up in the same time. It's a, it's a seasonal thing, and so this would be kind of difficult to implement. And then regulating the participant qualifications--right now, the, the good guys, as Phil said, are those that really look at their clientele and see if they can actually do the bike ride down the hill and it's a self policing thing. And I think as long as they, they have a best practices manual, I think that would be something good to just let slide for now. We were suggesting, at one point, seeing if we could take advantage of the scenic byway. . .the program. This is a nationwide program, and we thought we could tap into some of the funds on that, but I don't think DOT's anywhere close on this study. So that's why we're recommending this for elimination.

. . . So in essence that's quickly our...nutshell of our, our study. At this time, we'd be happy to answer any questions.

VICE-CHAIR PONTANILLA: Thank you--

MR. KIMURA: Thank you.

VICE-CHAIR PONTANILLA: --Mr. Kimura. The Chairman's gonna call a short recess, and we'll have Q&A. This meeting is in recess. . . .(*gavel*). . .

RECESS: 11:29 a.m.

RECONVENE: 11:30 a.m.

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VICE-CHAIR PONTANILLA: . . .(*gavel*). . . The Budget and Finance Committee meeting, not “Budget”, I’m sorry. *Infrastructure* Management Committee meeting is now reconvened.

. . . At this time, the Chair would like to call on Director Arakawa to provide us with. . .comments in regards to the study itself. Mr. Arakawa?

MR. ARAKAWA: . . . Mr. Chair, I have no further comments. I, you know, we’re here with Glenn Kimura and Nancy Nishikawa of Kimura International, and we’ll be happy to answer any questions that the Committee may have.

VICE-CHAIR PONTANILLA: Okay. Thank you. Members, questions for Mr. Kimura at this time? We’ll, we’ll, start off with Member Victorino.

COUNCILMEMBER VICTORINO: I would...I’d like to yield to the area representative, if you don’t mind, let her go first--

VICE-CHAIR PONTANILLA: Okay. Member Baisa?

COUNCILMEMBER VICTORINO: --and then I could go after that.

COUNCILMEMBER BAISA: Thank you very much, Chair, and thank you, Mr. Victorino.

. . . Although I have a lot of *questions*, I think as I said *earlier*, my *concern* is that while we can discuss some of this today, I just wanna be sure that we take our *time* so that folks who just received the study, have the opportunity to not only follow and watch this meeting and the presentation, but have the opportunity to read the whole thing and kind of digest it with their individual groups and come up with reactions to the recommendations. I think it’s very important, you know, this matter has been in the works for a long time, as you know. . .and the study itself has been for around two years. And I understand the concerns you had with the National Park. But now that we *do* have it. . .and I wanna thank you, I think it’s very well done. . .I’m very pleased. You know, it was mentioned earlier, somebody made a remark about a contentious meeting. I attended the first meeting, I was not able to attend the second, but I wouldn’t say it was “contentious”, I’d say it was definitely passionate. And people were, you know, both sides of the issue and they are people that *love* bike tours and understand the relevance, and people that feel that they’re a nuisance on the road. So, you know...(clears throat)...it’s our job to assess this fairly and try to decide where to go. On the presentation, I found a couple of questions that come to mind right off that bat. You did a comparison with the *Big Island*, and I’m kind of curious, is there anybody else that has anything like this in the State of Hawaii? Does the Big Island have any kind of bike tours?

VICE-CHAIR PONTANILLA: Mr. Kimura?

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COUNCILMEMBER BAISA: You mentioned like the, you know, the organized events like Iron Man, is there anything else?

MR. KIMURA: I do know that Kauai, there's one industry that, I mean one company that's trying to do downhill bike rides from Koke'e, the National Park in there, but it's, it's just in it's infantile stages right now. But, otherwise, on the State. . .we, we, we looked, and we haven't found anything.

COUNCILMEMBER BAISA: Good. And I have one more question, and I'm not going to try and hog this, so I'm gonna ask couple questions and then let me colleagues go, because I think all of us have burning questions. I was curious in the recommendations, there's a talk about inspecting the bicycles. *Who* would inspect bicycles? We know that cars get inspected, you know, and they're done by official stations from independent people that look at cars. How would bike inspections be done?

MR. KIMURA: . . . That's a good question, because the County would need to budget an item like that and set up some kind of...a department, give the department some responsibility. It could be Parks and Recreation or Public Works or whatever is appropriate. Unlike the National Park Service, which has, you know, a, a bigger budget and a lot of Rangers, you know, they, they could afford that *luxury*. But I, I think this, this is an important *recommendation*, it's like people that are inspecting cars, so. . .it's good, it's a good practice to inspect the bikes as well.

COUNCILMEMBER BAISA: I think it's a very *important* thing--if we're gonna try to determine the road-worthiness of a bike, then it has to be somebody who's not only knowledgeable but independent. Thank you very much. And, Chair, I'll defer.

VICE-CHAIR PONTANILLA: Thank you. Also, Members, we do have Lieutenant Kaho'ohanohano here, if you have any questions for the Police Department; as well as Charlene Shibuya from the Department of Transportation. I, I know Mr. Kimura talked about the STIP had budgeted some monies in regards to. . .bike tours. Member Victorino?

COUNCILMEMBER VICTORINO: Thank you, Chair, and, and again, Mr. Kimura, thank you. You guys did an outstanding job. I think this is a very thorough report and you've been very inclusive, and I think that's very important. You've brought in all the different parties, and, and I agree with Member Baisa, we need to make sure now they have time to digest it, time to evaluate, and come back with other recommendations or *additional* recommendations that, that has been brought forth. I, my couple questions and then I'll let others ask the same thing.

. . . You did the tour, Mr. Kimura, which is great, you know, and I, I think that's a big help because now you got a thorough understanding. If you're on that bike. . .it, it's something. When, when Rich Goodenough talked about 1983, I was one of the *original* bike leaders, and I, I never had the guts to go out in the cold weather so I did the tour

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side. I did the van and ran behind 'em. I, I wanted to ask you know your, your, your recommendations here, about the *safety* video. . .I, I, I, I forgot to see or have not seen where we could *qualify* these bikers *just* like when you have a drivers license, these people that jump on bikes. . .some kind of prequalification so that you know their *ability* level. Because you know that there are some very hairpin turns, some areas that you get into *real* fast movement--and if you're not really good on a bike, you're gonna get hurt. And that's where a lot of injuries do occur, *that's* from the years of experience. And I, and I, and I think if you ask all these tour companies, the *inexperience* or the various *levels*--and I think the other guy, I forget the last guy who testified also brought that--level of experience. Would that something that you would think would be a good recommendation, is that kind of evaluating them prior? See, we used to do that on the top of the mountain. We used to have them ride the bike in the parking lot. . .and that way we had an understanding on how that person's level of proficiency was. But now that we can't use there, we're starting *way* below. Just outside the park there is no real *parking* area to stage and, and to have them *practice* and to get an idea. But would that be a consideration that you'd want...that you think that might be a better...another area where we could have a proficiency rating for these people jumping on the bikes? So that again, I, I think *that's* where--if you ask me--the crux of the problem, beyond the inconvenience and slowing traffic, is these people's inability to ride the bike. They. . .they think they can get on a, on, on a horse or a bull or something and ride it. Well, I know better and they don't. And, and. . .and they pay the money, they wanna do it. So what do you think of that idea?

MR. KIMURA: Well, I, I, that was one of mid-term, medium ...*(inaudible)*... not a high priority at this time.

MS. NISHIKAWA: Actually, we had it for . . .

VICE-CHAIR PONTANILLA: Excuse me, can you talk into the mic--

COUNCILMEMBER VICTORINO: If, if you could introduce yourself--

VICE-CHAIR PONTANILLA: --please?

COUNCILMEMBER VICTORINO: --if you're gonna speak? And then we can know who you are.

MR. KIMURA: I'll, I'll let Nancy answer--

COUNCILMEMBER VICTORINO: Yeah. Please.

MR. KIMURA: --this question, but I, I did ride the tour, which I thought I had to do it to get some legitimacy, you know, as part of the prime contract.

. . . I think. . .right now. . .according to the information we collected from the industry--

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COUNCILMEMBER VICTORINO: Uh-huh.

MR. KIMURA: --is that there...they *observe* their, their clientele. Prior to the stand down, they did it within the *park*, and that was a very good place to do it so that, you know, the, the parking lot allowed them to observe. One option is that when they pick you up from the hotel, they take you to the, the baseyard, and that's when you load onto the van. Perhaps if there's room in the parking lot at the *baseyard*, they could get the clientele to get on the bike and observe them. What we found out, too, was that. . .you know, there's not very, you know, I don't know how to put it. . .nicely, but there's some kind of disconnect between the, the, the people who are *selling* the tours at the hotel and the industry themselves. And, you know, when you sign up, you gonna spend upwards of \$125, and they're gonna ask...they basically ask you if can you ride a bike. And, you know, I'm 62-years-old, I rode a bike 30-something years ago . . .*(laughter)*. . . and of course I'm gonna say "yes, I can ride a bike". And that's probably the situation on all the tourists that come--they say, yeah, they can ride a bike, and they won't admit it. In some cases, the industry says that the clientele going uphill, some of 'em actually are honest enough to chicken out and say, yeah, I'm not gonna ride on it and, you know, some are demanding their money back, some are not. And the way the industry polices the, the qualifications is the tour van is in charge of *observing* the bikers going down, and if they can see someone that is not basically *capable* of keeping up or is wandering around, you know, not being, you know, on the right side of the roadway, they will actually radio ahead to the leader and tell the leader to stop, we gotta pull somebody off and, you know, just basically tell them to get in the van and then go down. So the long story is that it's good to be able to *look* at the qualifications for these clientele, but we're not making that really our *immediate*--

COUNCILMEMBER VICTORINO: Yeah.

MR. KIMURA: --short-term recommendation.

COUNCILMEMBER VICTORINO: And thank you, because, you know, that's exactly what I did--I was the van driver that used to pull people off. And let me tell you, it was hell to be paid because they were upset because they had paid 85, 95 back *then*--

MR. KIMURA: Right.

COUNCILMEMBER VICTORINO: --and they were gonna be pulled out and now they cannot enjoy it. And, yeah, but, you know, when they got *hurt*, it was too late, to, to make that change. Last question and I'll let other ask, on the area of the prohibited tours on certain road segments and certain times, I was very interested on how...what, what that meant to you folks. 'Cause what the public perceives, and I know what the tour companies would like to see. What do you folks see. . .being done with that one?

MR. KIMURA: . . .*(inaudible)*. . .

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MS. NISHIKAWA: . . .*(inaudible)*. . .

MR. KIMURA: Through Makawao and Paia town areas--

COUNCILMEMBER VICTORINO: Yeah.

MR. KIMURA: --there are *problems* with bike tours coming down as convoys. Also parking, as you noticed, they made it, you know, the old town way where you angle park in. And so when you park like that, backing *out* into the *lane* is really dangerous, hard to see the bikers coming down.

COUNCILMEMBER VICTORINO: Right.

MR. KIMURA: So that's one concern, and that's a real concern. And we talked to businesses, and they're sort of ambivalent about the industry. Some of them felt it was good for the overall economy of--

COUNCILMEMBER VICTORINO: Right.

MR. KIMURA: --of Maui. But as far as, you know, direct payback in terms of the bikers actually *stopping* within the town to patronize the businesses, none of that was occurring. So in, in cases where we think that it would be better for the bike tours to *not* go through the town, I think that would be a recommendation.

COUNCILMEMBER VICTORINO: Okay. And I think that, you know--

MR. KIMURA: . . .*(inaudible)*. . .

COUNCILMEMBER VICTORINO: --thank you, Mr. Chair--

MR. KIMURA: Nancy has--

COUNCILMEMBER VICTORINO: --and I'll let others.

MS. NISHIKAWA: . . .*(inaudible)*. . .

COUNCILMEMBER VICTORINO: Oh, I'm sorry, Nancy, go ahead--

MS. NISHIKAWA: Yeah--

COUNCILMEMBER VICTORINO: I'm sorry.

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MS. NISHIKAWA: . . . My, my name is Nancy Nishikawa, I also worked on the study. As far as the restrictions on location and time, it was primarily going through these business district during business hours.

COUNCILMEMBER VICTORINO: Uh-huh.

MS. NISHIKAWA: In some cases where the tours go through very early, before the businesses are in effect, that may be subject to more discussion. But clearly, there was a lot of opposition to the tours going through when, when it was busy and, and congested.

COUNCILMEMBER VICTORINO: Yeah. And I, and I, and you, you realize that there was, has been, been a big change since they no longer can go through the National Park. The big ambience was the sunrise. And, you know, you get up there to watch the sunrise, and that, that fluctuates from 5:30 a.m. or so up to around 7, depending on the time of the year. But by the time they started from there and got down to wherever businesses were, you're talking later in the day where it wasn't that impact. But now they starting 6,000 and coming down, they're impacting a little *quicker* now. So, yeah, that, that's a real challenge--as we make changes, how does these changes affect their business and all of us in general, the public, yeah.

MS. NISHIKAWA: Could I make a couple points, too, on your earlier--

COUNCILMEMBER VICTORINO: Sure.

MS. NISHIKAWA: --question? One was the question, the, the question of qualifying riders. And they're, you know, right now the companies do this on their own. They have their own policies about how to screen out or filter out unqualified riders. And some companies do, do it better than others. And that's where, again, a best practices manual would be helpful, because some companies do it real quite well. For example, you know, in Cruiser Phil's situation, they don't ask just do you know how to ride a bike, but have you ridden a bike within the last two years. So something like that, that's a little bit more specific and can get a little more concrete information to the tour operators, I think, is helpful. And, you know, something, a, a good practice like that. . .that if used throughout the industry, might be helpful. Another thing that will help is, again, when you say that the van ride...the van drivers help to spot the kind of shaky riders, that's where DOT's project to pull, to do these pull-outs now, after the staging area. So once you've left the staging area, the question is, how do you get the, the tour to stop to weed out these poor riders. Well, you know, what, what Charlene's doing with creating these pull-outs now gives people...gives these tours locations to do this kind of adjustments in the, in the tour enroute.

COUNCILMEMBER VICTORINO: Thank you. And thank--

MS. NISHIKAWA: So that would be helpful.

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COUNCILMEMBER VICTORINO: And thank you for that safety and concern. And I, I think, Mr. Chair, you know, like everything else, you know, lot more work has to be done with this, but I think we're on the right path. So thank you very much. Thank you, Chair.

VICE-CHAIR PONTANILLA: Thank you. Member Mateo?

COUNCILMEMBER MATEO: Chairman, thank you. Mr. Kimura, in your meetings and discussions with the various stakeholder groups, at any time was there any discussion that, that would take into consideration *not* using any County or State roadway, but using *other* roadways such as, for example, pineapple fields, cane. . .cane field roads, or the like, where we would take the bicycle rider *off* of the main highways?

MR. KIMURA: Actually, no.

COUNCILMEMBER MATEO: . . .*(inaudible)*. . .

MR. KIMURA: . . . Some in the community, you know, proponents in the community are saying that, you know, build a separate bike path totally independent of County roads and State roads. But that is impossible to do because of the cost. You're gonna have to acquire land and so forth, and build some. . .something like that. And also, you know, trying to get cane haul roads and stuff like A&B, and all those other major landowners. . .is *possible*, but it's. . .it's really not part of the. . .the *tour* that they're *selling*. It's more like the. . .the winding road . . .*(laughter)*. . . coming down on-- that...that's the situation that they're, they're saying. A lot of 'em market the tours as something that goes from the mountain to the sea. So that's what they're, they're doing as well.

COUNCILMEMBER MATEO: Okay.

MR. KIMURA: But. . .yeah, *some* people mentioned that, but that wasn't an issue that really got a lot of play.

COUNCILMEMBER MATEO: Okay. And then, and then secondly. . .during your presentation you referenced your meetings with the Makawao and Kula communities, and, and you just briefly also spoke about concerns in the *Paia* area as well. Did you not have meetings in the Paia area?

MS. NISHIKAWA: . . . No. But, but when we met with the Main Street program, some members from Paia were in attendance.

COUNCILMEMBER MATEO: Okay. Thank you. Mr. Chairman, for now I'm done.

VICE-CHAIR PONTANILLA: Thank you. Member Kaho'ohalahala, followed by Member Nishiki.

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COUNCILMEMBER KAHO‘OHALAHALA: Thank you. Mr. Kimura, in your presentation you had an item listing drug testing, do you wanna elaborate on that?

MR. KIMURA: . . . What we heard in our, in our interviews with various people, both in the industry and out, was situations where they thought a lot of the tour guides were . . .partying up at night and so forth. That’s all. . .you know. . .stuff we just *heard*, no proof of that or anything. But like anything else if, you know, you’re gonna operate a car. . .it’s common sense that you *do* drug testing and alcohol testing to make sure that they’re capable of doing their job. How we enforce that? You know, that takes money, takes . . .

. . . some kind of agency or department to, to police that.

COUNCILMEMBER KAHO‘OHALAHALA: Okay. So the drug testing that you are suggesting there is for the, the *staff*?

MR. KIMURA: Yeah. Basically the staff, not the clientele . . .*(laughter)*. . .

COUNCILMEMBER KAHO‘OHALAHALA: Bike riders don’t need to be tested then?

MR. KIMURA: Not, not the bikers ...*(chuckles)*...

ALL: . . .*(laughter)*. . .

COUNCILMEMBER KAHO‘OHALAHALA: Okay. That’s all I have.

VICE-CHAIR PONTANILLA: Thank you. Member Nishiki?

COUNCILMEMBER NISHIKI: Yeah. Just, just some *real* concerns, Mr. Kimura, when, when we talk about this. You went personally and did an experience. Did you *ever* really get to look at how beautiful the scenery is as you operate a vehicle, this. . .bike? Or did you really have to...because this was your *first time* on this given *road* that you’re unfamiliar with. . .your fear that this bicycle is very small compared to the big truck that may be coming. . .even an *automobile* that you are sharing on this roadway? Did you *ever* have a chance to really look and enjoy? Because as we ride a *vehicle*, we’re told to pay attention, don’t go looking around, stay within that lane, don’t veer off. So did you really get an experience or were you concerned. . .your first time on a, on a bicycle. . .with vehicles coming in the opposite direction?

MR. KIMURA: So whether or not I really could enjoy the *scenery*? That’s the question. The answer is no.

COUNCILMEMBER NISHIKI: Yeah.

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MR. KIMURA: Because you have to wear a helmet, a safety helmet, and that partially blocks your view. You also have to basically hang on 'cause you're going downhill on a very *heavy* bike. The bikes are very heavy duty, so you gotta really concentrate on staying in the roadway. So...for a clientele to really *enjoy* the view...what we're suggesting is scenic *lookouts*, so that when they have these *rest stops*, then they can enjoy the view. The *real enjoyment* is actually coming *down*, riding the bike down, not looking around...*(laughter)*... you.

COUNCILMEMBER NISHIKI: You'd have to...

MR. KIMURA: I, I couldn't look around--

COUNCILMEMBER NISHIKI: You've gotta pay attention.

MR. KIMURA: --I, I was too scared to look around.

COUNCILMEMBER NISHIKI: Yeah.

MR. KIMURA: Yeah.

COUNCILMEMBER NISHIKI: Because that vehicle that's coming in the opposite direction is *way* bigger than the bike. And if you get hit...*who* is the one? And that, and *that* is the person is the visitor who for the first *time* is coming down a roadway. And, and I'm sure as you drive a vehicle and, and are unfamiliar with the roadway...you, you, you really have to pay attention. And, and, and, Mr. Chairman, you know, we're now saying it's legal...by the State to go ahead and do it. We're now cast with the responsibility. As Danny said...*why* is it that they're going to be riding, this industry--and not against jobs, not against the industry, but concerned about the safety. And I think that's the reason why we raised the insurance coverage. And I think that...he, as he said...we couldn't wait for the National Park. But obviously the National Park...and, and he prefaced that statement of why perhaps not yet, but I'm sure that they're concerned about the liability, you know, couple of deaths that I saw already. What...now that Maui County is taking over...this industry...I'm scared. I really am. You asked the...I asked the gentleman...what, did he really enjoy this. He said, no, I gotta stop and look at the scenic view, just as when you drive to Hana or whatever...in a *car* with your family...that's what you do and then you stop and then you look at Keanae, you look at the waterfall, but you stop. You, you, the person that is driving that vehicle has to pay attention. No tests whatsoever, if you rode a bike two years ago, okay, you can go. And as he said, when he interviewed some of the companies, a lot of the people, after seeing...going up the road, perhaps, that they're saying this is the road that you'll be taking as you come *down* now...they're frightened. Okay?

... *This is my* concern. First time rider.

... Sir, what about the age? I saw in here a 13-year-old got hurt, in one of the reports.

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... Regular...we don't allow a 13-year-old to ride a, a...to drive a *car*. Yet, we allowed a 13-year-old, by himself or herself, to ride a, a vehicle. . .*with* cars coming in their direction, no test whatsoever. How is a 13-year-old going to react when he or she freaks out?

... You think 13-year-olds would be safe riding that bike down a public highway? These are kinds of things, Mr. Chairman, I'm just try to picture myself. . .doing. And, and, and, and just *thinking* about it, I'm scared to death.

...*(sigh)*. . . Now. . .we're. . .in this situation, and, and, and, and, and, and for me it's like not on a private roadway, not on a road that has not been improved. And I know those are your recommendations--you gotta go fix, put turnout lanes or turnout areas and whatever. Mr. Chairman. . .Upcountry area, we *know* the increase in population. We've *heard* the frustration of drivers getting frustrated. What does a rider in a. . .bicycle, when that frustrated vehicle comes out, what chance does he or she have when he gets hit? And you and I know also. . .in our County roads where there are...or there have been situations as sight distance or whatever, and, and, and there was an accident or someone got maimed or even somebody passed. . .the County is the deep pockets. We are the final ones that get sued.

... I think...as we sit here talking . . .*(sigh)*. . . this is pretty serious stuff that we're about to engage in, and, and, and, and, and maybe. . .you should all go...*we* should all go on a bicycle tour.

COUNCILMEMBER VICTORINO: . . .*(laughter)*. . .

COUNCILMEMBER NISHIKI: And I wanna wait after you eight of you go . . .

UNIDENTIFIED SPEAKER: . . .*(laughter)*. . .

COUNCILMEMBER NISHIKI: . . . before I go. Seriously.

COUNCILMEMBER VICTORINO: No, you go first.

COUNCILMEMBER NISHIKI: You...and, and I, you know, I'm being dead serious about this, Mr. Chairman, I'm being dead serious about it. You know, this age of 13-year-old that can go and ride--hey, we don't even allow them to ride a car, drive a car. We allow him to ride a bike. . .in a public roadway that's got bigger things that, that they're riding in?

...*(sigh)*. . . Man, we, we, we better use the intelligence that is given to us and the *sensibility* of what we're about to do. And make sure that *public* safety is utmost as we allow this industry to, to operate.

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. . . And, and that's all I have. I, I, I, I've got *more*, you know, but just his experience and what he just said. . .tells you that hey, this isn't something that's . . .(laughter). . . so enjoyable.

. . . And, and, and that's all I have to say. I, I, I, I'm interested in, you know, seeing what the. . .the concerns are. *Now* if I were to hear that, oh, there, the, the, the record is unblemished . . .

. . . then I would, perhaps, be more *calm* about speaking to this, because there hasn't been. But there *has* been.

. . . Also, if the Federal government has stopped this because of that concern. . .what. . .County and State should not be concerned about *why* this is occurring? And we're, and we're. . .and, and, and, and, and he's saying that oh, well, well, we decided to, to, to do this. . .we were waiting for them.

. . . Why, why, why is, why is the Federal government not saying we're gonna open it up again? If they say *that*, then I'd be so much more . . .

. . . I feel, I'd be more, much more comfortable. But they're not. We should ask the Federal what, what, what is occurring. Is there impending lawsuits?

. . . You know? *That's* all I've gotta say. I think, I think this bears a lot of discussion for us as lawmakers because of the liability and, and some of the concerns that I've raised today. This was not raised by me, Wayne Nishiki. This was raised by people that I know have gone on this tour and have told me about it, that's all.

VICE-CHAIR PONTANILLA: Thank you. Thank you. I hear you loud and clear. Back in 2005, we had discussed the same issue regarding these bike tours. Member Baisa?

COUNCILMEMBER BAISA: Thank you very much, Chair, and I'll try to make this brief because we're running out of time here. But I *did* want to take the opportunity because I understand Ms. Shibuya is here from the State DOT, and I have a question that was sent to me by a constituent Upcountry in regards to the pull-outs that are on the STIP.

VICE-CHAIR PONTANILLA: Okay. Ms. Shibuya, please? Yeah, thank you.

COUNCILMEMBER BAISA: Thank you, Chair.

NOTE: Pause while Ms. Shibuya approached the podium.

VICE-CHAIR PONTANILLA: As Ms. Shibuya comes up to the lectern, the Chair, now that we, we do have this study before us, you know. . .all I'm requesting from the Public Works Department is to take a look at the short-term implementation and what can be done in regards to, not the physical improvements, but more the, the regulatory proposals--if you

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folks can come up with some suggestions in regards to that side of the house. I, I know we do have an ordinance regarding bicycle tours and how we can improve them. Thank you. Ms. Shibuya?

COUNCILMEMBER BAISA: Thank you, Ms. Shibuya. The question for you is during the PowerPoint--and it's been already circulated that the STIP is thinking about doing four pull-outs. And the question is they seem to be, according to the diagram that was given to us in the PowerPoint this morning, at 6,000, 5,500, 5,000, 4,500 kind of, of elevations. A constituent is concerned and says, you know, these continued...these tours just continue on through. They go through Kula and then they go through Makawao. And what happens when they get down there? There are no pull-outs at the moment, and I'm wondering if maybe you have that planned in another phase. Thank you.

MS. SHIBUYA: Yes. Anyway, my name is Charlene Shibuya, I'm the Assistant District Engineer and Construction Engineer, two hats. And I guess before I answer your question, I really would like to thank the Council for funding this study 'cause I think it was very comprehensive. You know and like a lot of other studies. . .I should say *different* from other studies, they, they, looked at all the facts, but as well as collected a lot of opinion. . .from, you know, the, the various communities and the stakeholders. And, and because of that, I think the study has *a lot to*, to use. And even for us 'cause, you know, obviously the downhill bike tours affects both State and County roads. But anyway, let me, let me kind of just elaborate on that, that pull-outs. Actually the, the pull-out. . .project actually stems from the Bike Plan Hawaii 2003 where there were three...actually four priorities set for various areas. And the Crater Road pull-outs, it was targeted as priority one, and had, had four locations and no specific locations planned. So what we did was, you know, through this study I had the opportunity to work with Nancy, and we actually had a tour operator take us down and show us actually where they stop. And, and there was a number of stops and obviously, you know, we had funding planned for only four of 'em. So what we looked at, looked at is basically to kind of somewhat spread them out, put them in spots that from a traffic standpoint works well--you know, like not around blind curves. And, and actually lot of spots where, you know, it's kind of scenic, so we would probably have opportunities in the future to enhance these stops, you know, to be like rest stops or. . .lookouts. And, and, and then of course the last thing was to kind of keep them out of the residential area, which occurs from about below Mile Post 2, so you see it's all above, 'cause, you know, you don't want the, the, the stops to be in front of peoples' houses or in areas. Although there is an existing area in front of the Sunrise Market, that's actually paved where they, they do stops. And then I know at one of the STIP meetings, there, there was a comment about. . .areas further below--where, where we go down Haleakala Highway and then eventually down into the County roads. The way the Bike Plan Hawaii had *that* area. . .prioritized was Priority 2. But our plan is really, we have resurfacing projects that are gonna be scheduled for that area 'cause, you know, as you know, we kind of do our resurfacing about every ten years or so. And we're gonna be using those projects to sort of expand and sneak in some, you know, some shoulder improvements. . .to where actually, they actually stopped in some of the areas like, like the location that the

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Consultant mentioned, which is at that T-intersection. There's a paved shoulder there, but, you know, they're gonna...one of the proposals are to expand that shoulder so the bicycles don't have to stop and they can just safely make their right turn without conflicting with vehicles. And, you know, simple things like that, we're gonna expand. And there's, there's some small paved areas we wanna, we wanna expand. But essentially. . .since, you know, funding is a little *challenging*, we, we literally try to sneak little projects in with our special maintenance program projects.

COUNCILMEMBER BAISA: Thank you very much. I appreciate the consideration, and thank you for mentioning rest stops, because the companion questions was porta potties ...*(chuckles)*...

MS. SHIBUYA: Yes, but actually I was thinking more of, you know, like the, the Crater, Crater Road pull-outs--

COUNCILMEMBER BAISA: Yeah.

MS. SHIBUYA: That project is, actually what I applied for was Transportation Enhancement Funds, Federal funds. And, you know, looking at more, like a visitor experience type, you know, like Councilmember Nishiki's was mentioning about, you know, if you're riding down you cannot really see the scenery. But if you stop at these pull-outs--

COUNCILMEMBER BAISA: Right.

MS. SHIBUYA: --if we can make it nice, you know, put some informational plaques and, and perhaps maybe somewhere in the future some rest stops--

COUNCILMEMBER BAISA: Uh-huh.

MS. SHIBUYA: --or, whatever, and then I think that would give a better *visitor* experience.

COUNCILMEMBER BAISA: Well, thank you. And thank you very much for being here, and we really appreciate the cooperation and the great support you give us. Thank you.

MS. SHIBUYA: Thank you.

VICE-CHAIR PONTANILLA: Thank you. Members. . .if there's no more questions, the Chair would like to recommend the deferral of this item here.

COUNCILMEMBER BAISA: Recommendation?

COUNCILMEMBER VICTORINO: No objection.

VICE-CHAIR PONTANILLA: The Chair's recommendation is to defer, if there's no objections.

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COUNCILMEMBER BAISA: No objections.

COUNCILMEMBER VICTORINO: No objection.

COUNCIL MEMBERS VOICED NO OBJECTIONS. (excused: WKM)

ACTION: DEFER pending further discussion.

VICE-CHAIR PONTANILLA: Thank you very much. And . . .I, I wanna thank Mr. Kimura, as well as Ms. Nishikawa, for being here this morning in regards to the study that you made for Maui County Downhill Bike Tours. Fantastic job. So, Members. . .if there is no more questions, this afternoon we do have a Planning Committee meeting. We'll reconvene. . .not "reconvene", but we'll. . .be discussing the Maui Island Plan this afternoon. So with that. . .this meeting of the Infrastructure Management Committee is now adjourned. . . .(gavel). . .

ADJOURN: 12:05 a.m.

APPROVED:


JOSEPH PONTANILLA, Vice-Chair
Infrastructure Management Committee

im:min:100802

Transcribed by: Joy Tesoro

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CERTIFICATE

I, Joy Tesoro, hereby certify that the foregoing represents to the best of my ability, a true and correct transcript of the proceedings. I further certify that I am not in any way concerned with the cause.

DATED this 23rd day of August 2010, in Kahului, Hawaii.



Joy Tesoro