

MULTIMODAL TRANSPORTATION COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

October 17, 2019

CONVENE: 1:37 p.m.

PRESENT: VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Riki Hokama, Vice-Chair (left at 3:28 p.m.)
Councilmember Tasha Kama
Councilmember Kelly T. King (left at 2:04 p.m.)
Councilmember Alice Lee
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci (left at 2:57 p.m.)

STAFF: Shelly Espeleta, Legislative Analyst
Nicole Siegel, Substitute Committee Secretary

Mavis Oliveira-Medeiros, Council Aid, Hana Council Office (via telephone conference bridge)
Denise Fernandez, Council Aide, Lanai Council Office (via telephone conference bridge)

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel

OTHERS: Gareth Sakakida, Managing Director, Hawaii Transportation Association
(via teleconference call)

Cassie Akina-Ancog, General Manager, Akina Aloha Tours
Kevin Curry, Business Development Management, Akina Aloha Tours
Della Lampkin, General Manager, Island of Maui, Roberts Hawaii

Melissa Womack
Adam Levy, Independent Contractor/Rideshare Operator, Lyft
Corinna Payne, Rideshare Driver, Lyft
Kenny Barr
John Hugg, Independent Rideshare Driver, Lyft
Ken T. Aunese
Jose L. Bumatay, Jr.
Philip Heath
Rob Mora, General Manager, Lyft
Nehemiah Guerrero
Walt Klemperer
Bart Mulvihill, General Manager
Henry Ramirez

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Nick Crowley
Leslie Knoles
Miriam Tuttle
Jody Yoshida
Jasee Law
Others (7)

PRESS: *Akaku Maui Community Television, Inc.*

CHAIR SUGIMURA: . . . *(gavel)* . . . Good afternoon, everyone, welcome to my Multimodal Transportation Committee. Today is October 17th, the time, right now, is 1:37 p.m. Welcome, everybody, my name is Yuki Lei Sugimura, I am the Chair of this Committee. Thank you, Mr. Hokama, he's the Vice-Chair, Mr. Hokama, from Lanai. Shane Sinenci, from Hana.

COUNCILMEMBER SINENCI: Aloha, Chair.

CHAIR SUGIMURA: Aloha. Alice Lee, from Wailuku.

COUNCILMEMBER LEE: Konnichiwa.

CHAIR SUGIMURA: Konnichiwa, I can handle that. Tamara Paltin, from West Maui.

COUNCILMEMBER PALTIN: Aloha auinala, Chair.

CHAIR SUGIMURA: Aloha. Kelly King --

COUNCILMEMBER KING: Aloha.

CHAIR SUGIMURA: --from South Maui.

COUNCILMEMBER KING: Good afternoon.

CHAIR SUGIMURA: Good afternoon. And, Tamara...I'm sorry, Tasha Kama, from Kahului.

COUNCILMEMBER KAMA: Aloha auinala, Chair.

CHAIR SUGIMURA: Aloha. Welcome, everybody. Today, on the agenda, I only have one item, which is the Taxicab, Ridesharing Platform Companies, Item Number 3. Also with us today is, we have Mr. Hopper, from Corp. Counsel. We also have from, we have Cassie Akina, from Akina Tours, and Kevin Curry, the Business Manager, thank you both for making the time. We also have Della Lampkin, the General Manager from Roberts Hawaii, appreciate that. Online we'll have Gareth Sakakida, who is the Managing Director from Hawaii Transportation Association, just talking about PUC in general and transportation, via telephone conference call. Shelly Espeleta is my

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Legislative Analyst, Nicole Siegel is Committee Secretary, welcome, everybody. District Offices, we have--one of the District Offices is closed. Molokai is closed, okay, Molokai is closed. And we have Hana, Mavis Medeiros, and Denise Fernandez from Lanai. So, at this time, Members, I'm gonna, we have one item on our agenda, and because Gareth Sakakida is only available 'till two o'clock--Shelly, I wanted to kinda take him first, if that's...oh, I'm gonna take a short, okay, recess. . . .(gavel) . . .

RECESS: 1:39 p.m.

RECONVENE: 1:41 p.m.

CHAIR SUGIMURA: . . .(gavel) . . . I have Mr. Sakakida, who is from the Hawaii Transportation Association, on conference call. And, Members, today's meeting I wanted to focus on, as you know, I have, this is my third meeting. First meeting I, we basically heard, in general, about taxi, Uber communication. The next one I took up the TNC or the taxi and Uber. And, today I wanted to take up information from PUC, as well as those that provide the services, just so that we understand, in general, what all the available services are provided to our residents, our visitors, with the different platforms, right. So, Ms. Paltin?

COUNCILMEMBER PALTIN: I just was wondering if we're having the presentations first and the testimony second.

CHAIR SUGIMURA: Yes, so, I'm going to take up Mister--because Mr. Sakakida has to leave, he's only with us, he's calling us in from Honolulu up 'till two o'clock, so I wanted to take his presentation first and he can give us information, and then we can take up the testifiers. It's a little bit out of order, but I wanted to accommodate him 'cause he basically cleared his calendar for us. So, that's what I'm going to do. So, Mr. Sakakida, can you introduce yourself and what your organization does and how you represent the transportation industry?

MR. SAKAKIDA: Yes. I'm the Managing Director for the Hawaii Transportation Association. The Association is an organization that fosters the ground transportation industry, commercial ground transportation industry in Hawaii, generally heavy vehicles, trucks, as well as passenger carriers.

CHAIR SUGIMURA: So, when you say, passenger carriers, what kind of passenger carriers, and how are you licensed, how are they licensed?

MR. SAKAKIDA: Okay, the passenger carriers we represent, or who are members of the organization, include limousine operations, vans, minibuses and motor coaches. They are generally involved in, what they call, prearranged transportation, where they're actually contracted for services prior to the arrival of the guest or the rider, and they are, basically, regulated by two primary agencies. One is the Public Utilities Commission, a State agency, and other is the Federal Motor Carrier Safety Administration, whose regulations are, actually, executed by the State Motor Vehicle Safety Office. And, did you want me to get into the various regulations?

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CHAIR SUGIMURA: So, my committee, we're basically focusing on taxicab, ridesharing platform companies, and I'm interested in what you can contribute for what your organization then helps in terms of regulating transportation for our residents and visitors. And, I guess, primarily, is it PUC?

MR. SAKAKIDA: Yes, well, the PUC has their, certain types of regulations. For example, they require or they must approve your application for entry into the industry. They also regulate charges. So, the motor carrier has a duty to establish, observe and enforce just and reasonable rates, fares and charges. These rates, fares and charges are on a tariff filed with the PUC and are open to public inspection. They, the PUC, also has insurance requirements for motor carriers, vehicle marking requirements, for example, lettering, 2½ inches high with a ¼ inch stroke. They're allowed to randomly inspect drivers, motor vehicles, and records and documents required by the Commission, require vehicle inventory lists as well. And that's, in a nutshell, what the PUC regulates over the industry. But the, when you talk about the Federal Motor Carrier safety regulations, there are drug and alcohol testing for these drivers, there's public liability, which is far greater than the PUC requirements or no-fault. For example, vehicles with 16 passengers or more capacity has a, required to have a public liability level of 5 million and 16 passengers or less is 1.5 million. They also have vehicle marking requirements. There are driver qualification requirements, including age as 21, and continuous monitoring of medical conditions and driving performance, very strict vehicle requirements and specifications, preventative maintenance, activities and daily inspections, and hours of service, you can only drive a limited amount of time every shift. So, those are the kinds of regulations that those two entities impose on the industry.

CHAIR SUGIMURA: Mr. Sakakida, so are there passenger, number of passengers for vehicle requirements that you have?

MR. SAKAKIDA: I beg your pardon?

CHAIR SUGIMURA: Are there number of passengers allowed for the...

MR. SAKAKIDA: Oh, yes. The PUC actually has passenger classifications. They'll be 1 to 7, so limousine types, 8 to 25, covering vans and mini buses, and over 25, covering motor coaches.

CHAIR SUGIMURA: Okay. For our discussion, what we've been talking about is the onset of the TNC or the Uber and Lyft --

MR. SAKAKIDA: Yes.

CHAIR SUGIMURA: --into the market, and I just wonder if you may see any impacts that your network of vehicles may be feeling or maybe not at all, if you have a comment about that.

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MR. SAKAKIDA: I believe there are great impacts.

CHAIR SUGIMURA: Can you describe them, or can you share them, or what you see?

MR. SAKAKIDA: I think the...describe the impacts. I think the segment most impacted would be, like, the airporter bus. They're not quite prearranged as some of the other operations, so you can, upon arrival at the airport, you can just hop on to the bus. They have been impacted most heavily, as well as the taxis, by TNC operations, and there's some feelings of inequity, where various accessies [sic] are different, perhaps the access might be different. I'm not really attuned to the operations of the Maui Airport so I can't really use specifics there.

CHAIR SUGIMURA: Okay. You know, we have Roberts and Akina Tours here, so maybe they can provide us some information on that.

MR. SAKAKIDA: They will be very well versed --

CHAIR SUGIMURA: Yeah --

MR. SAKAKIDA: --with that.

CHAIR SUGIMURA: --they have actual, so, maybe later. I'll get questions first. So, Mr. Sakakida, I'm going to ask the Members if they may have questions for you and then that'll allow you to meet your two o'clock deadline, 'cause I know you have other things planned for today, so thank you very much for joining us. Members, anybody --

MR. SAKAKIDA: Thank you.

CHAIR SUGIMURA: --have questions for him? Mr. Hokama, no? Nobody has questions? Okay, that's good. So, I'm gonna, we're basically done with questions for you.

MR. SAKAKIDA: Okay.

CHAIR SUGIMURA: And, you can either stay online or you can, we can say goodbye and I want to thank you very much for making the time to give us the overview of how your organization impacts with transportation services here. So, thank you very much.

MR. SAKAKIDA: You're very welcome.

CHAIR SUGIMURA: Yeah, thank you. I'm going to call a short recess so we can get the District Offices on the line. Short recess. . . .(gavel). . .

RECESS: 1:50 p.m.

RECONVENE: 1:51 p.m.

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CHAIR SUGIMURA: . . .*(gavel)*. . . Welcome back to the Multimodal Transportation Committee. Before we start our public testimony, I just want to briefly say, as I said earlier, we only have one item on our agenda, which is to talk about the Taxicab, Ridesharing Platform and Platform Companies, which is MT-3 on the agenda. I wanted to explore the PUC and different services that are provided under that umbrella and how it affects all the transportation needs that you do in your services to our community. So, that's the focus for today. and I did give you a rundown of what I did in the past meetings, and will tell you that at the next meeting, which will probably in November, after I gather some information, I'm going to be asking the Administration to put a task force together to look at rates and fees because I think the last time the taxicab rates and fees were looked at was 2006. And, so, we'll see what the Administration comes up with. And it will not, it will be something that we would be able to take up during the next Budget session and we'll learn from that experience and what the Administration comes up with. I am looking at possible legislation for all of us to look at and it will be kinda mirrored after what City and County, Honolulu, has done, as it is the same legislation that the Legislature looked at. So, I'm doing a comparison with what is happening in Honolulu, what information is available, and seeing how we can implement that for taxis. I am interested in seeing how we can equalize, as I heard from previous meetings, how we can equalize the services with taxicabs and ridesharing, and I think there's a great disparity in terms of rates and fees and services and insurance and different things and I want to take the time--and thank you very much, everybody, for listening in on, this is our third meeting, but just to kinda gain information so that we can figure out how to equalize services is really my goal, and support you for what you do and the services that you provide the community, and make sure that it's safe, right, we're concerned about public safety. So, that's what I hope to accomplish today. So, at this time, let's take public testimony. Everyone will have three minutes. And, identify yourself, say what organization you're from, and I'm really anxious to hear what you have to say and share with us. So, thank you. Shelly?

. . . BEGIN PUBLIC TESTIMONY . . .

MS. ESPELETA: Thank you, Madame Chair. You have total of 15 testifiers signed up to testify. The first testifier is Melissa Womack, followed by Adam Levy.

MS. WOMACK: Where do I go?

CHAIR SUGIMURA: Oh, right here. So, light will go on, turn green, you can start talking. When it turns red, then that's the end, you can do, follow up, and finish couple lines --

MS. WOMACK: Okay.

CHAIR SUGIMURA: --three minutes total.

MS. WOMACK: Okay.

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CHAIR SUGIMURA: Thank you.

MS. WOMACK: So, I just supposed to say what I do and --

CHAIR SUGIMURA: Yeah.

MS. WOMACK: --okay.

CHAIR SUGIMURA: Introduce yourself, and if you are from a company, you can tell us.

MS. WOMACK: Okay. So, my name is Melissa Womack. I moved on island almost two years ago from Oregon. And, I am, actually, a retired dental assistant, I did that for 20 years until it ruined by body. And so, I decided after moving here, that what a better way to learn the island and stuff like that than to drive, it's beautiful out, why not. It's been one of my main sources of income for the last two years and I highly enjoy it, I enjoy the people, I enjoy the stories. I spend, probably, I try to do at least 30 hours or so a week. Like I said, it's pretty much my main source of income. And like most people here on island, you gotta have multiple jobs in order to survive around here, so it's really great. I think that having the option of picking people up from the airport has been a great change to the platform 'cause I do both Uber and Lyft, and I think that it offers the community a great source of another way, other than just the taxis, 'cause I think they're overly priced and, typically, I hear people have a much better experience with that than taxi. So, that's kind of where I'm at.

CHAIR SUGIMURA: Okay, thank you.

MS. WOMACK: You're welcome.

CHAIR SUGIMURA: Thank you very much. Anyone have questions for her? One moment. Tamara Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Womack, for being here. I had a question.

MS. WOMACK: Yes.

COUNCILMEMBER PALTIN: Last time, previously, and I just was wondering, because of an incident that occurred in West Maui, if you were to get hit by somebody without any insurance and it wasn't your fault --

MS. WOMACK: Uh-huh.

COUNCILMEMBER PALTIN: --what is the type of insurance coverage a rider could expect to be covered by?

MS. WOMACK: Well, I have my own insurance, my own personal insurance, and then I also believe I had to set up something else on top of that in order to be able to do the Uber

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and Lyft. And then, of course, Uber and Lyft, they have their own insurance policy that also covers me, as well, and the passenger. As far as I know, it covers more the passenger, more than me.

COUNCILMEMBER PALTIN: So, my understanding was that personal insurance doesn't cover you while you're --

MS. WOMACK: Correct.

COUNCILMEMBER PALTIN: --doing that, so that one wouldn't count. And my understanding of the rideshare platform was, it was, if it was your fault, it kicks in, not if it was other person's fault and they didn't have insurance, and then maybe they died, and then your passengers died, and maybe you died, but some of the family is left behind, like, it wasn't clear that they would be covered because the Uber, Lyft policy is for your fault, but I'm referring to an accident that would've been not your fault --

MS. WOMACK: I think that...

COUNCILMEMBER PALTIN: --and that person doesn't have insurance --

MS. WOMACK: Right.

COUNCILMEMBER PALTIN: --which is illegal but...

MS. WOMACK: Right, well, of course. That question probably be better to somebody that's, like, actually in the Uber and Lyft, like, they're the ones that, 'cause I don't really know, I'm just a driver.

COUNCILMEMBER PALTIN: Okay.

MS. WOMACK: So, I don't really know much about that. All I know is that once I turn on, I am not covered by my insurance anymore, from my understanding, I'm covered by their insurance.

COUNCILMEMBER PALTIN: Okay.

MS. WOMACK: And, really, it's more the passenger's covered and not really particularly me, I think. But again --

COUNCILMEMBER PALTIN: So you're --

MS. WOMACK: --it's really...

COUNCILMEMBER PALTIN: --not concerned about?

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MS. WOMACK: I'm not really concerned about that. I'm a pretty safe driver and I'm always got my, you know, I mean, there's always going to be an accident happen, I mean, it happens. But, I'm also not --

COUNCILMEMBER PALTIN: So, my second question --

MS. WOMACK: --concerned about it.

COUNCILMEMBER PALTIN: --is, having moved here from Oregon and starting up this driving thing to get to know the island, were there ever times where you didn't know where you were going?

MS. WOMACK: No, the app and the--I don't always trust my GPS here on island, you know, we are out in the middle of the Pacific Ocean, so, I mean, I gotta give it some credit for doing a good job that it does but, I mean, sometimes there are issues where it's not correct but --

COUNCILMEMBER PALTIN: Oh, yeah?

MS. WOMACK: --for the most part, everybody is...

COUNCILMEMBER PALTIN: Napili Kai takes you to D.T. Flemings on our --

MS. WOMACK: Yeah.

COUNCILMEMBER PALTIN: --Google --

MS. WOMACK: It doesn't always --

COUNCILMEMBER PALTIN: for a long time.

MS. WOMACK: --it's not always correct. But, for the most part, it's pretty darn close and I feel pretty safe, and I feel pretty confident that I know where I'm going and, if not, then it's not very far away.

COUNCILMEMBER PALTIN: So, if you get lost and you circle an area, does that add to the customer's charge if it's on you?

MS. WOMACK: No, not usually --

COUNCILMEMBER PALTIN: Okay.

MS. WOMACK: --as far as I know, yeah. And that, typically, is not really an issue. There's usually like a five-minute window, anyways, from when the time that you get to an area to where you can pick the customer up and there's, it's built in that there's like a five-minute window.

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COUNCILMEMBER PALTIN: Okay.

MS. WOMACK: And, typically, it's never much off of that.

COUNCILMEMBER PALTIN: Thank you.

MS. WOMACK: You're welcome.

CHAIR SUGIMURA: Thank you. Thank you very much.

MS. WOMACK: You're welcome.

CHAIR SUGIMURA: No other questions? Thank you.

MS. ESPELETA: Your next testifier is Adam Levy and he's testifying on behalf of Lyft Rideshare, followed by Corinna Payne, who is also testifying on behalf of Lyft.

MR. LEVY: Aloha, everybody.

CHAIR SUGIMURA: Aloha.

MR. LEVY: My name is Adam Levy and I'm a rideshare operator. I work for, I do rideshare for both Uber and Lyft. I moved to Maui about a little over two years ago and I spent the last 30 years prior to that in the restaurant industry, I was in restaurant management. So, I decided to start driving for Uber and Lyft when I moved here, while I looked for a job, and then I, I actually enjoyed driving, enjoyed talking to passengers, most of the passengers I pick up are visitors, and so it just, and it helped me learn the island. And when I saw how much I was earning, I just, I did get a job that I worked for about 10 months, but I went back to doing rideshare full-time because I was earning more and I had the freedom and flexibility to work whenever I wanted to, and it was just great to drive around, you know, this beautiful island and talk to people and share my, you know, experiences and listen to other people's, you know, happy stories about their vacation, or even, you know when picking up people that are, you know, going to work or something. So, it was just great for me to have that option, as opposed to just, you know, going out and working for somebody else where. you know, I had to work on their schedule and things like that. So, I'm just very happy that this is available for both the drivers, and I work, I do this full-time, 50 to 60 hours a week and, you know, I know some people do it, you know, part-time on their days off and their other jobs, or whatever. So, it just, the flexibility of being able to do it whenever you want is great for me.

CHAIR SUGIMURA: Okay, thank you. Anybody have questions for him? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Adam, for being here. Do you have any idea of how many other Lyft and Uber drivers are operating at one certain time?

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MR. LEVY: No, I don't know, I mean, I see the other drivers out, you know, 'cause everybody has their, you know, stickers in their window that we're supposed to display. So, I see quite a few but I, you know, it'd be hard for me to guess how many are out at any given time, yeah.

CHAIR SUGIMURA: Thank you, good question. Anybody else? Seeing none, thank you very much for being here.

MR. LEVY: Thank you.

CHAIR SUGIMURA: Oh, you had a question, sorry, I didn't see, one moment.

COUNCILMEMBER PALTIN: I just was, so you're not concerned at all about the insurance not being for you if you get hit by someone else whose fault it is and they don't have any insurance?

MR. LEVY: Well, if somebody hits me and it's not my fault, I carry under my policy uninsured motorist coverage, and so that will cover, you know, anything that happens to me or my passengers if the other person doesn't have insurance, and I believe that the rideshare, Uber and Lyft, also have a policy that will cover, you know, the passengers, especially if it's on, if it's actually during a trip when I have a passenger in my car.

COUNCILMEMBER PALTIN: You might want to check on that 'cause most insurance policies won't cover you while you're working for Uber and Lyft and I think the policy covers you only if it's your, covers the passengers only if it's your fault. We had the lobbyist for the rideshare platform here yesterday and he couldn't, not yesterday, last meeting, and they couldn't confirm that there was uninsured or underinsured coverage if it was another party's fault, so I'm not, unless you have that in writing that you can submit, I wouldn't take your word for it.

MR. LEVY: Yeah, I don't have anything in writing. I think that that question is probably better answered by some, a representative from, you know, either Uber or Lyft, as far as what their policy covers --

COUNCILMEMBER PALTIN: So --

MR. LEVY: --during the...

COUNCILMEMBER PALTIN: --but, basically, you have no concerns that you don't know the full thing in writing?

MR. LEVY: No, I, no, I didn't say that, I mean, I would definitely be, if I wasn't covered, I would be concerned, but I'm pretty sure that if I'm on a trip and I have passengers in my car and somebody hit me, I'm pretty sure that it would be covered, so, but I think that's a better question for the actual, you know, somebody from the company, as far as what their policy covers.

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COUNCILMEMBER PALTIN: Yeah, we did have that situation occur in Lahaina, so you might want to look into yourself 'cause I'm not the driver.

CHAIR SUGIMURA: Yeah, thank you.

MR. LEVY: Okay, thank you.

CHAIR SUGIMURA: Thank you. So, Members, we're going to send that question in writing to Uber and Lyft and get that from the TNC. So --

COUNCILMEMBER PALTIN: Chair --

CHAIR SUGIMURA: --we didn't --

COUNCILMEMBER PALTIN: I thought you did --

CHAIR SUGIMURA: --get that --

COUNCILMEMBER PALTIN: --send the --

CHAIR SUGIMURA: --answer back --

COUNCILMEMBER PALTIN: --question already.

CHAIR SUGIMURA: --yet.

COUNCILMEMBER PALTIN: Okay.

CHAIR SUGIMURA: So, we did ask that question. Next?

MS. ESPELETA: Your next testifier, Madame Chair, is Corinna Payne, on behalf of Lyft, followed by Kenny Barr.

MS. PAYNE: Hi, I'm Corinna Payne and I'm representing Lyft today. I just want to let you know that, what Lyft has done for my life. I'm over 50, it's hard to get a job, nobody wants to give, pay for the health insurance when you're over 50. I've always been in the customer industry, so this has been a great alternative for me. It's totally kept a roof over my head, my handicapped husband's head, and our three pets. It's very flexible. I'm making as much money as I did waitressing, and I'm able to, you know, turn it on and off at the needs of helping my husband, and it's just been a wonderful, wonderful thing for me. And, also, I get great response from my riders, I mean, I take people to the emergency room, I pick them up from the emergency room, endless airport rides, of course, and everyone's always amazed at how fast we get there once they request us. And I get constant compliments on the cleanliness of my car, what a great conversationalist I am, and my Halloween decorations right now. That's about all I have to say. Thank you.

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CHAIR SUGIMURA: Thank you for being here. So, you're saying you get health insurance from Uber or Lyft --

MS. PAYNE: I am not saying that.

CHAIR SUGIMURA: --from Lyft? Oh, you didn't say that.

MS. PAYNE: But, I've not been able to get jobs because people don't want to pay the higher rates for an older person.

CHAIR SUGIMURA: Oh, okay, I thought I heard you say you had --

MS. PAYNE: I wish.

CHAIR SUGIMURA: --health insurance, yeah. Any other questions for her? Seeing none, thank you very much for being here.

MS. PAYNE: Thank you.

CHAIR SUGIMURA: Kenneth Barr is next.

MS. ESPELETA: Kenny Barr, followed by John Hugg, on behalf of Lyft.

MR. BARR: Aloha, Chairwoman Sugimura and Members. I realize after following your meetings on the taxi code structure changes and the contentious situation with the Mayor's Office over the Supreme Court and Clean Water Act that this taxi ride situation is horribly worth most people's concern. But, to the 400 plus taxi operators and their families, as you heard in testimony last meeting, it's a matter of survival, even affecting the PUC shuttle and limo companies, so I thank you for taking this up. I've submitted written testimony, rather than verbally racing through in three minutes what I suggested. On some suggestions, I had to at least somewhat, even the playing field, as far as the rideshare owner, drivers paying their fair share of being a transportation provider on Maui and going through and adhering to some rules and professional standards and safety regulations, as taxis do, beside providing more fees to the County, as taxis do, and the fees for providing service on the County roads and the State roads. I'm not under the illusion that implementing these rules in a new rideshare ordinance will magically bring back all the business that we as taxicabs have lost to Uber and Lyft, and the numbers which the Roberts General Manager mentioned last meeting, but it will weed out many or most of the quick buck operators as they will not want to go through proposed rules and regulations requiring them to be professional. I don't think Uber and Lyft would object to these rules, as they will be benefiting by having more professional drivers and reputation, and they still will be getting their percentage of every ride. I don't think they are objecting to the County drawing up an ordinance regulating the industry, as the State law passed in 1986 did, giving the counties the right to regulate their taxi industries, as well as all public transportation not under the PUC jurisdiction. It started out as just the taxicabs but

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it was amended to include all public transportation. And, I just have a clarification, there was testimony last time about the Lyft drivers having lit up signs in their, on their cars, in Lahaina and cruising Front Street. At that point, I didn't, I had never been up there, so I didn't, or I hadn't been out there and didn't know. But, I did, was there last week and I did see three of them, and there are three different colors, blue, green and pink. So, you know, the Lyft manager was saying that they don't sanction them, and I personally saw them, so I don't, I believe that they could be doing that to solicit fares along Front Street, and that's it.

CHAIR SUGIMURA: Okay.

MR. BARR: I've been a taxi operator for 40 years in September of '79 and that's where I stand, so thank you for the, hearing the testimony.

CHAIR SUGIMURA: Thank you, Mr. Barr.

MR. BARR: I do have, if there's any questions about that bill passing the Senate or the House and the Governor signing it in 1986 that gives you the right to regulate public transportation on Maui, here's a copy of it. I think I had submitted it the first meeting, but it's important to know that you can do that and --

CHAIR SUGIMURA: Yeah, thank you.

MR. BARR: --don't have anybody tell you that you can't.

CHAIR SUGIMURA: Yeah, so we do have Maui County Code, which implemented that, so thank you very much.

MR. BARR: Okay.

CHAIR SUGIMURA: Thank you for being here every meeting. Anybody have any questions for Mr. Barr? Thank you very much. We have your letter, or your testimony, also --

MR. BARR: You have that, okay.

CHAIR SUGIMURA: --in our files.

MS. ESPELETA: Your next testifier, Madame Chair, is John Hugg, followed by Kevin Han.

MR. HUGG: Looking for the green light...there we are, okay. I'm John Hugg, I am a 17-year Maui resident. I have been driving for Uber and Lyft 2½ years. It has been fabulous for me. There are concerns that I have listened to in here that are more than I have let myself be concerned with. I just provide a professional service. My customers love me. And, I really need the flexible schedule that is provided by both. My wife doesn't drive and other things come up, and so it's fabulous for me. But, I have done probably 18 different types of work while I have been here and this is the one that I

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like the most. I'm 71 years old, I'm on Medicare, I don't need health insurance coverage, that's a really good thing, as far as I'm concerned. That's it, I think.

CHAIR SUGIMURA: Okay, thank you. Anyone have questions? Ms. Paltin?

COUNCILMEMBER PALTIN: I was wondering if you submitted to the platforms any kind of medical clearance.

MR. HUGG: Not that I can recall.

COUNCILMEMBER PALTIN: Okay, thanks.

CHAIR SUGIMURA: Thank you. Any other questions? Okay, thank you.

MS. ESPELETA: Your next testifier is Kevin Han, followed by Ken, and I'm going to spell the last name, A-U-N-E-S-E.

CHAIR SUGIMURA: Kevin Han is not here?

MS. ESPELETA: Kevin Han? Last call. Ken Aunese, is that right, followed by Jose Bumatay, Jr.

MR. AUNESE: Aloha. My name is Ken T. Aunese and I'm a almost 20-years resident in Maui, so I drive this for part-time. So, I have a job, and I enjoyed meeting a lot of people, yeah, and I like this job. That's all.

CHAIR SUGIMURA: Thank you. Do you drive for Lyft or Uber or a taxi?

MR. AUNESE: I drive for both.

CHAIR SUGIMURA: Lyft and Uber?

MR. AUNESE: Lyft and Uber.

CHAIR SUGIMURA: Okay. Anybody have questions for him? Mr. Sinenci?

COUNCILMEMBER SINENCI: So, thank you for being here. So, how does working for both work for you? I mean, if, you just have two apps --

MR. AUNESE: Yeah.

COUNCILMEMBER SINENCI: --that would simultaneously, and you choose which one you want to...

MR. AUNESE: Yes, we have two apps on our phone, so whatever comes, the call, either the Lyft or Uber, so you have to turn off the other one and then call for pick up for that call, yeah, and take it to the destination.

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CHAIR SUGIMURA: Okay, thank you. Thank you very much.

MR. AUNESE: You're welcome.

MS. ESPELETA: Jose Bumatay, Jr., followed by Philip Heath.

MR. BUMATAY: Good afternoon, everyone. My name is Jose Bumatay. Previous employee of the HC&S, which we making a lot of great money before. And, from that moment when we get a lot of money, we borrowing things, then all of a sudden, the government shut us down, and it's very hard to really get into one job. And, the problem now is to pay the bills. I recently working with Fresh Island Fish, but still don't enough, so I drive Uber and Lyft, which is the opportunity of earning money to pay the bills. And, with the Lyft, I am in a great service and I'm an excellent 5.0 star, and I would really appreciate with the Lyft for this opportunity so I can pay my bills, and also the Uber 'cause I both drive Uber and Lyft. Thank you.

CHAIR SUGIMURA: Thank you. Any questions? Ms. Paltin?

COUNCILMEMBER PALTIN: About how much hours a week do you drive?

MR. BUMATAY: I drive both Uber and Lyft, and after work, like, I finish work at two o'clock at Fresh Island Fish, and then until eight o'clock, and then that's the time I have to go home, and I go work again five o'clock in the morning at the Fresh Island Fish, so I work two jobs.

COUNCILMEMBER PALTIN: So, about 30 hours a week driving?

MR. BUMATAY: What, Ma'am?

COUNCILMEMBER PALTIN: About 30 hours a week, you drive?

MR. BUMATAY: I drive about, like, 12, 16 hours 'cause my first job is driving also.

COUNCILMEMBER PALTIN: Oh, so you drive 16 hours a day?

MR. BUMATAY: Yes, ma'am.

COUNCILMEMBER PALTIN: Okay, thank you.

CHAIR SUGIMURA: Thank you. Mr. Sinenci?

COUNCILMEMBER KAMA: Chair? Oh...after.

COUNCILMEMBER SINENCI: Thank you, Chair.

CHAIR SUGIMURA: Oh, sorry.

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COUNCILMEMBER SINENCI: Mr. Bumatay, one more, or two more questions. So, are your clients more residents that live on Maui or visitors?

MR. BUMATAY: My clients is mostly, like, tourist, visitors --

COUNCILMEMBER SINENCI: Visitors.

MR. BUMATAY: --and they really appreciate to have a service from me because I get five star in Lyft.

COUNCILMEMBER SINENCI: Okay, thank you, Chair.

CHAIR SUGIMURA: Thank you. Ms. Kama?

COUNCILMEMBER KAMA: Yes. Mr. Bumatay --

CHAIR SUGIMURA: Oh, one moment.

COUNCILMEMBER KAMA: --right here. So, you drive for Fresh Island Fish during the day?

MR. BUMATAY: Yes, ma'am.

COUNCILMEMBER KAMA: And then when you pau hana at two o'clock, you drive Uber and Lyft?

MR. BUMATAY: Until eight o'clock.

COUNCILMEMBER KAMA: Until eight o'clock. So, you drive about 6 [sic] hours every day?

MR. BUMATAY: Yes, ma'am.

COUNCILMEMBER KAMA: Five days a week, six days, seven?

MR. BUMATAY: Five days a week, I have to . . . *(inaudible)*. . . for chauffer my wife, you know.

COUNCILMEMBER KAMA: Okay.

MR. BUMATAY: Thank you.

COUNCILMEMBER KAMA: Okay, thirty hours, thank you.

CHAIR SUGIMURA: Thank you.

MS. ESPELETA: Philip Heath, followed by Rob Mora, on behalf of Lyft.

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MR. HEATH: Aloha, Council. My name is Philip Heath. I am the owner of Go Wiki, LLC. I have a PUC license here in Maui. I've been driving for both Uber and Lyft and my company for about 4½ years now and I think it's going great. I don't think there's any need for, any new additional regulations on the rideshare industry. One of the Councilmembers had questions about the insurance. I personally have a commercial insurance policy, so it covers me and, when I have a Uber or Lyft passenger, it covers up to \$1 million dollars if there is an incident. Someone has rear-ended me while I've been on an Uber trip and they cancelled, they'll cancel your personal insurance policy if you don't have a rideshare addendum to it. So, but, there's two companies that offer that addendum for most rideshare companies. The person who hit me did have insurance. I don't think, this doesn't need to be regulated any additional, they, the only thing I would suggest doing, is increasing the taxi fares, allow them to charge more money 'cause they're not, now that there's more competition, they are not making as much money as they were before, so I think there should be, they should remove the cap and let taxis advertise a higher fare, if they so desire. Thank you.

CHAIR SUGIMURA: Thank you. Any questions? Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Mr. Heath, for being here. I was wondering about the commercial insurance --

MR. HEATH: Yes.

COUNCILMEMBER PALTIN: --that you were talking about.

MR. HEATH: Yes.

COUNCILMEMBER PALTIN: Can you explain how that works?

MR. HEATH: Well, it's a commercial insurance policy, so I can pick up fares for prearranged trips, where it's a cash ride or pay be credit card, or I can go through Uber or Lyft because I don't stay busy enough, I wanna, the more I'm working, the more money I'll make.

COUNCILMEMBER PALTIN: So, that commercial insurance covers you for the Go Wiki, LLC --

MR. HEATH: Yes.

COUNCILMEMBER PALTIN: --as well as when you drive Uber and Lyft --

MR. HEATH: Yes.

COUNCILMEMBER PALTIN: --as well?

MR. HEATH: Yes. So, what Uber's and Lyft policy is an additional coverage, so just in case something really horrible happens, it covers the additional \$700,000, so it's a

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\$1 million policy. So, thankfully I haven't had to need that policy and neither one of my passengers have, but it does have that case, just in case there is a, you know, somebody's paralyzed or something like that, for additional medical care. So, that's what, when the passenger's in the car, there's a \$1 million policy in place with both Uber and Lyft, I know that's the case, so, you know.

COUNCILMEMBER PALTIN: Do you mind saying, like, maybe the rates are premiums for that commercial insurance?

MR. HEATH: It's about \$12,000 a year for four vehicles, so 4,000, 3,000 or 4,000 a vehicle, depends on what kind of vehicle you have and stuff like that.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER PALTIN: I think that's really responsible of you to have that. Thank you.

CHAIR SUGIMURA: So, can I ask you, do you have that insurance because of PUC or because you drive --

MR. HEATH: It's a PUC.

CHAIR SUGIMURA: --Uber, Lyft?

MR. HEATH: It's a PUC, yeah.

CHAIR SUGIMURA: PUC requirement.

MR. HEATH: Yeah, they're a PUC requirement. I don't think there's, the County needs to regulate this at all, it's already regulated by the State. I don't think there's any additional regulation and, as a passenger, I've used taxis here and I've used rideshare, and I've had better experience with rideshare because they have, both Uber and Lyft have a rating system in place. With a taxi service, I get lots of customers requesting me and they complain about the service that they received 'cause there's no rating system in place.

CHAIR SUGIMURA: One last question. So, do you pay any fees to the County of Maui?

MR. HEATH: No.

CHAIR SUGIMURA: You have --

MR. HEATH: No, but there's State...

CHAIR SUGIMURA: --no taxi license?

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MR. HEATH: I have a PUC license.

CHAIR SUGIMURA: Which is State?

MR. HEATH: Right.

CHAIR SUGIMURA: Yeah, so it's not us.

MR. HEATH: No. The County regulates the taxi industry and the PUC regulate is by the State.

CHAIR SUGIMURA: Yeah, thank you.

MR. HEATH: So, the PUC charges me a fee and the airport charges a fee.

CHAIR SUGIMURA: Yeah, separate from us.

MR. HEATH: Yeah.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER KAMA: Chair?

CHAIR SUGIMURA: Oh...Ms. Kama?

COUNCILMEMBER KAMA: Thank you. So, you've mentioned in your testimony that maybe one thing to help the taxis would be to increase their fare rate.

MR. HEATH: I think they should have the ability to, they should have the ability to charge more money since they're not as busy now. So, they should have, if they have a posted fare, that's what the fare is going to be, they should have the freedom to charge more for that.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR SUGIMURA: Thank you.

MR. HEATH: You're welcome.

CHAIR SUGIMURA: Thank you very much.

MS. ESPELETA: Rob Mora, on behalf of Lyft, followed by Nehemiah Guerrero.

MR. MORA: Aloha, Chair, Vice-Chair, Committee members. My name is Rob Mora, I'm the General Manager for Lyft in Hawaii, for the State, responsible for Lyft's business and

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operations. This testimony is, first, to provide background and context to Lyft's operations throughout the State, including here in Maui, and second, to share our support in the creation of the task force to study transportation network companies in Maui. Lyft was founded in 2012 to improve people's lives, the world's best transportation, and make our cities more livable. Lyft is an online ridesharing application that connects people with efficient, friendly, and safe drivers in their community. At a basic level, Lyft was created as an alternative to personal car ownership and we make it easier for people to offer their neighbors a ride and help people carpool more efficiently. In Hawaii, Lyft has been a transportation option on Oahu since 2014, in June, and available on Maui, Big Island and Kauai since March 2017. More than anything, Lyft is about giving people choices. As of this year, 46 states across the country have passed statewide legislation that regulates Lyft in a safe and comprehensive manner. We hope that soon Hawaii can join that effort and allow consumers to have the ability in choosing Lyft to cities across the State, this great state. We think that it is valuable that visitors and locals alike who work at hotel resorts, any of the small businesses around the islands, or people simply wanna enjoy a drink during a night out, can get affordable and reliable rides. Lyft provides a transportation option for communities that are traditionally underserved by other forms of transit, as demonstrated by the fact that 56 percent of rides in Hawaii state start or end in low income areas. Riders like the service because they know that they are going to get seamless, affordable and reliable transportation. They use it millions of times a day across the islands and on the mainland because it is consistent and safe. In fact, at Lyft, safety is our top priority. Our goal is to make every ride affordable, comfortable and reliable. Our riders use Lyft because they feel safe with our drives, which is the product of this commitment. Before drivers can accept rides on the Lyft platform, they must undergo a mandatory local, state and national background check conducted by Checkr, which is the leading provider of background checks across the country. Checkr is also accredited by the National Association of Professional Background Screeners, which requires a rigorous audit of this procedure and policies by an independent auditor appointed by the Background Screening Credentialing Council. Every Lyft ride is tracked by GPS and all rides are cashless. Passengers receive their driver's picture and license plate before they enter the vehicle and riders can also send their real-time GPS and eta to family and friends. In short, no rider, driver is every anonymous. After the ride...can I continue?

CHAIR SUGIMURA: Yes.

MR. MORA: After the ride, both the driver and the passenger rate each other. The rating system is an important tool for safety and in any rated under four stars by riders requires additional feedback. Rides with specific feedback may be flagged for review based on what is being reported and drivers will be automatically off boarded for consistently receiving low ratings. Depending on the nature of the complaint, we may deactivate the driver so that he or she is not able to give any further rides until it is investigated.

CHAIR SUGIMURA: Mr. Mora, can you complete?

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MR. MORA: Yes. In closing, creating a task force to study and examine transportation network companies on Maui is a path forward providing consumers, drivers and visitors consistent experience with Lyft. We urge this Committee to support the creation of a task force to ensure that reliable and affordable rides are available for all in Hawaii, especially here on Maui. Mahalo for your consideration in accepting Lyft's testimony.

CHAIR SUGIMURA: Yeah, thanks for being here, brand new father, so I appreciate you --

MR. MORA: Thank you.

CHAIR SUGIMURA: --making the time.

MR. MORA: Thank you very much.

CHAIR SUGIMURA: Thank you. Anyone have questions for him? Tamara, you might want to ask him about the insurance. Tamara, and then Shane, sorry, and Ms. Kama.

COUNCILMEMBER PALTIN: Thanks. I guess, I see this letter in the Granicus but I guess it wasn't sent to Lyft, but wondering about the cases where it's not the rideshare platform driver's fault, it's the other driver's fault, and they either have no insurance or underinsured.

MR. MORA: Just so I'm clear, this is the conversation we had at one of the last meetings about the incident? If, for Lyft goes, from what I am aware, the coverage does cover it, but I know that was maybe an Uber specific incident. We can get you maybe something more formal from our insurance coverage in our department risk --

COUNCILMEMBER PALTIN: Something in writing.

MR. MORA: --that can provide the exact details 'cause I know it is a bit tricky and there is some confusion about that. But, I know that's something, we didn't get that, if we could, we can provide that.

COUNCILMEMBER PALTIN: And then, do you know anything about that rideshare addendum that the previous guy was speaking to?

MR. MORA: I'm not sure. I don't have an answer for that.

COUNCILMEMBER PALTIN: Okay. I think those were my main questions.

CHAIR SUGIMURA: Tasha Kama?

COUNCILMEMBER KAMA: Thank you. So, do you, who pays the GET on all the revenues that's received.

MR. MORA: I know we pay, as well as drivers do have to pay a GET tax as well, both.

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COUNCILMEMBER KAMA: So...

MR. MORA: I go down to the tax office every quarter, to go, every time it's due.

COUNCILMEMBER KAMA: So, do you, so who has the business license to conduct the business? You or the drivers?

MR. MORA: We do have a business license as Lyft, for specifically Honolulu, they do, we have a, you know, we recommend that they, you know, do do their due diligence with their business licenses and tax information.

COUNCILMEMBER KAMA: And then, so, the permit for them to drive is what we give them here with DMV?

MR. MORA: Yeah, the requirements, I'm not 100 percent sure about the DMV permit that you would issue, other than the, I'm sorry, the driver's license, if it is the State of Hawaii.

COUNCILMEMBER KAMA: Okay, thank you.

CHAIR SUGIMURA: Thank you. Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Mr. Mora, for being here. Is the Lyft services worldwide?

MR. MORA: Lyft is currently in the United States and two cities in Canada.

COUNCILMEMBER SINENCI: That's it?

MR. MORA: Correct.

COUNCILMEMBER SINENCI: And, so have, so for other countries, has there been like a stay or no Lyft allowed in our country? Have you guys had this?

MR. MORA: Not that I'm aware of, I can't speak for the ridesharing industry as a whole. As far as Lyft goes, we work very closely with these, with the different councils and governing bodies of each city. Currently, we've been doing that with Vancouver, hand-in-hand through this process and we were launching this month. It's a ongoing process and we're still fairly new to the world outside of the U.S.

COUNCILMEMBER SINENCI: So, is Lyft an American company?

MR. MORA: Yes, correct, based out of San Francisco.

COUNCILMEMBER SINENCI: I guess, because, you know, with Lyft being such a, you know, I guess, fairly newer company where us, as a policy makers, we haven't really, you

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know, kinda considered it within our county, so we might be, you know, when it's affecting an already established industry, like the taxi industry, and we're looking at, you know, how to, equity, as far as Lyft driver paying their fair share, you know, if you using a county roads, that we make sure that you're also contributing to, you know, if we're looking to improve our infrastructure, we would somehow want, look at how Lyft can be a contributing factor in our county. So, I mean, that's, I think that's why we're here and we're having this discussion in the Chambers today so that we find, you know, equity for everybody. The other question was, does Lyft contribute to community events, you know, like donate towards --

MR. MORA: Absolutely.

COUNCILMEMBER SINENCI: --social services, something like that?

MR. MORA: Yes. That's a very big part of what we do in communities. We're currently offering discounts during these next couple weeks, over Halloween, for people to get safely, \$10 to ride smart. In addition, we've supported the Lahaina Town Action Committee for their events, the MACC, as well, specifically for Maui, amongst other bars and restaurants, for people to get home safely. In addition, we do have a Lyft Wheels for All program, which we do offer, we're currently awarding nonprofits who apply, up to \$1,000 in ride credits. Currently, one, as an example, are helping homeless get to hospitals versus calling 911. In addition, the Red Cross, to help get rides if there's a natural disaster, or whatever that may be, to and from shelters, and we've done numerous other things in the State. This is just a few recent examples and organizations that we do work with.

CHAIR SUGIMURA: Thank you. Thanks for being here. I have a couple questions for you.

MR. MORA: Okay.

CHAIR SUGIMURA: So, does Lyft limit the number of hours a driver can drive per day and per week?

MR. MORA: Yes, it's by day, and for every 14 hours that they do drive on our platform, specifically, they do have to take a 6-hour break, and they will get automatically shut off of the app, and it has to be a continuous 6 hours.

CHAIR SUGIMURA: Per day?

MR. MORA: Correct.

CHAIR SUGIMURA: Okay. And, do you do alcohol, drug testing for your drivers?

MR. MORA: Currently, we do not. We rely on the background checks to do the appropriate background.

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CHAIR SUGIMURA: Okay, and I think Lyft does not, and Uber, does not pay any fees to the County of Maui for participating in our community --

MR. MORA: That is...

CHAIR SUGIMURA: --through Maui County Code, right?

MR. MORA: To my knowledge.

CHAIR SUGIMURA: Yeah, see, so, that's --

MR. MORA: That's correct.

CHAIR SUGIMURA: --what we're looking at.

MR. MORA: Right.

CHAIR SUGIMURA: Okay. And the insurance that you provide is uniformly to all your drivers and the discussions that we're hearing today, we're going to send you a letter asking you to put in writing the kind of insurance that you provide your drivers under the circumstances that Ms. Paltin was talking about, just for the security of our community.

MR. MORA: That is correct. And, yes, we will happily oblige.

CHAIR SUGIMURA: Okay, thank you. Anybody else? Seeing none, thank you.

MR. MORA: Thank you, again, all --

CHAIR SUGIMURA: Thank you.

MR. MORA: --for having me.

CHAIR SUGIMURA: Thanks for being here.

MR. MORA: Thank you.

MS. ESPELETA: Nehemiah Guerrero, followed by Walt Klemperer.

MR. GUERRERO: Good afternoon, Councilmembers, and ladies and gentlemen. My name is Nemi Nehemiah Guerrero. I been driving for the airport taxi for about, almost 20 years and, yeah, we do have, for taxis, we do have this annual check every year, on a yearly basis, I should say, and now we, in the last two, three years, we've been invaded with this new technology in transportation, either called Uber or Lyft. As we have observed in the airport, this new business that came in are kind of like making more congestion in the airport, actually, but they are operating without a proper documents, which is, like taxi does, they have to get this paperworks to be done on a

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yearly basis. So, our concern is that they are being allowed to do this, transporting without permits, that's mainly what they do now and, so, and they getting away with it, doing a business like that. In taxis, we do report every year, you know, inspected by the DMV, we do that and they don't. So, it seems like it's not fair that they doing all this transporting business for hire, not doing all this legal papers. I mean, if they like to do it, why they don't do it legally, I mean, that's what, like, our concern most. I mean, that will be fair for taxis and them. We don't have any bad feelings towards this because it's just like a gasoline station, you know, you get Texaco, you get Shell, things like that, but they are legal. So, I think it that way, you know, for us as taxis. So, like now, they making really a big congestion in the airport, especially on the curbside. They can come, really, and like in a busy day, and they rush towards the curbside and that cause congestion, especially. And, they are called, we might say, illegal, for them to do business, but they operate anyway. That's all, most likely, what I can say. Thank you very much.

CHAIR SUGIMURA: Thank you. Any questions? Ms. Paltin has a question for you.

COUNCILMEMBER PALTIN: I just wanted to clarify, when you said you had to do an annual check, were you talking about medical check?

MR. GUERRERO: No, ma'am, it's the paperworks in the DMV, you know, those permits, like taxi permits, inspection, things like that.

COUNCILMEMBER PALTIN: And then, how much hours a day are you allowed to drive, unlimited?

MR. GUERRERO: No, actually, mainly, most of us drivers in the airport is doing, like, 8 hours, you know. If they are daytime, they go for daytime only. They get these night guys that do the night service until the airport closes.

COUNCILMEMBER PALTIN: But a paperwork, do they limit you to 8 hours or is that just by choice?

MR. GUERRERO: It's by choice, actually, you know.

COUNCILMEMBER PALTIN: So, there is no time limit of how long you...

MR. GUERRERO: Some people, because there's been, like, a long waiting time, and so, most likely, the ____ hours.

COUNCILMEMBER PALTIN: You're not driving the whole 8 hours.

MR. GUERRERO: Sometimes, like hours to wait, because we are depending on the airplane to arrive and the airplane most likely come on a certain times, so that's what it is. But, because of the lineup system, some check in early, some check in later, so they get more longer periods of time waiting, anyway, so that's how it works.

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COUNCILMEMBER PALTIN: Okay, thank you.

COUNCILMEMBER KAMA: Chair?

MR. GUERRERO: Thank you very much.

CHAIR SUGIMURA: Thank you very much. Oh...Ms. Kama? One moment. Here's one more question.

COUNCILMEMBER KAMA: Mr. Guerrero --

MR. GUERRERO: Yes, ma'am.

COUNCILMEMBER KAMA: --so you're saying that. so the taxis all line up and they wait for the planes to land and then you all are, and then you get...

MR. GUERRERO: Yeah, that's true, because, most likely, the airline is the one that providing us --

COUNCILMEMBER KAMA: Right.

MR. GUERRERO: --the ride --

COUNCILMEMBER KAMA: Yeah.

MR. GUERRERO: --the rides, yes.

COUNCILMEMBER KAMA: So, while you're all waiting to get the call to, for your turn to get passengers --

MR. GUERRERO: Yes.

COUNCILMEMBER KAMA: --and that's when the Uber guys come and, come to the curb and...

MR. GUERRERO: Yeah, when the planes arrive, they have their own line up system, they are Uber and Lyft, so most likely, because of its modern technology, they get the app and it seems like --

COUNCILMEMBER KAMA: I see.

MR. GUERRERO: --they are more fast in getting --

COUNCILMEMBER KAMA: I see.

MR. GUERRERO: --the service --

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COUNCILMEMBER KAMA: So, the --

MR. GUERRERO: --the call.

COUNCILMEMBER KAMA: --app bypasses the wait with the app?

MR. GUERRERO: Yeah, so we get a longer wait.

COUNCILMEMBER KAMA: I get that.

MR. GUERRERO: Yeah.

COUNCILMEMBER KAMA: You gotta get an app. Thank you.

MR. GUERRERO: Thank you.

CHAIR SUGIMURA: Thank you. Next testifier?

MS. ESPELETA: Walt Klemperer, followed by Bart Mulvihill.

MR. KLEMPERER: Is it on?

CHAIR SUGIMURA: Yes.

MR. KLEMPERER: Good afternoon, everybody --

CHAIR SUGIMURA: Good afternoon.

MR. KLEMPERER: --Madame Chair. I'm in a very unique position. I'm a sole operator employee. I work for Aloha Maui Limousine Service, which is a PUC company, and I operate a cab, and it's the only cab now that AML operates, and I'm its only operator, and it's unique in that it is a large van that can only carry 7 people and lots of baggage and surfboards. I operate primarily out of the airport, but I also work the dock when the Pride of America is in or an international ship is in. I was interested, this one gentleman said, raise cab fares, so we can make more money. Well, that's just more incentive to go a different direction. But, to even up the playing field, make Uber, Lyft, part of the same system that we operate in, it's the only fair way to attack this thing. All it needs is enforcement, I assume through the police department and the County. The law is in place and I don't know what it will take to build a fire within us to save the cab industry because, believe it or not, in spite of what these people say, the cab industry is dying, that's reality. I try to get to work every morning before 7:00 a.m. so I have a chance at maybe three runs in a 8 to 12 hour period. We have our own internal problems and they're separate. The airport has its own contract. We abide by that contract and Uber and Lyft are not included in that. Any questions?

CHAIR SUGIMURA: Any questions, Members? Seeing none, thank you very much.

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MR. KLEMPERER: Thank you.

MS. ESPELETA: Bart Mulvihill, followed by Henry Ramirez.

MR. MULVIHILL: Good afternoon, Chair, nice to see you all again. The other Members that have joined us today, thank you very much for hearing this important matter. My name is Bart Mulvihill. I'm the general manager of a local, mid-size, PUC licensed town car, limousine and bus group. People wonder why I have such a big interest in this rouge operation in Uber and Lyft. Most people don't know how or where Uber was introduced to organized transportation. So, here's the truth in a nutshell. Uber was a connected San Francisco model with Silicon Valley. They got enough money together and the original software to create a local use app, what people use today, in the Bay area to connect with and refer last minute town car and limo customers to idol professional drivers waiting for any kind of new dispatch, mid-evening, and keep the earning consistent money through their shift, still a limo company. Uber essentially built their national reputation on the shoulders of good operators like me. It really bothers me when people call them professional. In the last Maui Multimodal meeting last month, our Councilmember, Ms. Paltin, revealed a big lie. People have been telling each other regarding insurance. Mainland and Honolulu based auto insurance carriers have sent direct, written notices to their insured, like Ms. Paltin, that her insurance carrier will not stand by her if Uber or Lyft activities, is not, is definitely not covered, and the driver assumes all, and I repeat, all liability above emergency medical costs. Ms. Paltin shared, reading, written advice that her auto insurance carrier forbade any Lyft or Uber cooperation, then Committee Chair Sugimura echoed a similar notice that she had also received. When asked, the Uber lobbyist, when challenged, said, they do not, they do their due diligence, which requires verifying a consumer policy is verified. He forgot to say whether or not that policy really works. I then did my research, so I saw the chink in the armor, okay. Each insurance company I saw on either a website or is confirmed by telephone that in any Uber or Lyft collision, liability and comprehensive insurance would be voided under their current Uber and Lyft SOPs, standard operating procedures, except Liberty Mutual. I repeat, only Liberty Mutual provides coverage or endorsements of an Uber, Lyft accident. Aware drivers have ignored it and all that, but I'll tell you this right now, GEICO, USAA, Farmer's, State Farm requires an endorsement, but I don't anybody who's got one, and also, First Insurance Company of Hawaii, which insured me before I bought a very expensive \$1,300 a month insurance policy for my cars. Nobody is insured that thinks they are. And if you ask 'em, who's your insurance company, they didn't now. None of them are in that area, and I can't believe that this County has allowed somebody with no insurance, and when the parent company doesn't even bother to verify that their insurance policy will work, is not only reprehensible but is very, very, it's excruciating to a guy like me who plays by the rules and enjoys my job. Thank you.

CHAIR SUGIMURA: Thank you. So, you have a PUC license and you also have a taxi? Is that what you said?

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MR. MULVIHILL: No, ma'am. I have a 1 to 8 PUC certificate and an 8 to 25. My son and I did it together when he got out of the Marines, and we followed the rules from day one.

CHAIR SUGIMURA: Okay, so you have PUC license?

MR. MULVIHILL: PUC, ma'am, yes.

CHAIR SUGIMURA: PUC license. And you're insured?

MR. MULVIHILL: Uh-huh.

CHAIR SUGIMURA: Members, anybody have questions for him? Thank you. You know, I wanted to explain to the Members that, thanks to Mr. Hokama, this meeting, which normally happens on Monday mornings at nine o'clock, we moved it to Mr. Hokama's time, we switched times, to accommodate, I think I was asked by the taxi people, because they have, you have cruise ships that come in on Monday, so it would be hard for you to accommodate your passengers and I was asked by one of your leaders if we could do this. So, I wanted to just thank Mr. Hokama for that and explain to you why the meeting times changed, so, just, yeah.

MR. MULVIHILL: Your staff did a good job.

CHAIR SUGIMURA: Yeah, I mean, we changed because of the community asking us to, but...

MR. MULVIHILL: Can I...

CHAIR SUGIMURA: Any other questions for him?

MR. MULVIHILL: I brought the picture, the six people in the Uber car. And I turned this in to Uber 'cause I was an Uber select driver at the airport. I submitted this and said this guy's going to kill somebody. I watched him in the meeting, we're at the same get together meeting where you learn their, how to use their app and et cetera, and this guy had to --

CHAIR SUGIMURA: --Thank you.

MR. MULVIHILL: --have the Uber representative fill out everything on the map. This driver right here is a danger. He has three adults and three kids. I took this picture on Christmas day 2015. This guy drove for two more years I know of.

CHAIR SUGIMURA: Thank you.

MR. MULVIHILL: You're very welcome.

CHAIR SUGIMURA: Thank you. Next testifier?

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MS. ESPELETA: Henry Ramirez, followed by Nick Crowley.

MR. RAMIREZ: Good afternoon, everybody.

COUNCILMEMBER KAMA: Aloha.

MR. RAMIREZ: I'm Henry Al Ramirez and I live in the County of Maui for almost 12 years now. I'm a Filipino though, and I work for both the Uber and Lyft, as well, and I would say I was one of the first Uber driver and Lyft driver, as well. When Lyft came over to Maui, I was accepted to drive for them, as well as the Uber, when they came into Maui, that was three years ago, I was also accepted to work for them. I may say, working with Lyft and Uber, it's a good thing it came here to Maui. Why? Because it helps people transport from one place to the other. We are often given some educational things when it comes to safety and it's also convenience here for the riders, for them to go home, from the pickup point to their destination. Driving with Uber, as well, gives me, or gives everybody, for drivers, some supplemental's to help their families because, and you can work your own times as well. And, also, I may say, a while ago, I heard about the curbside in the airport. No, we are not congesting the curbside at the airport. Why? Because we only go to the airport once you are called by the passenger. So, we are only given a minute or two to stay there, waiting for the passenger to board our car and we will go. We will not stay there, just like the taxis, they are lined up along the curb, waiting for passengers because they don't have the app. So, as --

CHAIR SUGIMURA: You could...that's what red light is.

MR. RAMIREZ: --as I say, we are not congesting the area. And, for the insurance, as well, I may say, it's pretty much, I don't understand much on the insurance, but then we are covered by, if you have a comprehensive insurance, personal comprehensive insurance --

CHAIR SUGIMURA: Please finish. Please finish.

MR. RAMIREZ: --you are covered by the Lyft or Uber insurance as well. But, if you don't have, that's what my understanding is, but if you don't have a comprehensive insurance, the Lyft, I don't how it works, but the Lyft or Uber doesn't cover you.

CHAIR SUGIMURA: Okay.

MR. RAMIREZ: Thank you so much.

CHAIR SUGIMURA: Thank you. Any questions? Seeing none, thank you. Thank you very much. Next testifier, please.

MS. ESPELETA: Nick Crowley, followed by Leslie Knoles, followed by the last testifier to sign up, is Miriam Tuttle.

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MR. CROWLEY: Good afternoon, Council. I'm Nick Crowley, taxi driver for 13 years, you know. Just, had a speech here, like sort of set up, just bullet points, trying to focus on what every single person said and try to list some things. Like, the Lyft gentleman whose been here, sort of gave us the commercial spiel for what the company is like, about safety and all these things and providing rides in cities. It has been totally proven that they congest cities, add to CO₂, this is a fact. Currently, right now, in San Francisco, there's 26 women, and more coming, that are suing Lyft for drivers raping them, and they were still allowed to remain on the app after the complaints were filed, not a four-star review, probably something a little bit harsher, like, one of your drivers attacked me, so that's going on. They both just missed a House United States Government Committee of Transportation Infrastructure, skipped it completely. One of things they were going to go after them about was their strange way of lobbying local and state across the United States governments to make a blanket law across the whole country, which the rules that you're talking about Honolulu did is literally the same, exact rule in every state that they've successfully done, so it's not anything new, it's a set of rules that you read are specifically helping them and harming everybody else. AB5 has passed since our last meeting, where it is regulation beyond anything we would do, they're going to make them pay everything, like an employee over there, and all the Uber drivers wanted it, they wanted all these protections and everything, so that passed. And it sort of brings us back to, we're out here in little, beautiful Maui, been operating here for 13 years. It's a full-time job, transportation, it's not a fun on the side, 10-hour, 30-hour week, like most of these stories are, you have to be working all the time because the business demands it, it isn't something part-time. It is a full-time job for all of us. It is the only job every cab driver has because it's a full-time, paying job, which I don't understand why you'd want to take 200 or so of those away, because that's what this company is doing, you're taking our job, cutting it up into minimum wage and sort of leaving us out to dry, which is, you can hear it in my voice, is a very, very frustrating, this is very serious. And then these other things about congestion at the airport, Ms. Kama was mentioning it, maybe we should get an app. We don't need...sorry, oh God, it broke. We don't need an app, we're already waiting at the airport, so there is no wait time for taxi. We're not in the way, we're in three little stalls with 50 cabs behind that, just constantly rotating up, there is not wait time. We, literally, just sit there and watch everybody look at the license plates, look at the driver, try to confirm on the app, are you my driver, are you this, and they double park and triple park, the security comes and kicks them out, most of them don't have stickers, like they try to say they do, they don't. We have tons of photo and video, it's insurmountable evidence. But, yeah, those are just some things that I wanted to bring up. It's hard to kinda pinpoint it all into one message, but I'm trying to take what everybody is saying and pick it apart for what it really is 'cause if you kinda scratch the surface with both these companies just a little bit, it's not this thing that they have presented to you, no insurance and these kind of things, so, anyways.

CHAIR SUGIMURA: So, thank you very much.

MR. CROWLEY: Thanks.

CHAIR SUGIMURA: So, you currently are a full-time driver for taxi --

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MR. CROWLEY: Uh-huh.

CHAIR SUGIMURA: --this is your company.

MR. CROWLEY: Yeah.

CHAIR SUGIMURA: Can I ask, if you wouldn't mind sharing, how much you pay for insurance.

MR. CROWLEY: Mine is, now, saying commercial insurance, just like personal insurance, there are some rewards if you don't get into an accident, doesn't move as quickly, I don't think, as some of those personal insurance things, but mine is right around three grand, \$3,000 a year and I am in a policy that's ½ million range to ¾ million. You don't have to have the million to be a taxi, that's the PUC level. You could if you wanted, but, yeah, I pay about \$3,000, yeah.

CHAIR SUGIMURA: Okay, thank you very much. Any other questions? Seeing none, thank you very much, Mr. Crowley.

MR. CROWLEY: And thank you for moving the meeting. I was, whoever did that, thank you so much, Monday is a very big day for us. Thank you.

CHAIR SUGIMURA: Last testifier?

MS. ESPELETA: Actually, Madame Chair, you have three testifiers left. Leslie Knoles, followed by Miriam Tuttle, and the last testifier is Jody Yoshida.

MS. KNOLES: Aloha. My name is Leslie Knoles and this is Nahiku. I currently do drive Uber and Lyft for the last three years, since they started. I chose to drive Uber and Lyft, I've been in the visitor industry for many years with property management and real estate and massage world, and I also train and handle search and rescue dogs, that's what Nahiku is. And, in order to be at a moment's notice to be able to stop and go search for somebody, I need my own business to have my own flexibility. Lyft allows me to drive when I want to, to stop driving when I need to, and I've always, from the very get go, I got an endorsement on my insurance to make sure that I was covered at all times and I made sure that that is covered. I have a lot of a liability with businesses and I just want to make sure that I'm totally covered, I've never driven without thinking I wasn't. And, I believe that the flexibility of having the Lyft and Uber has been a great advantage for a lot of people here on this island and being able to drive up to the airport rather than making people walk around the corner and walk down the street and catch us at that point, it was a huge improvement to be able to do that. I think, also, if we can go to the cruise ships and be able to pick up, like the taxicab drivers can, we can drop 'em off there, why can't we pick 'em up there, you know, we show our id's and everything else, the same us taxis, so I don't understand why we can't pick up at the same spot as we drop off. Again, that is for the visitors, their convenience, they don't understand why they have to walk all the way across,

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there's been a lot of confusion on that. I believe that it should be more even keel for everyone.

CHAIR SUGIMURA: Thank you. Any questions, Members? Oh, Ms. Paltin?

COUNCILMEMBER PALTIN: I'm sorry, I didn't catch what you were saying about, which was the insurance that had?

MS. KNOLES: I have State Farm insurance, and I've had it forever, and I got the endorsement on it. I also have, for renting rental cars, I rent cars outside my own car too.

COUNCILMEMBER PALTIN: What was required to get the State Farm Insurance endorsement, sorry?

MS. KNOLES: I just asked.

COUNCILMEMBER PALTIN: Oh, and there is no extra fee or anything?

MS. KNOLES: It's a small fee, it really wasn't that significant.

COUNCILMEMBER PALTIN: Okay, and so that covers you while you're driving for Uber and Lyft as well?

MS. KNOLES: Yes, and Uber and Lyft cover me, as well, 'cause I carry full coverage and everything. So, because of that, you know, they cover me as well, and I've always, you know, knowing I've had coverage, if somebody were to hit me.

COUNCILMEMBER PALTIN: So, Uber and Lyft covers you if somebody else hits you and it's their fault?

MS. KNOLES: That's what I understand. I, mean, I carry the over, under and I carry the stacked to make sure that I'm covered, and I understood, and from the policies that I've read, that Uber and Lyft cover, have, keep me covered while I have a driver in my car or while I'm on my way to pick up a driver [sic], there's a difference, as well, as the minute I answer the app, then ping, then I'm covered in their arena.

COUNCILMEMBER PALTIN: Okay, 'cause they weren't sure that their policy did that. They are sure that if you caused the accident, but not if somebody else does, when we asked their people, so you might wanna try and look at that.

MS. KNOLES: Yeah, from my understanding, it's not when I'm sitting around waiting for the ping or waiting for a ride, it's once I have a rider in my car or I'm on my way to pick up a rider.

COUNCILMEMBER PALTIN: Yeah, no, that's not --

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MS. KNOLES: --that's my understanding.

COUNCILMEMBER PALTIN: --that's not the question --

MS. KNOLES: Yes, I understand --

COUNCILMEMBER PALTIN: --that it was...

MS. KNOLES: --you're, yeah, I don't know.

CHAIR SUGIMURA: So, we'll get that clarified. Thank you. Any other questions? Seeing none, thank you very much.

MS. KNOLES: Alright, thank you.

CHAIR SUGIMURA: Thank you. Is it last testifier?

MS. ESPELETA: Last two testifiers, Miriam Tuttle, followed by Jody Yoshida, and Jody is the last testifier signed up to testify in the Chamber.

MS. TUTTLE: Good afternoon.

CHAIR SUGIMURA: Good afternoon.

MS. TUTTLE: Thank you very much for the opportunity to talk. I've been a resident of Maui since 2008, worked for a number of years for a nonprofit. I'm also a survivor of domestic violence. When the abuse of my daughters demanded it, that I would take a stance and fight for them. I saw myself in need of more flexible and profitable venue to survive. I try many things, and when I found Uber and Lyft, it was a huge blessing. Mainly, I think that is work around life, that is a plus, a huge plus for many. I've met other single moms and retirees that are doing it in a very responsible way, very conscious about being careful and how we treat people and how we do strive to present a better image to the visitors. But, again, the flexibility is a big factor in it. You do take care of the business, _____ on your heart or your daily life and then you get back on the road when you're fully well. Another thing that I think _____ a huge difference is the monopoly of services. With all due respect, yes. There is a bunch of regulations and eventual permits and eventual things, but the position of those things lead to entitlement and led, somehow, to many testimonies of people saying that they were not treated right. As a County, I think that we already suffer enough from one-only provider is certain areas, that the competence to have the different providers compete for the same service is nothing but healthy. It makes everyone to make an effort to make sure that you're doing the best, that you're given the best price, that you're given the best service, that your car is always clean. It would be, yeah, like my partners, I strive to be covered, to have extra coverage. And the hours, we are mutually accountable with the riders, they ride us, we rate them, we rate them, they rate us, and the companies also make sure that we have enough, we have work

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enough hours, so much as to not be a danger to anybody. So, thank you for your support.

CHAIR SUGIMURA: Thank you. Anyone have questions? Seeing none, Jody Yoshida?

MS. YOSHIDA: Hello, my name is Jody Yoshida. I am a part-time Uber and Lyft driver. I have a full-time job, but living on this island, you need to make amends, somehow, so I drive part-time with my car. I do have insurance with Allstate. I have an, a rideshare addendum with them, so they cover. So, yeah, we're all covered with insurance. As for the airports, we also have a queue that we have to wait for, as well, so when we finally get a ping, then we get straight to the airport, pick them up, and we're gone, we're not sitting there, like the taxicab drivers, we're just staying there. Then there's also, I've also had passengers that I picked up from the airport, they're local folk, who just want a quick ride from the airport to, like, Kahului or something and they love that, you know, they have somebody that they can talk to and is easy going, 'cause I had one passenger told me that she got yelled at by a taxi driver because it was a short ride and all they want is the long drives. So, she was happy that, you know, there was somebody who actually cared to give these short rides. We do give a lot of short rides, too, it's not just like airport to, like, Wailea or Lahaina side, we do a lot of short rides. I've even picked up people from one end of Front Street and dropped them off at the other end of Front Street, I mean, that's just how it goes, we do a lot of those, too. The taxicabs don't want to do that. What's another good one I had for me?

CHAIR SUGIMURA: Excuse me, everybody, please be quiet.

MS. YOSHIDA: But --

CHAIR SUGIMURA: I expect --

MS. YOSHIDA: --that's what we've --

CHAIR SUGIMURA: --decorum --

MS. YOSHIDA: --that's what --

CHAIR SUGIMURA: --in the Chambers.

MS. YOSHIDA: --I've seen. Also, like, for late nights, I've picked up a lot of drunk passengers and drove them home, and a lot of time it's usually just within just Central Maui, and I've driven all those, too, as well. So, just wanted to give that.

CHAIR SUGIMURA: Okay, thank you. Any questions for Jody Yoshida? Seeing none, thank you.

MS. YOSHIDA: Alright, thank you.

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CHAIR SUGIMURA: Thank you very much. Anymore testifiers, none? No testifiers in the Chambers. One last testifier.

MR. LAW: Thank you, Yuki Lei, for your patience. Jasee Law, from Kula. I was wondering, Yuki Lei, you drive an electric car, I wanted to just put, get in there, I'd like to see more electric cars doing Uber. And, does, do they have Uber in China, is my other question? And the reason I ask that is because China, I think, is on a different computer system than the United States computer, and that gets me to thinking about the tariffs and the trade wars and the competition between the phone companies and the _____, and there, so I would suggest that Hawaii gets on their own computer system. We're in a unique position here in the middle of the Pacific Ocean between the two countries, China and the United States.

CHAIR SUGIMURA: Thank you, Mr. Law. Any questions? Seeing none. So, I have District Offices. At this time, Mavis Medeiros, from Hana, do you have any testifiers?

MS. OLIVEIRA-MEDEIROS: Aloha, this is Mavis Medeiros, from the Hana Office, and there's nobody here to testify.

CHAIR SUGIMURA: Thank you. Thank you for waiting. Denise Fernandez, from Lanai, do you have any testifiers?

MS. FERNANDEZ: Good afternoon, Chair, this is Denise Fernandez at the Lanai Office and there are no testifiers.

CHAIR SUGIMURA: Thank you. Members, if I could ask to close public testimony at this time.

COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY . . .

CHAIR SUGIMURA: Thank you very much.

MT-3 TAXICAB AND RIDESHARING PLATFORM COMPANIES (CC 18-56, CC 18-316)

CHAIR SUGIMURA: So, thank you, everybody who has waited patiently as we went through, we had, like 21 testifiers, none from the District Offices, appreciate all the input. I will share that we have speakers here who have patiently waited from Akina Tours, as well as from Roberts, and I want to hear what you have to say in terms of the, what you provide our community and your services. And, I will tell you that some of the questions that I'm going to have Staff check, based upon your testimony, before we proceed to the panel is, I want to know from Uber and Lyft, how many drivers you have. And, the other taxi drivers, you're all individually and you're registered with the County, so I can get that number easily. So, Uber and Lyft, I wanna, curious to see

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how many drivers you have on Maui and Lanai and Molokai, separately. I would like to know the insurance coverage that you have, based upon some of the questions that Ms. Paltin had on uninsured motorist and what happens in those kind of cases. And, this came up, I think, every meeting, about Uber and Lyft, as well, I think taxis, you have the, they call 'em domes, but just required signage, so if I could get, I know that you have said and Uber had said that you do have signage, but I'm going to ask for requirements and what the drivers are required to do, just for some general information. I will tell you that I'll have for you at the next meeting, information, 'cause I hear that Uber and Lyft, or taxi drivers are not, the airport and harbors are nothing, are not our kuleana, we don't regulate those areas, and it's not an area that Uber and Lyft can just go there, they have specific requirements for it, and I will ask DOT to get that because that's State harbors, that's not us and State airport, which is not us. So, we have, our kuleana does not extend there, but we do have our Maui County Code, which regulates taxis and we have this big void, which is, I'm hearing the community talk about it, where Uber and Lyft are not regulated through Maui County Code, and that's what we'll be looking at as a committee. So, just for your information, so you understand that what you're doing is as taxis, Uber, Lyfts, you're driving on our roads and, so, what the fees will cover are the services that we, the County, provide to our citizens through different kinds of fees and services, so I'll clarify that. I am going to do, request for a task force through a resolution at the next meeting, so we can ask the Mayor to put a task force together to look at all the challenges that exist with taxis and Ubers. And, we look at fees, there's a whole discussion that could probably go on about fees and its fairness and what we need to do with taxi, Uber, the TNCs and how they're regulated, and then how they're not regulated and how the taxis are regulated. So, those are some of the challenges that I'm hearing from the community, your testimony, and I appreciate all of you for being here. So, at this time, I wanted to take it and hear from Akina Tours if you any contributions for what the PUC is, or what you're experiencing, and maybe some of the challenges that you may have heard from testimony or what you're seeing in your industry, and then, Roberts next.

MR. CURRY: Okay. Hi, my name is Kevin Curry, I'm the Business Development Manager at Akina Tours and Transportation. You know, the difference, I think, between the service that we provide, as a PUC operator, is vastly different than an on-demand, point-to-point operator, such as taxi drivers, where they're expected to appear at a moment's notice, pick someone at point A and drop them off at point B. The bulk of what we do is advance charter service, that is corporate and meeting incentive, large groups, it's a bit different because when you are getting married on June 5th of 2020, we will be there and we'll get you to the church on time, right. So, it's a bit different, but I have noticed that with the advent of the TNCs, that the demand for our, even our advanced movements, has dropped off to, from our SUVs and sedan service, almost to none, so we're doing almost exclusively, 14-passenger van and above. And the reason for that is, is because you can't really get a TNC, you know, and Uber stops at around six passengers, so people don't want to do two Ubers, they will go ahead and then call us, so we've, almost the contra to the TNCs. That has shifted our business somewhat because now we're more capital intensive, we're focused more on the larger pieces of equipment, which makes us more vulnerable to economic downturn. So, if there is,

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you know, we've got a lot of capital and money on our drive line, and if we were to suffer a recession, then we would be at much more risk as if we were having smaller pieces of equipment and investment. Also, drivers has been a very difficult challenge for us to maintain to our standards and over time because some of the staff has gone the way of becoming TNC drivers and they, you know, at the advent of having their own business, and we, you know, we applaud people to do that, but we've had to increase our wages almost 40 percent to attract people to stay and, you know, become an employee driver under, you know, fulltime standards and whatnot. So, it's a bit of a different game. Also, I'll just comment that we, our relationship with the State and the County is, you know, we're held to, I feel, a higher standard. We are required to respect the commercial zones and the places that we operate because the PUC requires that we have, you know, the letters along the side, people know who we are. If we are, drop at a, let's say, the head of a hiking trail, the DLNR is the first people calling us and saying, what are your doing, we're going to pull your PUC, you're going to be facing fines. So, I think we've got a stronger accountability than the TNC operators do and I think that as this industry develops, we're going to see more professionalism come into play and that's what I think I see happening here.

CHAIR SUGIMURA: Cassie, you have anything you want to say?

MS. AKINA-ANCOG: Hi, aloha, I'm Cassie Akina, I am third generation, our family business. We have been providing transportation here on the island of Maui since 1928. My grandfather started the business with the taxi service, then school bus and, currently, we are providing school bus, as well as meeting and incentives, convention and events transportation. Since I have been in the business since 1993 fulltime, I have seen a huge shift in how we operate. We've had to be very innovative and, like Kevin had mentioned, you know, our SUV, sedan, limo business is completely nonexistent. We do, there was a major downturn with the pre and post business. So, in the past, groups would come to Maui, we would do their pre and post, we'd do all their VIPs, and the bulk of the business would happen during their main convention days. That is nonexistent, so that is why I have people like Kevin here, Business Development, we think outside the box. Our company also provides school bus transportation, it helps us to leverage and keep our employees employed year-round. I do feel that, after listening to everyone's testimony, I, myself, use Uber and Lyft. I do feel that they do provide, you know, a service. However, I would like to see regulation there, you now, that it could be a level playing field for all. I do see the value in the taxi service, as well, so I do feel we can coexist. It would be nice to, you know...and thank you, Yuki, for doing this, you know, it is very important that we all follow the rules and regs, the most important thing is safety, we, Akina's prides ourself with safety. You know, one of the things that we are held to very high standards are vehicle inspections. I don't think that's being done with Uber and Lyft, as well as, you know, park fees. Like Kevin had mentioned, you know, we do pay park fees. So, if we do go into Iao Valley, if we go into, well, everybody knows the airport, we pay fees there, and it pretty much is the honor system. We provide a report every month and we pay our fees, so, you know, it would be nice to see Uber and Lyft contribute to the community. Another thing, you know, is, you know, I don't know, I think, believe that everyone is independent contractors. We pay huge wages, benefits, vacation, sick pay, you know,

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we have, we've, we're a small company compared to Roberts and Poly Ad, we're only on Maui. We have 50 plus employees, so we're considered small, medium-size, I guess, but I have had to innovate. You know, my grandfather basically, when he started the business, paid people out of his pocket, cash. My parents came into the business, they're paying, you know, a paycheck. Now, here I am, you know, the click of a button, I pay my employees through the internet, so we have innovated by using someone like a pro service company to help us provide the benefits so that we can be competitive like the larger companies. However, you know, our expenses are huge, we have overtime, you know, I know, I heard people say, you know, that's their second job, they do it on their off time. Well, we have employees, if they work 40 plus hours, we're paying overtime and, you know, over, just the past three years, we've increased our wage by 40 percent, so we've had to do a lot of innovation, not just on how we do our sales but also in retaining and recruiting our employees, and it's very tough. But, we enjoy what we do, you know, we contribute to the community, we love our island Maui, so I would love to see some regulation here with the Uber and Lyft and we can all coexist. Thank you very much.

MR. CURRY: And, we're hiring.

CHAIR SUGIMURA: Thank you very much for, thank you for your commitment to the community. I've worked with you on, you know, different projects. So, Roberts, thank you very much for flying in from Honolulu to be with us.

MS. LAMPKIN: Oh, no, actually, my, our VP couldn't make it from Honolulu, so I'm here in his place.

CHAIR SUGIMURA: Oh, okay.

MS. LAMPKIN: Good afternoon, everyone. My name is Della --

CHAIR SUGIMURA: Della.

MS. LAMPKIN: --Lampkin. I'm the General Manager for Roberts Hawaii here on Maui.

CHAIR SUGIMURA: Oh, here, okay.

MS. LAMPKIN: Yes.

CHAIR SUGIMURA: Thank you.

MS. LAMPKIN: And, similar to Akina's, Roberts started, but 1961, and also as a taxicab company on the island of Kauai, Robert Iwamoto, Sr., and it passed down through the generations of his family, and I've actually been in the industry, myself, since 1994. So, just like Cassie, you know, my comments almost mirror hers, you know, we've seen so many changes over the years. And, we do, you know, under the PUC and the FMCSA, we do have stringent guidelines that we need to follow, hours of service, primarily, you know, it's, driver fatigue is such a high statistic in any type of collisions

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or fatalities, you know, when you look at it in traffic accidents. So, ____ hour rules that are put into place by the FMCSA for drivers to have regulation there to monitor how many hours they're on in-service, you know, so they could be on the clock for one day for 15 hours but only behind the wheel for 10, so, that being, well, we being mandated by that, you know. With the Ubers and Lyfts, you know, I don't see any kind of regulation there. So, my driver or Cassie's driver, anybody under the PUC who's following these rules and regs, you know, could be in a collision with an Uber or Lyft driver that doesn't have this regulation and, you know, it would be disastrous, you know, basically. So, for everything that we put into place to make sure every safety precaution is taken, you know, that could be taken away in an instant. So, that, along with what Cassie said about wage, wage increases. We've done the same thing, you know, over the past few years, having to drive up the wages to retain drivers. We've seen a tremendous drop off of our airport express shuttles. We have a on-demand service, as well as prearranged, at the Kahului Airport and that business, the revenue's down about 60 percent since February, we've seen a steady decline. It's kind of plateaued at that 60 percent level but, needless to say, that entailed some redistribution of staffing and, unfortunately, some layoffs. We were able to get some employees to shift departments, we do have the school bus department, as well as the Maui Bus department, so we could reallocate some employees that were willing to do so. Insurance, of course, is a huge expense. They touched on the harbors and everything, I know it's not particularly this jurisdiction, but there are so many permits that are needed, you know, MARSEC cards, TWIC cards, you know, vehicle permitting, same thing for the airport, credentials that need to be obtained in order to operate there. So, vehicle inspections, we have audits by the State and Federal government, continually, as well as the County for our Maui Bus operations, so regular audits, unannounced visits. DOT also has weigh stations that are positioned across the island for any vehicle that can be pulled over and inspected en route with or without passengers, with or without cargo, so that's a regular occurrence. So, ongoing driver training, also, customer service, defensive driving, we have a Smith system that's in place, which assist drivers in regularly updating their knowledge of current safety issues, any changes in the FMCSA, we do this annually. And, in addition to that, for our school bus department--and Cassie, I'm sure you know--then go through all the . . . *(inaudible)*. . . and everything like that, once a year as well, in addition to, lots of rules and regs to follow.

CHAIR SUGIMURA: Thank you, thank you very much. Members, any questions for Roberts Hawaii? Appreciate you being here. So, just a kind of general question. I hear you talking about your business and the structure of it and the challenges that maybe, you know, have had to adjust with the SUV no longer needed as much as the bigger vehicles for Akina but, do you feel the impact of the Lyft and Uber also in ways that you can share? I think that was one of the questions and, came up earlier with Mr. Sakakida.

MS. LAMPKIN: Definitely, you know, for our airport shuttle, most definitely. We also have the permitting process for the Maui Airport Taxi, so I'm very familiar with the challenges that the taxi drivers in that department are facing as well and their numbers have been way, way down. So, there has been a huge, huge drop in revenue

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and, and again, sales. Even though we do prearranged, you know, the on-demand, the drivers are waiting a lot longer, you know, how they, you know, for the rides, so they're standing by, off premise, and once the passengers are ready for pick up, we'll pull them in, so it's now visibly evident, per se, to the general public that there's all these vehicles just sitting around doing nothing, so, 'cause we don't want to congest the area. So, basically, we do hold them off, and then they do wait a tremendously long time. And, then, again, with the hours of service, you know, we pull them off the road. Once they hit their quota, kinda like a airline pilot, you know, if the flight's delayed, once you hit a threshold, you can't send the flight out. So, same thing, we can't let the driver start a run if the driver's gonna end up expiring somewhere midway. So, at that point, he could sit for, all day, not have a run, and we need to send him home without even going out on the road.

CHAIR SUGIMURA: Safety and health of the driver --

MS. LAMPKIN: That's correct.

CHAIR SUGIMURA: --is important.

MS. LAMPKIN: Yes, yes.

CHAIR SUGIMURA: How about Akina?

MR. CURRY: I also notice, within the corporate incentive business that comes to, like, Wailea, a lot of times I'll do quotes for groups, let's say, that are 150 people large, and it used to be that we would do all arrivals and all departures for them, but now, if they have straggler arrivals or people, you know, that aren't coming in huge groups, they'll say, oh, no, we'll just go and have all those people Uber it, we'll just, you know, and even the corporate incentive travel planner from the mainland, because they have a relationship with Uber, Lyft, more than they have a relationship with Hawaii, that's who they're going to use first. We have to sell them on Hawaii, you understand. So, they're prone to be saying, well, we use Uber, who are you, from their perspective. So, now I'm in a situation where we're only getting the big movements and all the dine-arounds and the little side, ancillary, Cassie used the comment of pre and post, where the group arrives, but there was all this ancillary business that made our final billing, probably, almost twice what it is today, and now we're just doing bulk movements, where Uber and Lyft is really taking a lot of, even the preplanned corporate incentive travel industry, it has impacted us.

MS. AKINA-ANCOG: Also, when we talk about leveling the playing field, not just on the regulation side, but on the rate side, so the fact that, you know, they're not having to pay, you know, employee benefits, overtime, all that, it allows them to bring their rates down. In that way, we are not competitive at all and, so we've, you know, our clients are not, you know, stupid, they're gonna check the rates and if, you know, we charge \$300 for a transfer to the Grand Wailea, you know, Uber is charging \$30, you know, there is no way we can compete with that, but what we do provide is safe, you know, clean cars, professional drivers that, you know, are drug tested, background checked,

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constantly trained, we do a DIP program several times a year, so, you know, those things come into play and those are things that we're required to do. So, when we talk about level playing field, it's not just on the regulation side, you know, I mean, when they have to start paying, you know, employees as employees and not 1099 employees, which I feel, you know, the tax payers are paying for because they're not having to pay, do their due diligence on the, you know, the State and County side, that will help to raise their prices so that we're, there's, you know, not such of a big gap between our rates and their rates because, right not, you know, I think there drivers are considered 1099, if I'm correct, they're not really employees, they're independent contractors. But, the ruling against, I mean, what a independent contractor really is, is, and employee, if you're told to pick up here and drop off here, then you're given an assignment, then that is considered an employee and not an independent contractor, like a landscaper who just shows up and does his thing and he can come whenever he wants. And, you know, like Uber and Lyft, you're, you get a ping, you say, pick up here, drop off here, then that's considered an employee, they're given instruction on where to be. And, so, to me, you know, they should be paying their drivers as employees and that will help to raise their rates and somehow, you know what I mean --

CHAIR SUGIMURA: Level the playing field.

MS. AKINA-ANCOG: --level the playing field, because as it is right now, you know, we have high capital expenditures, you know, our equipment, and not just the cost of the equipment, but bringing, shipping them here is very high cost, so we, you know, I would like to see that as well, not just on the regulation side but also on the wages and benefits for their drivers.

CHAIR SUGIMURA: Thank you. I think I've read that some states have been looking at that for Uber and Lyft, there's a California, they're looking at that too, at the request of the driver, so things are changing and I know this is, is not only in this field but in others that we have felt the network, you know, strength of marketing and, you know, bed and breakfast, short-term vacation rental, all of that is part of the changes that's happening in our economy and Maui, Maui County. So, Members, anybody have any questions here? You know, I want to thank you all for being here, thank you very much for sharing. I will, probably, reach out to you in the interim, as I kind of put this, our plans forward ahead, I will get in touch with, you know, both of you. And, thank you, all of you in the audience who have made the time to be here. I've, again, Nick Crowley was the one who asked if we could do this on a Thursday versus a Monday at nine o'clock, which is my normal meeting time, and thanks to Mr. Hokama for accommodating the change. I am looking at doing a resolution to the Mayor to ask him to put a task force together just to look at this and, of course, it would be rates and fees and other aspects of the industry. I think we haven't looked at this since 2006 for rates and fees. I think it kind of works to your benefit because the Uber and taxi fees are, you know, pretty low in comparison to, you know, what taxis could charge but, yet, we haven't kept up with the economy. So, that will have to be looked at, as well as, I've asked Staff to send questions regarding insurance and other concerns that I heard from the Members and the community, so we'll get, at the next

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meeting, you know, we'll have some more answers to this. And, I just want to thank all of you for being here. You drive and you work hard in behalf of the customers who, you know, demand your services. So, as we all sit here, trying to regulate the taxi side, and hearing about Uber and Lyft, I just want to thank everybody for the services you provide the community. And, we do want, public safety is our top of mind and, of course, we are concerned about just balancing the economics of our community.

ACTION: DEFER pending further discussion. (excused: RH, KTK, SMS)

CHAIR SUGIMURA: So, thank you, everybody. This meeting is now adjourned. . . *(gavel)* . . .

ADJOURN: 3:33 p.m.

APPROVED BY:



YUKI LEI K. SUGIMURA, Chair
Multimodal Transportation Committee

mt:min:191017:alp

Transcribed by: Annette L. Perkett

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CERTIFICATE

I, Annette L. Perkett, 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 the 8th day of November, 2019, in Haiku, Hawaii.

A handwritten signature in black ink, appearing to read "Annette L. Perkett", written in a cursive style.

Annette L. Perkett