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COUNTY COUNCIL
COUNTY OF MAUI
200 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
www.MauiCounty.us

January 7, 2022

The Honorable Michael P. Victorino
Mayor, County of Maui
Wailuku, Hawaii 96793

Dear Mayor Victorino:

**SUBJECT: BICYCLE-TOUR PUBLIC SAFETY AND RELATED
LITIGATION CONCERNS (GREAT-44)**

By correspondence dated November 15, 2021, and December 30, 2021, the Government Relations, Ethics, and Transparency Committee received comments from the Acting Police Chief and Chief of Police, respectively, relating to a proposed bill establishing limits and restrictions for commercial bicycle-tour businesses to address public safety, traffic, illegal parking, and related litigation concerns on Maui Island. For your reference, copies of both letters are attached.

In the letter dated December 30, 2021, the Chief of Police expressed concerns about staffing shortages and the department's ability to enforce against nonpermitted bicycle-tour businesses that advertise in Makawao-Pā'ia-Ha'ikū and Pukalani-Kula. Given the Department's concerns, may I please request your response to the following:

1. Should Chapter 5.22, Maui County Code, be repealed until a comprehensive enforcement plan can be implemented?
2. If Chapter 5.22 is not repealed and the Department's staffing shortages inhibit their ability to enforce this section of the Code, which department should be responsible for enforcing Chapter 5.22?

May I please request you transmit your response to **no later than January 14, 2022**, and include the relevant Committee item number in the subject line of your response.

January 7, 2022
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Should you have any questions, please contact me or the Committee staff (Shelly Espeleta at ext. 7134, or Pauline Martins at ext. 8039).

Sincerely,

A handwritten signature in black ink, reading "Michael J. Molina". The signature is fluid and cursive, with the first name "Michael" and last name "Molina" clearly legible.

MICHAEL J. MOLINA, Chair
Government Relations, Ethics, and
Transparency Committee

great:ltr:044aom01:gap

Attachments



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

**55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411**



CHIEF OF POLICE

DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

November 15, 2021

The Honorable Michael Molina, Chair
Government Relations, Ethics, and Transparency Committee
Kalana O Maui Building
200 South High Street, Eight Floor
Wailuku, Hawaii 96793

OFFICE OF THE
COUNTY CLERK

2021 NOV 15 PM 3:52

RECEIVED

RE: BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS

Dear Chair Molina:

This is in response to your request for comments regarding the proposed changes to Maui County Code Chapter 5.22 RELATING TO BICYCLE TOUR BUSINESSES (GREAT-44).

It is the opinion of the Maui Police Department that the new changes will drastically improve the safety and welfare of the bicyclists and vehicle operators of Maui County alike by limiting the number of commercial tours, more clearly defining permit requirements, and increasing penalties.

Although permits are not required for State Highways, and 75 percent of the tours are conducted on State Highways, the bill will help to ensure enforcement measures are taken.

The proposed penalties under 5.22.060 [Unlawful bicycle tour operations] will increase it from a simple violation to a misdemeanor which is satisfactory and is warranted for the offense. The proposed bill also places increased responsibilities and requirements on the business owners, which lessens the liability on the County.

If you have additional questions, please contact Captain Gregg Okamoto at ext. 6446 or via email at gregg.okamoto@mpd.net.

Sincerely,

DEAN M. RICKARD
Acting Chief of Police



MICHAEL P. VICTORINO
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411

December 30, 2021



JOHN PELLETIER
CHIEF OF POLICE

CHARLES L. HANK III
DEPUTY CHIEF OF POLICE

Honorable Michael P. Victorino
Mayor, County of Maui
Wailuku, HI 96793

For transmittal to:

Mr. Michael J. Molina
Government Relations, Ethics and
Transparency Committee
County of Maui
200 South High Street
Wailuku, Hawaii 96793

Dear Chair Molina:

SUBJECT: **BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)**

In response to your inquiry, if the Department is allowed to enforce against nonpermitted bicycle-tour businesses that advertise in Makawao-Paia-Haiku and Pukalani-Kula. It is the Department's position that this is a civil issue more than a criminal one.

While we empathize with the concerns that businesses and community members have expressed, the Department doesn't know how many nonpermitted tour businesses are currently operating.

If called upon for assistance relating to safety issues, the Maui Police Department will respond to investigate the situation. However, due to current staffing shortages, our resources must focus on the more critical calls for service to violent crimes.

If you request further information, please do not hesitate to contact me at 808-244-6300 or john.pelletier@mpd.net.

Sincerely,


JOHN PELLETIER
Chief of Police

APPROVED FOR TRANSMITTAL


Mayor

1/4/24
Date

OFFICE OF THE
COUNTY COUNCIL

2022 JAN -5 AM 11:07

RECEIVED