

Government Relations, Ethics, and Transparency Committee on 2021-11-16 9:00 AM

Meeting Time: 11-16-21 09:00

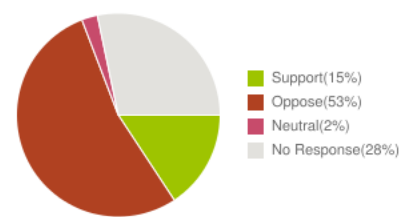
eComments Report

Meetings	Meeting Time	Agenda Items	Comments	Support	Oppose	Neutral
Government Relations, Ethics, and Transparency Committee on 2021-11-16 9:00 AM	11-16-21 09:00	5	159	25	85	4

Sentiments for All Meetings

The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Government Relations, Ethics, and Transparency Committee on 2021-11-16 9:00 AM

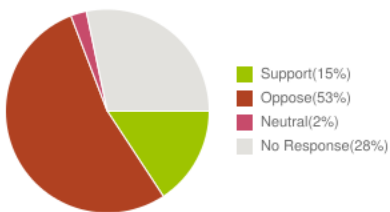
11-16-21 09:00

Agenda Name	Comments	Support	Oppose	Neutral
A G E N D A	21	6	13	1
GREAT-44 CC 21-453 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)	95	17	43	1
GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)	11	0	7	2
GREAT-36 CC 21-242 CONSTRUCTION ON LOWER HONOAPIILANI ROAD (NAPILI) (GREAT-36)	29	1	22	0
GREAT-39 CC 21-308 ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS, REPUBLIC OF ECUADOR (GREAT-39)	3	1	0	0

Sentiments for All Agenda Items

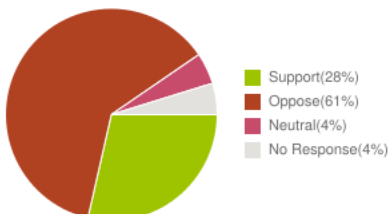
The following graphs display sentiments for comments that have location data. Only locations of users who have commented will be shown.

Overall Sentiment



Agenda Item: eComments for A G E N D A

Overall Sentiment



Guest User

Location:

Submitted At: 12:43pm 11-16-21

November 16, 2021 Re: BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)

Aloha Chair Mike Molina and Vice-Chair Keani Rawlins-Fernandez & Committee Members;

Thank you for the opportunity to testify on behalf of the cycling community, a local business owner, and local resident passionate about his home. My name is Jeff Robertson and my wife Crystal and I own Maui Sunriders Bike Company in Paia. I have spent a majority of my life dedicated to cycling through coaching which I am a USA Cycling Level 3 coach, an International Mountain Bike Guide/Coach through the BICP, an international Ski Guide, two decades of first responder medical training and an ex-professional athlete in cycling as well as skiing. I have also worked with the State of Colorado to build mountain bike trails in Crested Butte, Steamboat Springs as well as those same communities to help build better infrastructure for cycling.

The Haleakala Downhill mountain bike tour has been in operation for decades and is one of the most popular activities for visitors and locals to do on Maui. Over the course of 21+ years that we have been in business, we have shared this experience with thousands of visitors and locals that have become our ohana, friends, and fellow cyclists. Haleakala is the #2 most sustained road bike climb in the US and #14 in the world. The draw of this mountain to cyclists is very strong and one that has made Maui the cycling destination that it is. The proposed changes would drastically alter this in a negative way and with everything we have been through as a community over the last two years, the effect this would have on the businesses that are currently operating, would be devastating. We are all trying to stay above water after a 8 month closure of the state and tourism. These changes would close the doors for some of the operators which would then have a ripple effect on employee job losses, tax revenue to the county/state, local businesses along the way, and the Maui cycling community. The downhill bike tour and bike rental business is one of the largest activities on the island that generates well over \$10 million dollars per year. The referral business that comes from our guides/drivers to local businesses is well over \$1 million per year alone from just our company. Combine that with the other 5 operators, and it would be a significant loss to the communities of Kula, Makawao and Paia. Dozens of local businesses have reached out to us once they heard of these possible changes and many are against it for a wide range of reasons as it will have a negative impact on the local community.

We have thousands of reviews, customers and locals that support the self guided bike rides as it eases the stress on the road, the local community, allows for a better flow of traffic with less impact and the groups move through the towns at a faster pace having less of an impact. The most recent study that was performed in 2007 highlighted that self guided tours had less accidents, caused less congestion and named Maui Sunriders as the safest of all tour operators. We are the only bike tour operator that is also a full service bike shop, repair, sales and service. We inspect, clean and maintain our bikes on a daily basis with mechanics that have over 75 years of combined experience and hold some of the highest certifications in the industry. Cycling has always been self guided from the very first day man built the bike. Instead of targeting an industry and trying to suppress it, there are many alternative options to make cycling better on Maui. We have shared some of this information below and would like to be a part of helping this beautiful place be even more bike friendly then it already is.

Collectively, our industry brought in over \$4.6 Billion in revenue for Hawai'i and employed over 50,000 workers in 2019. Tourism is a gift to any community when appropriately managed. Focus on balanced use of public resources between patrons and non-patrons of commercial tours are imperative. Additionally, commercial tours enhance the ability to control use. Free "on your own" unsupervised experience- seekers are far more likely to damage, trespass, get injured, and misbehave.

Bicycle Tour businesses are members of our organization, and GREAT-44 threatens the life of these companies as written. The friction between residents (Kula) and the bike tour companies is nothing new. This opportunity has been studied since 1995 by Maui Police, Corporate Council, Kimura International, Inc, National Park, etc.... Always with the same approach to stifle the legally permitted companies.

Prohibiting Unguided tours- Providing rental bikes to visitors and residents is a service provided by a much larger scope of businesses. In essence, this ordinance will prohibit "permitted guided bike tour" companies from conducting these tours. The ability for "Joe Public" to own, lease, rent a bike and ride on our public roadways is legal. There is a demand that is not going away – we need to accommodate this experience more safely, reducing the community tension. The guided tours are the ones that cause the traffic to slow down and the ones we see the most accidents in as people feel pressured or riding too close to each other.

Six Tours Each Day – Eight Customers and two guides, between 9 am and 1 pm (4 hours), each company is allowed only one tour per two hours. These capacity settings equate to an individual Company conducting two times per day (provided their competitors have not booked the available open slots). This is not feasible for any of the businesses to operate. Our groups are also down and through the planned areas well before this time. We strongly encourage those in the Kula community or others to stop by our shop, take a bike ride with us and see our operations first hand.

Below are some insights from the Activities & Attractions Association of Hawaii, Inc.

The proposed "ordinance changes" will refocus the current demand to seek out "on your own" unsupervised alternatives not affiliated with a legally permitted bike tour company.

A3H recommends instead of stifling this sector, accommodate and partner with them. Facilitate uniting all bike enthusiast businesses to adhere to best practices. Build turnouts along the most popular routes. Work with the DOT's Bicycle and Pedestrian Planning Program (<https://highways.hidot.hawaii.gov/stories/s/h4ss-c6xy>) to improve and accommodate this demand. Their plan includes building separate bike paths away from the roads. Study and visit places like Amsterdam or Portland, Oregon, where bicycle riding has infrastructure support. Maui is among the top-rated bike destination in the world. Why not embrace this honor by providing the proper Infrastructure.

Hawaii's economy has suffered more than any other state in the U.S. due to Covid-19 due to our evident dependence on Tourism. Our government and community should be welcoming COVID-Free visitors back and assist these "barely-holding on" businesses as much as possible. Despite arguments to diversify our economy, there is no other export industry more lucrative and supportive of our land, people, and sense of place than Tourism if managed.

Mahalo again for this opportunity to testify and to share our voice. The impact this would have on the local economy, businesses, employees, and visitor industry would be a major financial loss that no business or industry can afford right now. We as a society are just coming out of a two year pandemic that crushed the global economy, the local economy and businesses. At this time we need to be compassionate towards each other, work on solutions and not regulate something because of a dislike. We have reached out to our database of past and current customers and the feedback has been very supportive of the bike tour as many of these people return each year to visit Maui, ride their bikes in one of the most beautiful places in the world, and love to support the local communities along the way. Some have even bought homes and are now part of our community. As you can see this is more than a bike ride and we strongly encourage everyone to work together instead of creating unnecessary restrictions. Please feel free to contact us at any time with questions and opportunities to help.

Mahalo for your time and opportunity, Jeff and Crystal Robertson Remy Chvatal John Demoura Luke Arnold Brandon Reidel Danen Achten Rich Chavez Dane Geer Will Hanson Rocco Baricchi Kekoa Ripley Arielle Axelrod Rafael Sedano And a database of thousands of current locals from the State of Hawaii and visitors that have supported our shop over the past 21 years

Guest User

Location:

Submitted At: 9:42am 11-16-21

From Lee Chamberlain

Ridesmart Maui

99 Kahana Nui Rd

Lahaina, Hi. 96761

Comments addressing proposed deletion of Maui County Code 5.22, and substituting a revised version 5.23 by the Kula Community Association.

I recognize that the Kula Community has had a long time complaint with the Down Hill Bicycle tour operations. It is sufficient to say that these complaints most notably is due to lack of proper infrastructure implementation as may be derived from the Hawaii Bicycle Plan, AASHTO, and NACTO guidelines. Maui as well as the State of

Hawaii over time evolved into a very Car-Centric culture and dependency which has recently been recognized and described in Hawaii's SB1402. "The legislature found that over the last century, Hawaii's ground transportation was built as a car-centric system, with little attention to alternatives, which has raised the cost of living in the islands, impacted quality of life, and resulted in some of the highest transportation-related fatality rates in the nation". SB1402 now requires each community or communities, ensure each county plans for and establishes, A contiguous bicycle and pedestrian network connecting commercial business and shopping hubs to residential areas, and to its respective state and county transportation infrastructure, in which intersections with other modes of transportation shall be minimized, which shall be separated and protected from vehicular traffic by physical or natural barriers, or by meaningful distance or elevation;

1) My first comment concerns Maui Counties failure to implement long established plans as in the Hawaii Bike Plan and then require Bicycle rental business, Bicycle tour, and or Bicycle tour business to absolve the County of any responsibility for it's lack of creating proper infrastructure to meet the publics needs and further support Maui's small business's ie bicycle businesses. People need jobs and the bicycle business provides a clean energy business which further follows Hawaii's Clean Energy Initiative. Maui is a tourist dependent society and Maui government has a requirement to support activities that provide diversity to tourists interests and small business alike. More regulation and or the elimination of business is not the responsible overall solution. I would say implementation of proper infrastructure needs is. I would refer back to SB1402 for further guidance.

2) Although this code is structured around and for the purpose of regulating the Downhill Bicycle business it does not directly say so and with that has carry overs and detrimental consequences to bicycle business's not engaged in the Downhill Bicycle business. I recommend that 5.23 be written specifically with clarity for regulation of the Downhill Bicycle businesses.

3) Comprehensive liability insurance; Maui County Code 5.22 specifically states dollar amount required coverages. 5.23 does not. Insurance amounts vary dependent on risk and loss statistics which ultimately cost money and make a diffence to business owners. Insurance companies are self policing and set rates accordingly. Does the Downhill Bicycle Business risk assessment equal to for example a bicycle business renting a road bike to a customer to ride the 60 mile north loop or to a customer renting an e-bike to ride down the North Shore Greenway? That should be defined.

4) An annual bicycle license fee, as set forth in the budget ordinance, shall be paid to the director for each tour and rental bicycle. The current fee for registrations for bicycles are; Permanent registration is \$15 and \$30 for Low speed electric bicycles. Will this annual fee be different and by how much? What happens to the registration if the rental bike is cycled out of the business due to age or damage? Does the annual fee persist?

5) Tour leaders must ensure that each rider is capable of safely operating the bicycle. What is the standard the County is requiring? Do all tour operators need to be individually certified by the county to ensure that safe practices are applied and taught to customers?

6) Waivers; Since the County requires certain elements in the waiver, does the county provide approved waivers from County Council? How do the waivers differ from Downhill Bicycle Business and perhaps a regular bike shop renting cruiser bikes?

7) Requirements to Report Accidents and Injuries. How is this done and to what agency is this report submitted? What is the degree of injury to be reported? Urgent care, ambulance or what? Is there a further requirement the treating facility file a report also?

8) Safety Inspection; Bicycles in commercial operations require daily maintance. How many bicycle maintenance training hours has the mechanic completed and does he/she have a Professional Bicycle Mechanic® Certification?

9) Inspection of permit; Requires display of business name, PUC license, permit number, permit expiration date, and telephone contact information. These are annual permits and licenses. Doe these permits and licenses differ from a Downhill Bicycle Operation to a regular bike shop and a shop maintenance van for example?

There is also another thing in the proposal I would like to address which is " A description and map of the areas, locations, or routes to be utilized by the bicycle tour business". Considering that Maui roads have never been designed and built for alternative transportation means and do not comply with NACTO and ASSHTO guidelines for such.

1)How does the County approve routes for bike tours that are not in compliance with National Guidelines?

2) Will the County make a priority to improve the roads to meet the guidelines if they see the submitted utilized routes to operate tours are out of compliance or just prohibit their use? What is the outcome if they prohibit the use? What is the alternative?

3) Are you aware of Hawaii's "Three Foot Law?" See

https://www.capitol.hawaii.gov/session2018/bills/HB2215_.HTM.

Many lane widths and shoulders don't provide enough room for motorists to comply with this law.

4) Please read this article subject "Three Foot Passing Law" in Maui Now.

<https://mauinow.com/2019/10/21/noodle-ride-reminds-drivers-how-to-pass-cyclists/>. I organized and cut all the noodles on this ride. Please review the comments section of this article. Over 80 comments last I looked..

5) Any thoughts about County having no responsibility for making a bike friendly community???? Again SB1402.

I hope these thoughts may help with the better purpose of not over regulating "non- Downhill Bicycle businesses" and may further encourage implementation of Bike/Pedestrian facilities.

Guest User

Location:

Submitted At: 9:27am 11-16-21

Date: November 16, 2021

To: Ethics and Transparency Committee

From: Saman Dias – Chair Maui Bicycling League

Reg. Proposed Legislation to Limit Maui Bicycle Tours

Aloha Ethics and Transparency Committee,

I like to address following issue-

"An alternate option has been suggested: Because Maui's roads lack the ability to allow safe commercial bike operations, totally ban commercial Bicycle Tour and Rental businesses, at least on the slopes of Haleakala."

This is confusing this need to be clear all bike operations on slopes of Haleakala. I agree that there should be safety measure for Haleakala downhill.

i.e.

1. higher liability Insurance, 2. safety requirements

Recommendation - Have a guide with all Haleakala downhill tours. I have learned most self-guided tours are very destructive because visitors have no idea what they are doing. Having a guide to each group may help with some of the safety issues. and limiting the group size is a good idea.

However, making all bike shops on island to requiring same rules seems unreasonable. It seems like we are punishing business because of lack of infrastructure. Bike shops have very thin margins. There is very good chance some of them will go out of business enduring this type of burden.

Some of these businesses have been in existence over 23 years. I do not think that it is reasonable to categorize them into the same category. As a community we need to be more business friendly. I believe Maui County needs to take responsibility for lack of infrastructure.

Here are some challenges we have faced on implementation of bike infrastructure on Maui County. In 2015 budget was approved for Northshore greenway took 4years complete.

West Maui Greenway – Budget of 350,000 was approved for p design and plan, DPW spend 400,000 for land that county did not own and went against MBL recommendations today no deliverables and no accountability.

Why are we not making these organizations like DPW accountable? If budget passed and money was spent, then Maui County Council need to make sure that each department is accountable. These funds come from our hard-working community taxpayers. If we do not have accountability measures in place, please implement accountability measures to ensure projects are implemented properly.

Biking have become one of the most popular activities on Maui during COVID pandemic. We need to look at the bigger picture and be more bike friendly and business friendly community and not anti-business community. When developing legislation to "limit Maui Bicycle Tours" please consider these points.

We should be proactive and take advantage of opportunities like bipartisan infrastructure bill-

<https://bikeleague.org/content/bipartisan-infrastructure-bill-passes-major-funding-better-biking>

We have billionaires buying properties on Maui, many are more than happy to invest on Maui and have already funded nonprofits. Anyone thought of reaching out and asking to partner on projects that will help Maui community?

Let's think outside the box, let's get business and community involved to create better bike infrastructure on Maui and not punish small business.

Mahalo!

Your sincerely

Saman Dias
Chair Maui Bicycling League

John Gerry

Location:

Submitted At: 6:10am 11-16-21

There is a win-win solution for everyone. Bike path(s) from Kula down to Paia perhaps along the edge of Maui Pono land. A strip of land leased or purchased. Another path from Kula to Kihei. Not a road, a bike path only. New bike paths would alleviate bike-car traffic, enhance quality of life for residents and provide an outlet for bike tourism. Low environmental impact (no pollution). Perhaps new federal infrastructure monies could aid

Guest User

Location:

Submitted At: 9:54pm 11-15-21

Down hill biking had been good for Maui County. Our tourist industry needs it. The county of Maui needs to build safe bike paths. These bike companies pay fees. Lots of fees and registration!!! Build bike paths so that not only downhill bikers but all bikers have safe ways to ride!!!

Guest User

Location:

Submitted At: 4:44pm 11-15-21

I am 100% in support of establishing limits and restrictions for commercial bicycle-tour businesses to address public safety, traffic, illegal parking, and related litigation concerns on Maui Island. Without properly designated bike lanes this continues to be an unsafe activity performed by visitors who are out of shape and inexperienced at riding down a mountain at high speeds. Not only does it put the bicyclist at risk but also the lives of those operating vehicles on windy, steep and sometimes slick roads around them. This should be a highly regulated activity if it is allowed to continue.

Guest User

Location:

Submitted At: 3:54pm 11-15-21

Aloha Government Relations, Ethics, and Transparency (GREAT) Committee.

My name is Aaron "Moose" Reichert. I am writing in my testimony on the proposed ordinance amendment to Maui County Code Chapter 5.22 - Bicycle Tour Business. After reading the draft proposal, I am deeply concerned with the repercussions of how it will impact my small business in Makawao, Krank Cycles. The bike shop centers around the bike community of Maui County and also to anyone, visitors, and Locals that would want to rent or buy a bike to enjoy our beautiful islands.

This proposed ordinance will financially impact my small business which will have negative repercussions to our local community.

One such is the volunteer-based "Maui Bike Mission" program which Krank Cycles offers to the Maui community, gives free bike repair services and distributes refurbished bikes to locals who are in need of transportation.

Whether this is for recreational purposes or their main mode and sometimes the only form of transportation, our mission is to give locals the opportunity to have that freedom. This ordinance will add a financial burden to Krank Cycles, which will inhibit us from giving the Maui County community and islands this service and freedom to each person who does not have the means to either purchase a bike or to get repair services done.

The verbiage and specifics on “unguided tours” for “rental operations” affect anyone local or visitor from the freedom of experiencing biking in Maui. Hawaii Revised Statutes (HRS) S 46-16.3 (2012) states, "Bicycle Tour" includes both guided bicycle tours and unguided bicycle rental operations”. There needs to be further clarification on what is considered an “unguided bicycle rental operations”. According to this proposed ordinance, an "Unguided bicycle tour" means “a bicycle tour that is not led or accompanied by guide throughout the ride, in which transportation to or from the route is provided or arranged by the bicycle tour business”. Does this “bicycle tour business” include bike shops that rent and buy to locals and visitors? Does this include anyone such as locals that ride a bike for recreational purposes or a mode of transportation? They are “unguided”?

In Maui County Code 5.22.010, a "Tour" means “a group organized for the traveling from place to place for enjoyment, pleasure, or sightseeing”. Does this imply that there cannot be more than one person riding “enjoyment, pleasure, or sightseeing” in Maui County? If so, this would infringe on bike clubs and other “groups” and also the local who owns or rents a bike for those reasons which are legal to ride on public roadways. I understand that safety plays a big part in this proposed ordinance, however, the public roadways are not up to safety measures as many other states and counties in our country. Facilitating a way for our public roads to be safe for anyone who wants to ride a bike on our public roads, not just sole bike owners. This could easily be accomplished if there were bike lanes on Maui public roads that have heavy bicycling.

Further, the proposed ordinance in Chapter 5.22.025, “Commercial bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas”, section (A) states “it is unlawful for any business to conduct unguided commercial bicycle tours in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas”. Does “unguided commercial bicycle tours” include “unguided” bikers whether local or visitors renting a bike are prohibited from entering those community plan areas? Since HRS 46-16.3 (2012), "Bicycle tour" includes both “guided bicycle tours and unguided bicycle rental operations”. If the Makawao-Pukalani-Kula and Paia-Haiku community plan areas are prohibited, then eventually will other community plans start to be prohibited as well?

These are just some of my concerns regarding this proposed ordinance. However, if this moves forward, especially without further clarification on these terms and what the repercussions of this proposed ordinance are, I know there will be a deep impact on the biking community in Maui County. I am pleading with the committee today to reconsider this proposed ordinance and how it will affect our small local bike shops.

Mahalo for your time and consideration.

AAron"Moose"Reichert

Owner /Operator

Krank Cycles

Guest User

Location:

Submitted At: 7:25am 11-15-21

Hello - I am a resident of South Maui and have had the opportunity to use the recreational activity of mountain bike riding down Haleakala with specific touring operations. In addition to my own rides, I have had the occasion to refer many families both on and off island to participate in this safe, well organized and truly unique Maui experience. I have paid a premium to arrive at the top of the crater to experience Sunrise and truly enjoyed myself on my self guided tour down the crater. This updated legislation will strip the few touring companies left on island (during a global pandemic) and will negate the ability to maximize this "only on Maui" visitor draw. Please consider the 100's of employees that will risk loosing there job's or, the tax dollars the county will loose when business' are forced to close. If traffic and safety are true concerns, perhaps better enforcement of both riders and drivers is in order. Don't kill an entire industry on Maui simply because a few residents are not able to speed up the highway in there vehicles.

Mahalo for your consideration.

- JY

Kelli Lundgren

Location:

Submitted At: 7:15pm 11-14-21

Aloha.

My name is Kelli Lundgren. I am a six-year volunteer, ride leader and organizer, and safety and education leader with Maui Bicycling League (MBL), a nonprofit organization, a subsidiary of Hawaii Bicycling League. I oppose this legislation for a few reasons:

One, MBL's monthly rides will be affected/limited/cancelled no matter their ride location on island. We are a nonprofit. Members ride for free. Sometimes our group consists of 3 to 20 riders pre-pandemic, and during the pandemic adhering to social distancing safety rules. It seems we would need a permit to ride as locals, along with guests welcomed to our rides. I oppose this concept as written.

Two: if I am correct, the number of tourist downhill ride operators has been reduced to five from twelve. Problem-solving: Instead of limiting or all-together restricting these rides (I have not ridden on one of these downhill rides), add turn-outs periodically. These five permitted operators could be required to turn out with their groups at each designated asphalted turnout along with the sweep vehicle. Perhaps even suggest that the tour operators pay for the turnout installations. They generate revenue for themselves and the county and state. This adds safety, this adds convenience for upcountry drivers.

Three: our local bike shops are stressed. To reduce the number of bike rentals and bike tours (which would be included in this consideration) would hurt their businesses. We need these shops on our island. We need their support. One shop alone spends hundreds of hours assembling 350 bikes each year to give to wanting children for Christmas. That's just one example of their dedication, their kuleana. Please keep the bike rental opportunities alive for these shops.

Mahalo Nui Loa,
Respectfully,
Kelli Lundgren
Maui Bicycling League

Guest User

Location:

Submitted At: 4:40pm 11-14-21

I am a senior at Seabury Hall and offer this testimony in response to the proposed Amendment to Maui County Code Chapter 5.22.

I have lived off of Crater Road since I was seven. For more than the past year I have driven to school in the morning alongside bike tours and tourists.

In attending driver's education, as mandated by the State of Hawaii, there are several principles that apply to the current concerns:

- 1) Share the road: We are instructed regarding the rights of others to use the roadways and to respect that right. It is no different if the use is by bike tours or by tourist who find it necessary to completely stop in the middle of the highway to take picture of cattle, goats or sheep. The distinct difference is that bike tours have designated areas where they pull over to allow cars to pass.
- 2) Pass only when safe: There are designated areas where passing is permitted. If it is not permitted you do not pass. In my experience bike tours regularly move to the side allowing for passing when it is safe to do so. If it is not safe to pass then don't pass.
- 3) Plan your drive and drive your plan: As a driver I am responsible for making sure that I have allowed time to safely drive my route. There are times when bike tours cannot immediately pull over to allow for passing. However, if that short delay in being able to pass makes me rushed or late arriving at school that is my fault not the fault of the bikes. I did not plan my drive allowing enough time to arrive on time.

While it may be a temporary inconvenience to have to wait behind a bike tour it is no more an issue than being behind the line of cars coming down after viewing sunrise. It appears that the concern is one more of convenience than concern over safety.

Guest User

Location:

Submitted At: 4:10pm 11-14-21

This is not a good idea, the bicycle tour industry has safety as its top priority. It was a couple of weeks ago that a new model Toyota Tacoma was totaled killing a cyclist. The problem is vehicles speeding down Haleakala highway. To put an entire industry out of business is selfish on the behalf of affluent Kula residents who don't want to be inconvenienced by traffic. Even in high season there just is not much traffic in upcountry or Haiku. This has nothing to do with safety, it has to do with council chair Molina currying favor with affluent Kula residents, for his mayoral run next year

Guest User

Location:

Submitted At: 2:47pm 11-14-21

When bicyclists travel on narrow, winding roads that are also used by cars and trucks, there is always a potential for disastrous injuries. When the bicyclists are large groups of unsupervised visitors who are unfamiliar with the roads, the normal traffic patterns, and the safety issues posed by their presence, this potential is greatly increased. Maui residents are justifiably frustrated by cyclists who do not keep to the side of the road, do not ride single file, hold up traffic behind them, do not have sufficient cycling experience to navigate properly in traffic, and, when things go wrong, require taxpayer-funded rescue operations and take up our limited medical resources. Limiting the number of bicycle tours and requiring more supervision by employees of licensed tour providers would be a great first step in the direction of better tourism management, something Maui residents have long been begging for. The proposed legislation is a good compromise between the interests of responsible tour operators in continuing their businesses, and the interests of Maui residents generally in being able to use County maintained roads without interference from large numbers of inadequately supervised bike tour operations. Please pass the proposed ordinance rather than (or in addition to) simply urging the Mayor to address the issue. - Sarah Hofstadter, full-time Kihei resident

Guest User

Location:

Submitted At: 1:53pm 11-14-21

I was the person who commented before. I do not support the additional regulations as written. They need amending to work for all involved

Guest User

Location:

Submitted At: 1:32pm 11-14-21

Having lived on Maui for 30+ years I agree it can be a little frustrating to follow the bikers or the UPS drivers or the garbage or mail vehicle down the road. I have also noticed that what used to take me 15 minutes to drive my son 5 miles to Seabury now take over 25-30 minutes.

The roads are busier. I have noticed a few more unguided tours lately, but nothing like 10-15 years ago when there tours all over the place.

Hawaii has suffered greater employment and small business loss than any other state and Maui has lost the most jobs of all. We cannot all work for Mahi Pono, the county or a hotel. If we want to provide employment for people. We need to support those small businesses more now than ever.

Seems the saying can't we all just get along. Means more now than ever!

Some regulations on times and spacing yes..Banning and or heavy handed political actions that result in the loss of many jobs NO Thanks!

Guest User

Location:

Submitted At: 11:08am 11-14-21

Thank you for allowing testimony on this matter. My name is Guillem Molinas and I live in the Paia-Haiku area. My daughter attends Kalama Intermediate and I drive this area every day.

Personally, I do not believe bike tours, guided or unguided, have a place on the roads. These bikes are not registered and do not contribute taxes to the maintenance of the roadways. There is no space on these roads for bikes and vehicles to coexist. In my experience, bicyclists must be able to pedal a minimum speed of, for example, 20 mph, in order to act as a vehicle on the roadway. The tourists, whether guided or unguided, are slow and inhibit the flow of traffic on the roads.

The unguided tours are more dangerous - one time, a woman lost control of her bike in the gulch area of Makawao Avenue, and fell over on her bike. I was driving slowly and was able to stop in time, but this is really dangerous. The bikers are ill-equipped to be on the roadway. In my experience you must have a license and understand the rules of driving to be on the roadway. With these tours, there are no rules or expectations. The tour companies collect their fees and accept anyone. Further, the helmets that are used block the peripheral vision of the rider. On a motorcycle, the mirrors allow you to see what is happening on either side and behind you. For these bicyclists, they can only see what is directly in front of them unless they turn their head to look to the side. This is so dangerous.

I am really opposed to bike tours in general, and support any regulation that will result in safer roadways.

Regards,
Guillem

Guest User

Location:

Submitted At: 5:23pm 11-13-21

Aloha everyone! my name is Kimo Rice

I am a local boy born and raised in the Island's, all of my adult life in haiku. I've been a tour guide for Haleakala Eco tours for the last 14 years, I absolutely love my job, I've never had a job that I've loved until now ! I love working with our visitors, teaching them the culture, and explaining how important it is to leave it better than how you found it, especially here in Hawaii. I also understand how frustrating it is to be behind the guests while they ride bicycles down the mountain, but I've noticed after a thorough bike, and Road demonstration, followed by a thorough safety briefing just before they get on their bikes, that they do very well, and have good road etiquette! if we could get every company on board, with this same thorough bike, and Road demonstration it would be a much happier, and safer place for all of us ! there are dozens of us that love what we do, and it's our rent and puts food on the table for our families, and to be able to say I love what I do, doesn't happen very often, so I consider myself very lucky to have this job, I haven't been able to sleep at night thinking that this industry may be minimized to 20 bikers a day per company, we can't live on that!! nor could the store owners in Makawao, I've been talking with some of them, and they say the bikers are their bread and butter, and MacLeod would be a ghost town without the bikers coming through.

I would happily love to facilitate a bike, and rode demonstration for all other bike companies so we are all on the same page! thank you for listening, love and Aloha to everyone !

Guest User

Location:

Submitted At: 3:35pm 11-13-21

Dan Galanis. PC: Health Department

New data released by State epidemiologist Dan Galanis shows that from 2007 – 2016, there were 873 drownings in Hawaiian waters, 690 or 79% were ocean related.

Since Jan. 1, 2017 there have been 15 ocean related deaths and one fresh water cave death in Maui County.

The new data shows that from 2007-2016 there have been 176 ocean drownings in Maui County, that's 13 more than Hawai'i and Kaua'i County combined. On top of that, 25 more deaths occurred in swimming pools, fresh water and/or other bodies of water bringing Maui County's total number to 201 in that time frame.

The Top 10 Roads for Accidents in Maui

The 2,750 accidents that occurred in Maui County between 2015 and 2018 happened on 485 different roads. A large majority of them, however, took place on just five different roadways. Among those, the heaviest concentrations of accidents were in central Maui, on roads commonly used to access the Kahului Airport and UHMC. There were also significant clusters of accidents up and down Maui's west coast at popular areas along the Honoapiilani Highway in Wailea, Kihei, K_ 'anapali, Lahaina, and Kaunakakai on Moloka'i.

The following are the ten roads in Maui County that saw the most traffic accidents between 2015 to 2018, as well as the number of accidents that involved injuries.

HALEAKALA HWY 128 94

S KIHEI RD 124 102

KAAHUMANU AVE 103 78

LOWER HONOAPIILANI RD 49 32

KUIHELANI HWY 43 35

DAIRY RD 42 35

KAHULUI BEACH RD 41 34

AIRPORT ACCESS RD 40 31

Hawaii 2019 Traffic Fatalities

(preliminary state data) a small 4% even one death is to much. look at the fa

Total Fatalities Unrestrained vehicle occupants Impaired driving

fatalities(drugs & alcohol)Speeding related fatalities Motorcyclist fatalities Driver sage 20 oryounge frfatal crashes

Pedestrian fatalities Bicyclist fatalities

108 16 50 52 20 12 37 4

15% 46% 48% 19% 11% 34% bike 4%

Guest User

Location:

Submitted At: 1:39pm 11-13-21

Ironical that MPD is currently running a much needed campaign to cite motorists for speeding. To all concerned residents: PRACTICE ALOHA.. "TRY WAIT."

Guest User

Location:

Submitted At: 12:43pm 11-13-21

I oppose this because it will leave a lot of people without jobs and it might leave them homeless. especially at a time like this with covid-19 going around it makes it even harder to find a job and especially get one. yet you wanna make it even harder for them. i work for bike Maui every time i guide people down the hill i make sure i pull my people off the road so its safe for my clients and for the drivers to get by with out a problem so they don't have to cross over to the on coming lane again i wanna make sure our tourist have a good time not a bad time and also wanna makes sure people can get by with out any issues happening between us

Guest User

Location:

Submitted At: 3:28pm 11-12-21

I oppose the Great 44. Haleakala Bike Company was one of the first local businesses to take a chance on my small Maui marketing company (when they could have used a mainland company). If it weren't for them, I would have had great difficulty growing my business and surviving. Currently, we serve over 60 Maui clients and have helped hundreds of local businesses over a decade. My family largely depends on income from services to their bike company in order to survive.

Guest User

Location:

Submitted At: 2:10pm 11-12-21

Aloha Committee Members,

I would like to voice my support for more regulation on the downhill bike industry, specifically the unguided tours. I live on Crater Rd (Haleakala Hwy) in Kula and cannot emphasize enough how dangerous it is for all of us who

have to use our roads, bikers and drivers alike. I am a bike rider myself but am always very cautious as our Upcountry roads are not built to accommodate recreational bike riding for large groups of people. There are just too many inexperienced bikers having to deal with cars, trucks, obstacles like trash cans, severe terrain, changing weather conditions and fatigue. These all are factors that can contribute to an accident waiting to happen and they do! Several times a week I encounter drivers swerving around bikers into my lane creating life threatening situations, or bikers stopping in the middle of the road to sightsee, with no thought of a car possibly being behind them, and I could go on.....

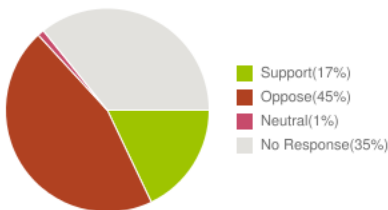
I would also like to voice my concern that no downhill biker has a bike equipped with a rear view mirror. This is insanity and I believe contributes to the many accidents that occur.

I am asking, when reviewing the proposed bill, please consider how the lack of regulation has negatively affected our lives Upcountry and constantly endangers all of us.

Mahalo,
Frank B. Shaner
email - rci@maui.net

Agenda Item: eComments for GREAT-44 CC 21-453 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44)

Overall Sentiment



Guest User

Location:
Submitted At: 2:05pm 11-16-21

Aloha Council members,

Appreciate your time in reviewing my email. I provided written testimony and listen to all testifiers today. There were very good points made today by testifiers.

From looking at this as a observer as well as a advocate for bicycling on Maui we need to take a step back and review this more carefully. Here are few pointers I like to make in addition my testimony

Important to review Bicycle-Tour-Study report created 2010
<http://mauicounty.us/wp-content/uploads/2014/09/Bicycle-Tour-Study.pdf>

Some good points addressed in the report I have copy pasted for your convenience:

5.8 Small Business Regulatory Review

The Small Business Regulatory Review Board was established in 1998 by the Small Business Regulatory Flexibility Act, codified in Chapter 201M, Hawaii Revised Statutes. The Board is attached to the State Department of Business, Economic Development and Tourism for administrative purposes. One of the main functions of the Board is to review proposed agency regulations that may affect small businesses. The Board's purview extends to "agencies" which are defined as any State or County board, commission, department or officer authorized by law

to make rules, except those in the legislative or judicial branches. However, for requests regarding County ordinances, the Board may make recommendations to the County Council or the Mayor for appropriate action. The regulatory review process focuses on a determination of small business impacts. Prior to submitting proposed rules for adoption, amendment, or repeal, the agency must prepare a small business economic impact analysis to educate the public about benefits and consequences of proposed rules. While regulations are needed to achieve important Maui Downhill Bicycle Tour Study Chapter 5 Regulatory Environment 5-15 public policy goals, sometimes they may be unduly burdensome to small employers. Regulatory flexibility ensures that small business regulatory impacts are measured and analyzed, and that less burdensome alternatives are considered.

5.6 Complete Streets The 2009 State Legislature passed, and the governor signed, what is referred to as the Complete Streets Act (Act 54). This law amended Chapter 286, Hawaii Revised Statutes, and directs the State Department of Transportation and County transportation departments to adopt a complete streets policy “to reasonably accommodate convenient access and mobility for all users of the public highways within their respective jurisdictions...including pedestrians, bicyclists, transit users, motorists, and persons of all ages and abilities.” “Complete streets” is a nationwide initiative to promote safer, more livable, and welcoming road networks for everyone.

This new law establishes a policy framework requiring State and County governments to take a broader look at how the transportation network serves all users through flexible design and sensitivity to the community context. As a policy statement, it is an important signal that the need to consistently accommodate different types of road users is a new priority in highway design.

Comparison of CORA and Commercial Bicycle Tours The CORA rules emerged after longstanding concerns by local citizens about the use and availability of public park resources. The primary objective of the CORA rules was to balance competing interests in an equitable manner. Public roads, like public parks, are subject to space constraints and congestion. However, there are significant differences between the commercial ocean recreation activities and commercial bicycle tours, and the environments in which they occur. Regulating uses on the affected roadways would involve both State and County agencies. The State Department of Transportation and County Department of Public Works have jurisdiction over State and County roadways, respectively, but traditionally have not been charged with extensive regulatory functions.

Ref bike tour study Page 209 – 2015 recommended with maps to improve infrastructure. Something to look in to did county implement any of these?

In 2015 Baldwin Avenue Bikeway – planning, \$500,000 was approved by county council. What happened to that budget?

To my knowledge it was not implemented. I have emails to DPW and followed up many times on this matter in 2015-2016 time frame no action was taken.

Also HDOT is conducting a survey on bike and rd. improvement projects.

It is important to work with HDOT and have community organizations get this to community members for their feedback, more survey will have higher chance of getting them implemented.

<https://hidot.hawaii.gov/highways/online-survey-to-gather-comments-on-state-bikeway-needs/>

<https://www.arcgis.com/home/webmap/viewer.html?webmap=a5dc3988307c473dae8df6ffd89ab32d&extent=-162.8449,18.0186,-152.0783,22.906>

We should work with MPO and tap in to funding that will come available to make Maui more bike friendly

We should be proactive and take advantage of opportunities like bipartisan infrastructure bill-

<https://bikeleague.org/content/bipartisan-infrastructure-bill-passes-major-funding-better-biking>

My thought is this not something we can decide in few meetings. Need to take a step back review the study done in 2010 see if what was followed through and then have a discussion with bike related business and community and find a solution without killing small businesses. It is important for us as a community to be business friendly while keeping safety in mind and bike friendly. Also not to punish the small business, make our county departments to follow through on their commitments. There also need to be enforcement. For the longest time on Maui people ride on the wrong side of the road and against traffic. No enforcement at all. If we can't enforce something so simple and so dangerous are we going to create more rules that we may never enforce. Allocate

funding for enforcement if we are going to make new rules. Something to think about. Please do not make new rules without a plan for implementation.

I appreciate all your hard work.

Mahalo for your efforts in helping to create a Bicycle-Friendly community on Maui.

Mahalo!
Saman Dias
Chair Maui Bicycling League
808-633-8553 ext 100
maui@hbl.org
www.mauibike.org

Guest User

Location:
Submitted At: 12:11pm 11-16-21

Aloha Government Relations, Ethics, and Transparency (GREAT) Committee. My name is Aaron "Moose" Reichert. I am writing in my testimony on the proposed ordinance amendment to Maui County Code Chapter 5.22 - Bicycle Tour Business. After reading the draft proposal, I am deeply concerned with the repercussions of how it will impact my small business in Makawao, Krank Cycles. The bike shop centers around the bike community of Maui County and also to anyone who wants to rent or buy a bike to enjoy our beautiful islands.

This proposed ordinance will financially impact my small business which will have negative repercussions to our local community. The volunteer-based "Maui Bike Mission" program which Krank Cycles offers to the Maui community, gives free bike repair services and distributes refurbished bikes to locals who are in need of transportation. Whether this is for recreational purposes or their main mode and sometimes the only form of transportation, our mission is to give locals the opportunity to have that freedom. This ordinance will add a financial burden to Krank Cycles, which will inhibit us from giving the Maui County community and islands this service and freedom to each person who does not have the means to either purchase a bike or to get repair services done.

The verbiage and specifics on "unguided tours" for "rental operations" affect anyone local or visitor from the freedom of experiencing biking in Maui. Hawaii Revised Statutes (HRS) S 46-16.3 (2012) states, "Bicycle Tour" includes both guided bicycle tours and unguided bicycle rental operations". There needs to be further clarification on what is considered an "unguided bicycle rental operations". According to this proposed ordinance, an "Unguided bicycle tour" means "a bicycle tour that is not led or accompanied by guide throughout the ride, in which transportation to or from the route is provided or arranged by the bicycle tour business". Does this "bicycle tour business" include bike shops that rent and buy to locals and visitors? Does this include anyone such as locals that ride a bike for recreational purposes or a mode of transportation? They are "unguided"?

In Maui County Code 5.22.010, a "Tour" means "a group organized for the traveling from place to place for enjoyment, pleasure, or sightseeing". Does this imply that there cannot be more than one person riding "enjoyment, pleasure, or sightseeing" in Maui County? If so, this would infringe on bike clubs and other "groups" and also the local who owns or rents a bike for those reasons which are legal to ride on public roadways. I understand that safety plays a big part in this proposed ordinance, however, the public roadways are not up to safety measures as many other states and counties in our country. Facilitating a way for our public roads to be safe for anyone who wants to ride a bike on our public roads, not just sole bike owners. This could easily be accomplished if there were bike lanes on Maui public roads that have heavy bicycling.

Further, the proposed ordinance in Chapter 5.22.025, "Commercial bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas", section (A) states "it is unlawful for any business to conduct unguided commercial bicycle tours in the Makawao-Pukalani-Kula and Paia-Haiku community plan areas". Does "unguided commercial bicycle tours" include "unguided" bikers whether local or visitors renting a bike are prohibited from entering those community plan areas? Since HRS 46-16.3 (2012), "Bicycle tour" includes both "guided bicycle tours and unguided bicycle rental operations". If the Makawao-Pukalani-Kula and Paia-Haiku community plan areas are prohibited, then eventually will other community plans start to be prohibited as well?

These are just some of my concerns regarding this proposed ordinance. However, if this moves forward, especially without further clarification on these terms and what the repercussions of this proposed ordinance are, I know there will be a deep impact on the biking community in Maui County. I am pleading with the committee today to reconsider this proposed ordinance and how it will affect our small local bike shops.
Mahalo for your time and consideration.
Aaron "Moose" Reichert

Guest User

Location:

Submitted At: 11:55am 11-16-21

Bicycle-Tour Public Safety & Related Litigation Concerns (Great-44)

Aloha Chair Molina & Members of GREAT Committee:

My name is Mavis Oliveira-Medeiros testifying on BTPSRLC (Great-44). I work for Councilmember Sinenci, testifying on my own behalf.

We have only been to Haleakala crater three times in the past 20 plus years to take family from away. We also go to Makawao for several different occasions, especially since our Dad rests at the Veteran's Park. Nearly every time, we've had a near miss accident with a biking company. It's not from speed, it's because you can't see them when coming around a turn or the one lane bridges.

There are places that they can pullout, but how can you expect new riders daily, to know where these are? Maybe if they taught their riders to look for those mile markers so they can slow down before it, otherwise, being a Hana road driver, you know that by the time a Tourist realizes that there's a pullout, they've already passed it.

Now picture this on the road to Hana. Yes, there's less people who want to risk their lives on this ride, but we see bikers and we see the "Maui Bike Tour" vans. Whether they're one in the same is not known, but this is a serious problem. Trying to get around them on an already narrow road, where there's another turn up ahead and you don't know if there's a car coming, is just not safe, no matter how you look at it.

If you have any questions, please don't hesitate to call me or drop an email.

Mahalo,

Mavis Oliveira-Medeiros

Hana Resident

Guest User

Location:

Submitted At: 11:52am 11-16-21

Date: November 16, 2021

To: Ethics and Transparency Committee

From: Saman Dias – Chair Maui Bicycling League

Reg. Proposed Legislation to Limit Maui Bicycle Tours

Aloha Ethics and Transparency Committee,

I like to address following issue-

"An alternate option has been suggested: Because Maui's roads lack the ability to allow safe commercial bike operations, totally ban commercial Bicycle Tour and Rental businesses, at least on the slopes of Haleakala."

This is confusing this need to be clear all bike operations or slopes of Haleakala. I agree that there should be safety measure for Haleakala downhill.

i.e.

1. higher liability Insurance, 2. safety requirements

Recommendation - Have a guide with all Haleakala downhill tours. I have learned most self-guided tours are very destructive because visitors have no idea what they are doing. Having a guide to each group may help with some of the safety issues. and limiting the group size is a good idea.

However, making all bike shops on island to requiring same rules seems unreasonable. It seems like we are punishing business because of lack of infrastructure. Bike shops have very thin margins. There is very good chance some of them will go out of business enduring this type of burden.

Some of these businesses have been in existence over 23 years. I do not think that it is reasonable to categorize them into the same category. As a community we need to be more business friendly. I believe Maui County needs

to take responsibility for lack of infrastructure.

Here are some challenges we have faced on implementation of bike infrastructure on Maui County. In 2015 budget was approved for Northshore greenway took 4years complete.

West Maui Greenway – Budget of 350,000 was approved for p design and plan, DPW spend 400,000 for land that county did not own and went against MBL recommendations today no deliverables and no accountability.

Why are we not making these organizations like DPW accountable? If budget passed and money was spent, then Maui County Council need to make sure that each department is accountable. These funds come from our hard-working community taxpayers. If we do not have accountability measures in place, please implement accountability measures to ensure projects are implemented properly.

Biking have become one of the most popular activities on Maui during COVID pandemic. We need to look at the bigger picture and be more bike friendly and business friendly community and not anti-business community.

When developing legislation to “limit Maui Bicycle Tours” please consider these points.

We should be proactive and take advantage of opportunities like bipartisan infrastructure bill-

<https://bikeleague.org/content/bipartisan-infrastructure-bill-passes-major-funding-better-biking>

We have billionaires buying properties on Maui, many are more than happy to invest on Maui and have already funded nonprofits. Anyone thought of reaching out and asking to partner on projects that will help Maui community?

Let's think outside the box, let's get business and community involved to create better bike infrastructure on Maui and not punish small business.

Mahalo!

Your sincerely

Saman Dias

Chair Maui Bicycling League

Guest User

Location:

Submitted At: 11:00am 11-16-21

Aloha,

I am writing in support of Mike Molina's bill to regulate bike tours here on Maui.

As an upcountry resident, I seen countless bikers in the middle of the road (Baldwin, Olinda Road, to name a few) that look like they've never biked before. There is very little room for them. This has caused backups, frustration over work commutes and accidents waiting to happen.

Our county roads were not meant for bike tours during high traffic times. We must regulate these tours for their safety and the commute for our residents. If they'd like to continue at the rate that they are, let's have them fundraise to expand our roads. Our roads are at full capacity especially when work commute times are in place.

Mahalo,

Upcountry Resident

Guest User

Location:

Submitted At: 10:05am 11-16-21

Aloha,

I am writing this email to voice my complete support of “GREAT-44” in its effort to regulate biking companies/tours in the upcountry area. I felt as though these regulation should have always been in place, so it was amazing to hear that Council member Mike Molina decided to spearhead this movement.

I am a police officer stationed upcountry, so it probably comes as no surprise that I value safety and well-being of the community. I have seen and experienced far too many accidents, close calls, traffic infractions, safety hazards, etc that involved biking companies. I have never felt that the entire industry needed to be shutdown, however, regulation on how they conduct their business is paramount. There should be no “tours” during rush hour traffic both in the morning and night. By operating during rush hours, bikers put themselves at severe high risk. The sheer volume of cars on a road the wasn't necessarily paved to support both cars and bikes, is already concerning. But, when you add cars trying to get to work and school while trying to avoid bikers all over the road, it creates animosity, road rage, and unsafe maneuvers by our local driving community to circumvent it. Let's not

even get started on companies that provide unguided tours to people who appear to have never been on a bike, or to the United States, let alone Hawaii for their matter, and allowing them to ride whenever or whatever they want. It goes without saying the problems that occur. Please, pass this bill. I believe it protects the bike companies, their riders, and all of Maui's residents.

Mahalo,
Kainoa Govan

Guest User

Location:

Submitted At: 9:52am 11-16-21

Re: BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44) 11/16/21
Aloha Council Chair Mike Molina, Vice-Chair Keani Rawlins-Fernandez & our Maui County Council Committee Members

Background Info

My name is Troy Tanga. I live on East Kuiha Street in Haiku, with my wife Kelley and our children Ashley and Tyler. It has been my families blessing to be included as a part of the Maui community for the last 31 years and to still call it home today.

I came to Maui in 1991 with a dream of starting a small local business called Mountain Riders. I got married, attended Kings Cathedral, our kids born at Maui Memorial.

Mahalo for the opportunity to testify today in support of Maui County working together with the licensed bike companies to enhance safety and help alleviate any litigation concerns.

Downhill bike tours have been a part of the Maui visitor scene for the last 40 years. The Haleakala tour is known worldwide and attracts visitors from all over.

Our company Mountain Riders has been operating as a licensed bike tour operator on Maui since 1992. We have our county license, a P.U.C number, \$3,000,000 in insurance and operate out of a commercial location 886 Hailiimaile Ave.

We are the longest serving bike company on Maui and a current stakeholder in the bike tour process. I am hoping to be a part of the Maui bike community until the good lord calls me home.

The fact is GREAT-44 threatens our co and the life of the bike companies as written.

If this new proposal goes through, we would then be shut down out of work, forced to lay off 8 people and in serious financial trouble. We signed a 3-year lease with Maui Land and Pine, have equipment liabilities etc. and have committed to many other long-term obligations associated with the business.

We believe there's a way to work with the community to make some changes as well as continue with the viability of our businesses.

Financial Contributions/Consequences

Hawaii residents own 98% of Maui in-destination experiences; the profits stay within the county in which they reside. Unlike some of the other visitor related businesses, which are national chains or global travel agencies. The visitor industry brought in over \$4.6 Billion for the state of Hawai'i and employed more than 50,000 workers in 2019.

Maui Bike Tours employ over 200 people directly with another 300-500 people associated with other businesses. 100% of our employees are local with a large percentage being of Hawaiian heritage. The bike tour companies are responsible for a significant amount of local taxes.

Some Facts

Our Tours Mountain Riders bike tours decided years ago along with the Makawao community association to load up our bikes before the town. We work with Polli's Restaurant to park our vans and trailers and let our guests shop etc and get back on bikes later. Our tours go down to Paia or Hailiimaile.

Our company has been mostly guided bike tours for the last 31 years. We only have sunrise tours on Sunday and Monday.

All Tours Ave Daily biker

Bike Maui 80-120

Mountain Riders 24-48

Maui Sunriders 28-42

Easy Riders 8

Maui Bombers 12

60% of the downhill traffic goes down to haiku, 40% to Paia

Daily Traffic down

2002-2007 riders per day 400, 2019 riders per day 220-240, 2021 riders per day 160-180. Accidents and rider traffic are down significantly from prior years

Proposed Changes and possible Solutions

Prohibiting Unguided

We agree the self-guided tours have gotten a little busier. Although the numbers are still at their lowest. However, banning them seems way too strict or archaic with far reaching implication (someone wanting to rent a bike in Lahaina for example etc).

We believe there can be more improvements on all the bike companies' behalf (spacing, timing of departures, better instructions. We also believe this a great time for the county to be working with the state and fed governments on roadway pullouts and passing zones

Issue Bike Tour Congestion

2. Six Tours Each Day – Eight Customers and two guides, between 9 am and 1 pm (4 hours), each company is allowed only one tour per two hours. These capacity settings equate to an individual Company conducting two times per day (provided their competitors have not booked the available open slots).

Possible solutions

Times could be moved back to 8-8:30,

Groups could travel 5 min apart or approx. 2 miles between each.

60 people is too small, 400 too large,

160 people per day from 8-4p is only 20 riders per hour

Fees to assist with roadway improvements

"The fact is GREAT-44 threatens the life of these companies as written".

The costs of running a legal business have skyrocketed. We do not believe this to be a viable model! The expenses a lease, insurance, vehicle insurance, gas, employee payroll, medical etc. exceed the available revenue for each company at those numbers.

If it is your desire to put us out of business, please say so. Also, If that is going to be the case please give us enough time to make a change like 12 months. Some of us are financially committed or older and need time

We also believe the proposed "ordinance changes" will have an opposite effect on safety. People will be unsupervised and begin to seek out "on their own" unsupervised alternatives not affiliated with a legally permitted bike tour company.

We believe we can accommodate the local population first and partner with them instead of opposing them We would like to see Maui facilitate uniting all bike enthusiast businesses to adhere to best practices. Build turnouts along the most popular routes etc.

The county and bike companies can work with the DOT's Bicycle and Pedestrian Planning Program

<https://highways.hidot.hawaii.gov/stories/s/h4ss-c6xy>).and accommodate this demand. Their plan includes building separate bike paths away from the roads. Study and visit places like Amsterdam or Portland, Oregon, where bicycle riding has infrastructure support.

Guest User

Location:

Submitted At: 9:20am 11-16-21

Aloha, I am submitting this testimony on behalf of Rep. Linda Clark. We often receive calls from the community reporting dangerous road conditions as a result of bike tours.

We would like to see more regulations for bike tours to ensure safety of all those who use these roads.

Thank you.

Guest User

Location:

Submitted At: 9:04am 11-16-21

Aloha,

I am writing this email to voice my complete support of "GREAT-44" in its effort to regulate biking companies/tours in the upcountry area. I felt as though these regulation should have always been in place, so it was amazing to hear that Council member Mike Molina decided to spearhead this movement.

I am a police officer stationed upcountry, so it probably comes as no surprise that I value safety and well-being of the community. I have seen and experienced far too many accidents, close calls, traffic infractions, safety hazards, etc that involved biking companies. I have never felt that the entire industry needed to be shutdown, however, regulation on how they conduct their business is paramount. There should be no "tours" during rush hour traffic both in the morning and night. By operating during rush hours, bikers put themselves at severe high risk. The sheer volume of cars on a road the wasn't necessarily paved to support both cars and bikes, is already concerning. But, when you add cars trying to get to work and school while trying to avoid bikers all over the road, it creates animosity, road rage, and unsafe maneuvers by our local driving community to circumvent it. Let's not even get started on companies that provide unguided tours to people who appear to have never been on a bike, or to the United States, let alone Hawaii for their matter, and allowing them to ride whenever or whatever they want. It goes without saying the problems that occur. Please, pass this bill. I believe it protects the bike companies, their riders, and all of Maui's residents.

Mahalo,

Kainoa Govan

Guest User

Location:

Submitted At: 8:59am 11-16-21

Before anything happens, proper bike lanes should be established on ALL Maui County roads before any talk of continuing to let bike companies operate goes any further. It's great to let these companies do their thing but having bikers on the road, in the car lanes before there are no bike lanes, poses a serious threat to both bikers and drivers. It also poses significant delays to motorists to get stuck behind these hike tours. I know the drivers pull over when they can, but it is still infuriating to get stuck behind a bike tour. If the bikers had proper bike lanes to ride in, many issues would be alleviated.

Guest User

Location:

Submitted At: 8:57am 11-16-21

When I was a teenager I remember the start of these bike tours, and since the beginning it has been riddled with problems and incidences that prove unsafe to motorists, pedestrians and the bikers themselves. These unguided bike tours or those with absent guides who are so far ahead or behind has got to stop. I along with many upcountry residents have surely had many encounters with these groups. While supporting Maui's small businesses is great, this unsafe practice needs to be stopped. I had a terrifying experience recently with a group coming down Baldwin Avenue... It was just at the curve before you get to Rainbow park. The road was a bit wet and the group came flying around the curve as I was going up towards Makawao. Something told me to slow down to a crawl. So glad I did because I started noticing riders loosing their control and just as I was coming to the turn a lady came flying across the road and slid up under my front bumper. Thankfully, I had stopped as I saw her falling so my car stopped her slide. We were both shaken, but she refused help and got up and went back on her way...but I could see she was injured as she limped and struggled to get back on her bike. I didn't even notice a leader or anyone who came to check on her, she just struggled to get back with her group. I'm sure the police can attest to how many of these incidents did not end so well. Our roads are not equipped for these sorts of activities, and the bike companies and rental shops are not being held responsible for the safety of all involved.

Guest User

Location:

Submitted At: 8:47am 11-16-21

To whom It May Concern,

My name is Remy Chvatal, I have been a driver and tour guide for Maui Sunriders since 2008. I also drove and guided for Haleakala Bike Company in 2007. I am writing this letter in response to a proposal for regulating and limiting downhill bike tours, which could severely affect me and my children's livelihoods. A proposal that would also amount to revenue loss for a dozen businesses on the bike route.

I am a single working father, I do not get child support and my income from Maui Sunriders has allowed me to keep a roof on my daughter Estelle and my son Vincent's heads since they were born. My daughter even told me she'd like to work for the company when she grows up. I often tell her I am one of the few lucky grownups who actually loves his job. If the changes made by this proposal goes through, I doubt I'd be able to keep this job.

On the drive up the mountain, I recommend several businesses to my clients. In Makawao, the Cookie Lady, Rodeo General Store and Komoda just to name a few. In Kula, the Lodge, the Marketplace and Sandalwood Cafe also get recommended. Over the years these businesses were visited by thousands of my clients generating revenue for all their employees.

I've heard the changes would eliminate unguided bike rides in favor of guided tours. Bike tours have been operating for almost 40 years. Millions of riders made it down the mountain safely except for four who had fatal accidents. Looking at these numbers, biking down the mountain is safer than helicopter tours or diving excursions. Out of four people who died, three of them were in guided bike tours, only one had a fatal accident unguided. Being guided down the mountain does not make the ride safer, especially if riding close to other inexperienced riders at uncomfortable speed. The safest way to bike down the mountain is at a speed the rider is comfortable with and staying far away from other riders. Also guided tours cannot follow the law. If riders are kept in the middle of the road with a motor vehicle blocking traffic behind them, it is a violation of law 291c-145. Bicycle riders have to stay on the right side of the road near the curb or on the shoulder.

In the 21st century, biking is increasing in popularity. Cities around the world are promoting biking as a cleaner and less destructive mode of personal transportation. Limiting bike tours will bring more motorized traffic on the local roadways and would send a clear message to the world: Bicyclists are not welcome on Maui and should look for Aloha elsewhere.

Sincerely yours,
Remy Chvatal
November 14th 2021

Guest User

Location:
Submitted At: 8:42am 11-16-21

Working in upcountry schools, the morning traffic is already backed up and people are in a rush to drop students off or get to work. On top of that, the bicyclists are zipping down the hills, not staying on the side of the roads. There are many times I have been driving around a bend and have had to swerve off the road to avoid hitting someone who spent money on their vacation to arbitrarily feel entitled to large portions of local and residential access. If the participants cannot follow the safety instructions provided by the tour company, the responsibility for the safety of residents and tour customers falls on the businesses who are not willing to prioritize our community's safety. This legislation would finally lay the ground work to improve road and safety conditions Upcountry.

Guest User

Location:
Submitted At: 8:39am 11-16-21

Testimony concerning Bike Tours legislation

Ridesmart Maui
99 Kahana Nui Rd
Lahaina, Hi. 96761

Comments addressing proposed deletion of Maui County Code 5.22, and substituting a revised version 5.23 by the Kula Community Association.

I recognize that the Kula Community has had a long time complaint with the Down Hill Bicycle tour operations. It is sufficient to say that these complaints most notably is due to lack of proper infrastructure implementation as may be derived from the Hawaii Bicycle Plan, AASHTO, and NACTO guidelines. Maui as well as the State of Hawaii over time evolved into a very Car-Centric culture and dependency which has recently been recognized and described in Hawaii's SB1402. "The legislature found that over the last century, Hawaii's ground transportation was built as a car-centric system, with little attention to alternatives, which has raised the cost of living in the islands, impacted quality of life, and resulted in some of the highest transportation-related fatality rates in the nation". SB1402 now requires each community or communities, ensure each county plans for and establishes, A contiguous bicycle and pedestrian network connecting commercial business and shopping hubs to residential areas, and to its respective state and county transportation infrastructure, in which intersections with other modes of transportation shall be minimized, which shall be separated and protected from vehicular traffic by physical or natural barriers, or by meaningful distance or elevation;

1) My first comment concerns Maui Counties failure to implement long established plans as in the Hawaii Bike Plan and then require Bicycle rental business, Bicycle tour, and or Bicycle tour business to absolve the County of any responsibility for it's lack of creating proper infrastructure to meet the publics needs and further support Maui's small business's ie bicycle businesses. People need jobs and the bicycle business provides a clean energy business which further follows Hawaii's Clean Energy Initiative. Maui is a tourist dependent society and Maui government has a requirement to support activities that provide diversity to tourists interests and small business alike. More regulation and or the elimination of business is not the responsible overall solution. I would say implementation of proper infrastructure needs is. I would refer back to SB1402 for further guidance.

2) Although this code is structured around and for the purpose of regulating the Downhill Bicycle business it does not directly say so and with that has carry overs and detrimental consequences to bicycle business's not engaged in the Downhill Bicycle business. I recommend that 5.23 be written specifically with clarity for regulation of the Downhill Bicycle businesses.

3) Comprehensive liability insurance; Maui County Code 5.22 specifically states dollar amount required coverages. 5.23 does not. Insurance amounts vary dependent on risk and loss statistics which ultimately cost money and make a difference to business owners. Insurance companies are self policing and set rates accordingly. Does the Downhill Bicycle Business risk assessment equal to for example a bicycle business renting a road bike to a customer to ride the 60 mile north loop or to a customer renting an e-bike to ride down the North Shore Greenway? That should be defined.

4) An annual bicycle license fee, as set forth in the budget ordinance, shall be paid to the director for each tour and rental bicycle. The current fee for registrations for bicycles are; Permanent registration is \$15 and \$30 for Low speed electric bicycles. Will this annual fee be different and by how much? What happens to the registration if the rental bike is cycled out of the business due to age or damage? Does the annual fee persist?

5) Tour leaders must ensure that each rider is capable of safely operating the bicycle. What is the standard the County is requiring? Do all tour operators need to be individually certified by the county to ensure that safe practices are applied and taught to customers?

6) Waivers; Since the County requires certain elements in the waiver, does the county provide approved waivers from County Council? How do the waivers differ from Downhill Bicycle Business and perhaps a regular bike shop renting cruiser bikes?

7) Requirements to Report Accidents and Injuries. How is this done and to what agency is this report submitted? What is the degree of injury to be reported? Urgent care, ambulance or what? Is there a further requirement the treating facility file a report also?

8) Safety Inspection; Bicycles in commercial operations require daily maintance. How many bicycle maintenance training hours has the mechanic completed and does he/she have a Professional Bicycle Mechanic® Certification?

9) Inspection of permit; Requires display of business name, PUC license, permit number, permit expiration date, and telephone contact information. These are annual permits and licenses. Doe these permits and licenses differ from a Downhill Bicycle Operation to a regular bike shop and a shop maintenance van for example?

There is also another thing in the proposal I would like to address which is " A description and map of the areas, locations, or routes to be utilized by the bicycle tour business". Considering that Maui roads have never been designed and built for alternative transportation means and do not comply with NACTO and ASSHTO guidelines for such.

1)How does the County approve routes for bike tours that are not in compliance with National Guidelines?

2) Will the County make a priority to improve the roads to meet the guidelines if they see the submitted utilized routes to operate tours are out of compliance or just prohibit their use? What is the outcome if they prohibit the use? What is the alternative?

3) Are you aware of Hawaii's "Three Foot Law?" See

https://www.capitol.hawaii.gov/session2018/bills/HB2215_.HTM.

Many lane widths and shoulders don't provide enough room for motorists to comply with this law.

4) Please read this article subject "'Three Foot Passing Law" in Maui Now.

<https://mauinow.com/2019/10/21/noodle-ride-reminds-drivers-how-to-pass-cyclists/>. I organized and cut all the noodles on this ride. Please review the comments section of this article. Over 80 comments last I looked..

5) Any thoughts about County having no responsibility for making a bike friendly community???? Again SB1402.

I hope these thoughts may help with the better purpose of not over regulating "non- Downhill Bicycle businesses" and may further encourage implementation of Bike/Pedestrian facilities.

Guest User

Location:

Submitted At: 8:37am 11-16-21

GREAT-44- Bicycle Tour Bill

Aloha,

I endorse the Bicycle Tour Bill, my job requires me to drive up and down Haleakala at least 4 times a week and I have experienced these bike tours first hand on many occasions. Currently the tours operate as the sunrise spectators and overnight employees are coming down Haleakala. The bike tours even go into the residential areas below Haleakala as parents are trying to take their children to school. I've witnessed a lot of near misses as the bikers don't always pull all the way over or impatient drivers pass in a no passing zones into oncoming traffic. I believe limiting their operational hours to be between 0900 and 1300 is necessary for everyone's safety.

Mahalo,

LOGAN, D'ANDREE L DU-02 USAF AFMC AFRL/RDSMS <dandree.logan@us.af.mil>

Guest User

Location:

Submitted At: 7:55am 11-16-21

Great-44....Haleakala Bike Co.

To whom it concerns; We would like to support the small business companies here on the island. I myself, Nancy Dobrowolski and also my friend Karen Nicholas are in favor that the Haleakala Bike Co. get the green light to continue their business. We both are long time residents here on the island and have no problem with sharing the road with the downhill bikers. We all can enjoy the beautiful scenery of Maui together! We both live upcountry and would like to put our opinion in that this company may continue to be run and enjoyed by tourists. Thank you _

Guest User

Location:

Submitted At: 6:11am 11-16-21

GREAT 44 Proposed Bill

To whom it may concern,

I am writing in regards to the Great-44 Bill proposed by Councilmember Mike Molina. I would like to express my overwhelming support for this Bill. As a law enforcement officer who works up at the summit of Haleakala multiple days a week, I am very aware of the problems caused by these unregulated tours. The bike tours have been an issue with my unit for as long as I have worked here. It is a safety hazard for the riders and a liability issue for my officers. On numerous occasions I have had officers complain about traffic delays and safety concerns related to almost getting into an accident due to these tours. Due to the windy nature of the road, and the hours these tour companies choose to operate, I think it is super important that this Bill is passed. The tours seem to be getting bigger and bigger and need to be regulated.

Officer Webb

Guest User

Location:

Submitted At: 6:10am 11-16-21

Great 44 Bicycle Tour Bill

Good Morning,

As an Law Enforcement Officer for the USAF, I have seen many unsafe practices from both customers and business owners. Driving up and down Haleakala for the past 6 years, i have petitioned for more restrictions on this matter. I do believe this bill is on the right track to a safer commute.

Guest User

Location:

Submitted At: 6:09am 11-16-21

GREAT-44- Bicycle Tour Bill

I was told to email my concerns regarding the bicycle tours here on Hale'akala. My name is OFC Shane Hoyt who is currently a Civilian police officer with the United States Air Force. We encounter these tours every morning when we finish our nightshift at the top of the summit. I never understood how these companies were able to operate on such a small and dangerous public road. Over and over again we are inconvenienced by the operation of these companies. We are forced to wait behind them for over an hour while they conduct their tour which slows our operation and a makes us much less capable of doing our job at the highest level. Safety and liability is a huge concern as well. If there was an emergency that we needed to respond to quickly these bikers become a very dangerous liability on a small road. Their clients at times seem to be very inexperienced on a bicycle either visibly having trouble steering or being way out in the middle of the road which is a huge safety concern for anyone descending the mountain. They also seem to only have one guide with them at any given time or no guides at all. These roads barely have a shoulder let alone a bike lane for these groups to operate in. I don't believe that private businesses should be allowed to utilize these public resources for their profit even if there are only six companies allowed. If only six are allowed that clearly means that these areas are not capable of handling this type of business and should be done away with completely. Very similar to other companies like "Hike Maui" bogarting public trails as if the own them which is very similar to how these bike tours are operating. After voicing my concerns I hope they are taken into consideration when addressing this bill and in regards to the operations of these tour businesses.

Mahalo,

V/r

Hoyt, Shane D.

DAF CP DU-II Police Officer

AFMC/AFRL Det 15/RDSMSC/Maui Hawaii

Office: 808.874.1601 (HST)

Cell: 808.268.1510 (HST)

Guest User

Location:

Submitted At: 6:08am 11-16-21

My name is Kihei Kim I'm 57 years old I was born on the big island and raised on maui graduating from Saint Anthony's high school. After moving away in 1982, I have frequently visited maui at least once a year. Being a former resident of up country and attending Makawao middle school, I have witnessed over the years during my frequent returns over the past 39 years while visiting family and friends many changes. I have witnessed 1st hand the impact that Haleakala Eco Tours tours have on the community and our environment being a past patron. All participants are well briefed and are fortunate enough to experience a wonderful presentation of the Hawaiian

Heritage background During our journey as we crest the summit to Haleakala in preparation for our Downhill ride experience. It appears their business platform has done the research to help the Preservation of Hawaii while providing A wonderful and memorable experience. The many times I frequent Maui over the course of the past 39 years I would have to say there has been a lot of changes that I don't really appreciate in regards to growth that has occurred to my home, this is definitely Not one of them. I come from a large lineage of Asian and Hawaiian background on both sides of my family. 90 to 95% of my family reside within the islands. What little voice I may have to support this industry to continue, I hope all of you can look deep within yourselves and ask the question, What types of industry that can create sustainability and preservation of our land with the least amount of impact do we truly want our visitors to experience. Please let Hawaii be Hawaii and allow it to grow in the most positive of direction Within its tourism industry. Please allow their business to continue without restrictive impact. Thank you for your time.

Guest User

Location:

Submitted At: 5:58am 11-16-21

GREAT-44 - Bicycle Tours

Aloha Councilmember Molina,

I read about your proposed bill to amend Maui County Code Chapter 5.22 regarding bicycle tours operating in the Makawao-Pukalani-Kula and Paia-Haiku areas. I understand that safety of the community and the bike riders are of utmost importance and commend you on trying to seek options to keep everyone safe.

That being said, I worry about the consequences of your amendment. Bike tour companies are already regulated and held to a high standard with the insurance and permitting requirements. I know many of these companies show safety videos and brief their guests on best practices on the road. To limit the number of tours that can operate to six per day and limit the groups to ten riders will severely impact the companies. Also, to regulate the operations to just four hours a day seems excessive. Are there other industries that are restricted to just four hours a day?

These guests who take these bike tours – whether guided or not – contribute to the economy of the area. These guests not only impact the bike tour companies, but also the small businesses that rely on visitors to survive. I fear that many jobs may be lost due to the impact of your amendment and that in turn will affect the livelihoods of those living in your district.

The Hawaii Tourism Authority has rolled out their Destination Management Action Plans and I believe those community meetings may be a better place to discuss bike tours. Perhaps there are ways to slow down the drivers (locals and tourists) to follow the posted speed limits. Perhaps there are also ways for small businesses to opt in or opt out of being on a map that the bike companies distribute to their guests. There just should be a better way for all sides to come together and exist instead of trying to shut down companies that are serving the visitor industry. There should have been a conversation with all parties involved before this escalated all the way to an amendment being introduced.

Again, I appreciate you looking out for your constituents, but I worry about the economic impact to your constituents as well. Your reconsideration in this matter is greatly appreciated.

Mahalo,
Janice A. Kamemoto
jkamemoto@gmail.com

Guest User

Location:

Submitted At: 5:56am 11-16-21

Upcountry bicycle tours

Dear Mr. Molina,
Please let this letter serve as my full support in limiting or foing away with all together the commercial down hill

bicycle tours. Accompanied or not by guides.

I live in upper Kula and I am forced to take alternate routes to avoid these riders on roads that I and fellow residents pay for. It is like Russian roulette to drive on Haleakala Hwy and Baldwin Ave. It is beyond dangerous and we have had enough. Riders and operators are entitled, use no common sense and 99% of the riders have no business being on a bike, let alone riding it in the middle of a busy road. I should have quiet enjoyment of my community without risking my life.

To be clear, I take no issue with road bikes residents riding bikes. They are Akamai and I take no issue with them.

This is a big problem that has plagued and negatively impacted our community long enough. I hear emergency responders sirens multiple times a day. These are resources that become unavailable if a resident needs emergency services. How many emergency calls a day are "bike" related? Too many!

Please forward my email to the appropriate contact.

Thank you all do.

Malia Vandervoort
PEARL BUTIK
71 Baldwin Ave
PO BOX 790397
Paia, Hawaii
96779

Guest User

Location:

Submitted At: 3:34am 11-16-21

Aloha, thanks for the opportunity to share my opinion. I am a tour guide for the bike tour for 10 years now & I strongly oppose these regulations. Since these tours have gone on for near 40 years with millions of visitors from around the world enjoying the beauty of Maui on these tours without incident. Why now, when there are far fewer companies operating tours, would you seek to restrict our industry? Doing this will only further set back the islands already struggling small local businesses & not truly deal with the real problem: reckless drivers who are impatient & already speeding down a road that is supposed to be driven 35-40 mph or slower. In the 1st study done on this industry MPD found that drivers were driving too fast. These regulations will not serve the public or protect visitors. Simply put restrictions of this nature are unnecessary due to already imposed regulations from the National Park that have cut the number of tours to about a quarter of the volume from when I started supporting my family working in this industry. I pray these actions are set aside & that instead of blaming & bashing how a lot of people make a living (including local businesses in Kula, Makawao and Pa'ia) you come up with ways to help educate & make people aware of the rules of the road for safe driving around cyclists & use some of the tax revenue generated by this industry (for the last 40 years) to improve the road conditions making more pull outs & bike lanes. Thank for the opportunity to share my views in opposition to these regulations. Aloha, Dru Anderson

Guest User

Location:

Submitted At: 1:36am 11-16-21

Aloha to everyone involved in this discussion,

I have been a bike tour guide on Haleakala for a total of 15 years. I have been an advocate for change and regulation concerning most aspects of the industry as a whole since day 1. It is blatantly obvious that change and regulation is needed on downhill bike tours, so where I do 100% oppose the GREAT-44 as a whole I am positive that at least some of it is on point. I commend the authors of the GREAT-44 for their time, effort and commitment to addressing what they believe to be valid concerns.

The two single problems with the GREAT-44, in my professional opinion, are the following:

1. This proposal is clearly "us against them". The people proposing these changes have no knowledge or experience working in this industry. They did not consult with the bike tour community and invite us into the discussion. There are many of us who have led thousands of tours down Haleakala over the years, the lack of working together to come up with a solution should leave the GREAT-44 dead on arrival.
2. In my many years of being a bike tour guide on Haleakala I have written many letters to the county with my

concerns and suggestions on how the bike tours can be safer for the participants, and how they can be less of a nuisance to the complaining residents who travel and live on the roadways where these tours operate. Every single letter I have written along with my oral testimony to the county council fell on deaf ears. Not one time did anyone from the county ever respond to any of my letters, nor did they have any feedback of my oral testimony at the county council meeting I attended.

I can definitely say with absolute certainty that the amount of bikers coming down Haleakala in 2021 compared to the amount coming down Haleakala in 2004 has been reduced by well over 75%, and that is a modest estimate. Now would be an ideal time for the complainers and the bike tour industry to come together and start a discussion on how to meet in the middle for the greater good of everyone involved.

Seems legit that customer feedback about their experiences while on bike tours should be taken into consideration on this matter. Also seems legit to assume that the people proposing these changes don't care about the opinions of anyone other than their own. There are thousands of reviews posted online for the world to see. For the authors of the GREAT-44 to not include the feedback of real people with real experiences in their evaluation clearly shows the bias of their proposal.

The GREAT-44 clearly have not taken into consideration the economic toll this will have on the lives of the people who rely on their jobs to support their families, nor have they considered the toll this will have on the experience of those who travel to "our" island. On a daily basis I get flipped off and yelled at, it would not surprise me if these are some of the same people involved with the GREAT-44. The harassment and reckless driving by residents should be addressed in this matter too. The GREAT-44 and the county council should know and be aware that the amount of shakas thrown, smiles, waves and support for bike tours far outweigh the disdain. We have the ability to make this right for everyone, but that won't happen when people get together and propose lopsided legislation. People sitting at their computers and making phone calls complaining about bike tours should not be writing legislation on how to conduct bike tours.

There is a way to evaluate the bike tour companies and see who's practices are the safest, that is the way, anything else is just spitballing.

I am going to stop here, mostly because I have learned from experience that sharing my thoughts and professional opinions on this matter carry zero weight with the county.

Sincerely,
Doesn't Really Matter

Guest User

Location:

Submitted At: 12:45am 11-16-21

Aloha Chair Molina and members,

Elle Cochran, testifying on my own behalf. I Support the Resolution- Urging The Mayor To Address Bicycle Tour Public Safety and Related Litigation Matters. My past Infrastructure & Environmental Management (IEM) Committee tried to solve this long standing issue years ago. The main challenges were lack of enforcement, creating a Specialized Enforcement resource like Park Rangers would help tremendously with this. It doesn't work to create rules, laws and regulations then have Bike Companies police themselves hasn't worked all these years. Real Time comments from Residents affected by these Bike Companies daily and for years are that they are Out of Control, snarl/hold-up traffic, are disrespectful (one resident got flipped off by a biker), a resident jogger on the shoulder of the road got clipped by a biker, a School Bus letting students off with Stop Signs out got passed by a Bike Tour (illegal/endangering students), unguided riders act as if they own the road riding down the middle, basically there is a sense of entitlement and flat out rudeness by bikers and Tour Operators. Don't get me wrong my personal experience @ 15 years ago, during three Bike Tours (Mountain Riders/Maui Mountain Cruisers) down the Mountain from the Summit, I observed the operators being very professional, they paid strict attention to safety and the well being of riders and the general public on the roadways at all times. So, this may be a situation today where a few bad apples ruin the whole bunch.

Overall today, the infrastructure cannot safely accommodate the combination of the local residents' morning traffic flow of going to work and taking kids to school along with the Bike Tours coming down the Mountain one after another. Banning Bike Tours on Baldwin Ave., Olinda Rd., Hanamu Rd. And Hwy 377 will have an effect but may drive the tours to other more substandard dangerous roads like Pulehu & Omaopio roads? If only they could build their own private biking road with their own money from the crater straight down to Wailea/Kihei area! What kind of benefit does the community get from these Private businesses banking off of taxpayers Public Roads? The IEM committee discussed the Suggestions in The Bike Study about Pull Outs but who would pay for them (land purchase/infrastructure) and how to guarantee tours would actually use them since they pull over for scenic views and hopefully always when cars pile up behind them. MPD's comment about Reckless driving, road rage and speeding by residents are caused and exacerbated by the Bike Tour companies lack of good judgement that cause traffic to build up behind their tours. MPD are doing SpeedJams, what about traffic that is too slow? My Gigi got a ticket for driving too slow which can be a danger too. What about the Vans/bikes that travel too slow to keep to keep up the lawful travel speeds for easy and safe traffic flow. Capping the amount of Permitted Bike Companies to the current 3 active companies would help with the potential total amount of riders on the road. There will be a HUGE outcry by Bike Companies if limit hours of operation the hours between 9am to 1pm. The biggest draw to do this tour is to go up for the Sunrise. So, watching the sunrise then having to wait until 9am to ride down will be way too long of a wait to head down the mountain. I have never been a fan of the Unguided Tour and as a Concierges I wouldn't bring it up unless the guest did. I've been stopped by totally lost unguided bikers asking for directions upcountry and I'm rarely there. So how often does this happen? I feel there's a high probability for unsafe and potentially dangerous situations to occur with unguided tours. Although, the question is asked of the guest, how long has it been since you have ridden a bike? not everyone have been completely honest in answering for fear of not being able to do ride. One lady I rode with had her handle bars backwards and wondered why she couldn't brake properly. Then when she stopped she fell over because she didn't put her feet down for balance! Signing a Pono Pledge can't hurt but how effective will it really be? This type of Pledge should really be for all visitors coming into our Islands. (See The Giant-a Compulsory Inflight Movie- Palau Pledge). If anything add to 5.22.025 (G) Bike Pono Pledge, add pedestrians after Myself and cars to share the roads." Cars, Bikes and pedestrians need to be able to safely and respectfully share the road at All times.

Mahalo for your time and consideration on this long standing issue,
Elle Cochran

Guest User

Location:

Submitted At: 10:45pm 11-15-21

I support time and rider limitations 100%. I oppose restricting tours so much so that they cannot profit or benefit from their local business.

Guest User

Location:

Submitted At: 10:17pm 11-15-21

Aloha, as a part of a small local business I oppose this very much. Small local businesses have already taken a toll after last year and are barely bouncing back from the hit we took. Putting more and more restrictions is just the start to more and more businesses let alone local businesses to close down and have more people go unemployed and even homeless. Would you really want to slow business for these biking tour companies that promotes other businesses along all of these routes and also continues to give back to the community? I'm sure there's a way to make things safer for both motorists and bikers, afterall isn't it a law to share the road with pedestrians and bikers? Since when has it been against the law to ride a bike down crater road. Is the road only for motor vehicles? What next? Are cops going to ticket and fine every biker that bikes down these routes on their own? These bicycle tour companies have all of the paperwork, why are you trying to make it harder for people to earn money here on Maui? Imagine if you're a shop owner and you can only sell 2 of your products and you're only allowed 10 people in your store. That is what you are doing if this bill passes.

brett lickle

Location:

Submitted At: 9:56pm 11-15-21

Stop the bike tours now

How many more innocent people need to be critically injured or killed before the state gets involved. The bike tours are a disaster waiting to happen, half the riders haven't been on a bike in years some never. Put them in a full face helmet that takes away their peripheral view and there ability to look behind them. Then throw them onto some of the narrowest roads with no bike lanes (Kula and Haiku) and its a miracle people don't die every day. In 2015 there were 3 people killed in one month and the bike tours were shut down for evaluation. Who in the world would then decide to open up the tours again. Let alone decide that now they will start the tour at the midway ranger station and send them down the narrow winding roads in Kula And Haiku. It's crazy the bike tour should start at the summit and end at the tree line just above the last house on the crater road. The roads up there have less traffic and everyone is there for the same reason to enjoy Haleakala crater. Lets stop this nonsense before another innocent tourist is killed or critically injured. If the bike tours had to show each customer the statistics of injury's and deaths the industries would fizzle out quickly. The tourist have no idea of the dangers that await them. It's time to take control and re evaluate the industry before the state is sued and yes you have been forewarned it's going to happen just like it did year after year in the past. Its time to look at the statistics and stop turning your back to the facts people are being seriously injured and killed on these bike tours. If the bike tours want to continue keep it above the public roads in Kula and haiku. And if the state were smart they would spend the money and put a bike road in from top to bottom just for bikers and the tours and charge the bike tours to use it. Stop this nonsense now before it's to late before someone you know or care about is either injured or killed because of this reckless behavior. Bike tours are not Pono and never will be.

Guest User

Location:

Submitted At: 9:08pm 11-15-21

The bike Tours are dangerous I'm surprised they still exist.

Guest User

Location:

Submitted At: 9:07pm 11-15-21

Aloha,

I am a long-time resident of Maui, and I am also a friend to the biking community. In discussing the contents included in this new bill, it is clear that it is not well written. It needs to be clarified. It is good to have guidelines for the businesses, but not to the detriment of being able to make the business profitable or deter people from using bikes as a healthy and clean form of transportation. I would also encourage the county to look at the possibilities of widening the roads and adding bike lanes. This is the long term solution.

We need to accommodate the pedestrians that commute on two feet as well as two wheels. This seems like a long overdue addition to all the roads specially considering the bike popularity and the unfortunate bicycle fatalities that happen on our streets.

So my vote is less control of the businesses, but more accommodation by the county in providing bike lanes for the travelers.

Thank you,
Amy Anderson

Guest User

Location:

Submitted At: 7:42pm 11-15-21

To whom this concerns,

I'd like to submit a request for all bicycle companies using public roads to up grade safety issues for your riders. #1. Need bicyclists wear neon outfits. Rider are wearing the colors of nature which blends in with the environment. #2. No blinking lights in front or back of the bicycles. #3. How do the riders know what's behind them? They have to turn their heads to see, a potential crash! #4. Need to have bike etiquette enforcement from bike companies. #5. Have you ever followed the tours? I was hoping that these companies would have made an impact on the road they use when improvements were being done, like increase pull over sites along the way. For the sake if communities harmony.

Guest User

Location:

Submitted At: 6:22pm 11-15-21

I am writing to oppose the proposed restrictions of the downhill bike industry on Maui. The Haleakala bike experience is unlike any other activity in Hawai'i, the most sought after activity by our visitors. This ordinance written is a virtual ban and clearly anti-tourism. These rules would result in hundreds of jobs loss + revenue for the county of Maui & state of Hawai'i. The proposed changes would have a negative impact on many locally owned companies + small businesses. Not only leading some to fully conclude with their operations but this decision will also impact many families financially, resulting in more unemployment.

Let's not be blind to the fact — many of these so called residents who are in support of this change, we're once visitors here themselves.

Guest User

Location:

Submitted At: 6:15pm 11-15-21

I am a long time Kula resident. I do not support the overly restrictive changes that are proposed. The bike ride is really fun and can be done safely. Everyone on the island depends directly or indirectly on the tourism industry. Limiting the amount of riders and revenue to such minimal levels is not needed. Safer shoulder pull outs would help a lot, and better safety briefings for all riders. It is easy to pull over, stop, let cars pass, and start up again since it is nearly all downhill. But a few of the bikers seem to be oblivious of traffic piling up behind, and then vehicular drivers impatience is what leads to unsafe situations.

One further thing I would say is to hold tour leaders to account. Sometimes I see tour leaders riding sidesaddle and other fancy stuff. This sends a message to the tour group that the ride is super easy and casual, instead of demanding full attention on safe practices. Tour operators need to model the safest possible behavior, even if it is boring to them, because riders will follow their lead.

Step up the safety but dont strangle the industry!

Guest User

Location:

Submitted At: 5:46pm 11-15-21

I am in favor of some restrictions for the bicycle groups. I drive Haleakala highway every day and usually encounter groups of bicyclists. It is difficult to impossible to pass a long string of bicyclists. The safety problem seems to occur when long li es of traffic back up and some driver becomes impatient to pass. If the bicycle groups could be required to pull over and stop when a car is being held up, that would alleviate this problem.

Thank you

Guest User

Location:

Submitted At: 5:39pm 11-15-21

Dear County of Maui Decision Makers,

As somebody who worked at the Summit for over six years, I drove Crater Road 4-5 days a week as my commute. I have witnessed extremely reckless behavior and unsafe actions from both tour guides and tour patrons. I have seen many, many guides riding their bike sideways and riding with no hands on the handlebars. In the first four years of commuting Crater Road, I have witnessed three people fall completely off their bike onto the road in front of me. I always gave them a lot of space, but this could have been fatal for them if somebody was driving fast or not paying attention. I have also witnessed people riding down with the "speed wobbles" as if they may crash at any time each day that I drove up. or down the mountain. Many people are not in shape and have likely not ridden a bike since they were children, based on my observations. There is not enough space nor sight-distance to safely have tours on Crater Road. There are no bike lanes or wide shoulders for the hairpin turns. It is unsafe. Restrictions will save injuries and lives. Residents are faced with unsafe driving conditions due to these tours, and the tours should be restricted.

We need to address long-term Maui bike safety by adding safe turnouts for cyclists or creating shoulders and more bike lanes. I support the restrictions.

Thank you for taking comments.
-A Makawao Resident

Guest User

Location:
Submitted At: 5:27pm 11-15-21

Yes I'm a visitor to Maui and I'm a big fan of Bike Maui. The ride down from the National Park was one of the greatest experiences I've had. The equipment was top of the line and the people running the Company were very informative and professional. There were other companies on the mountain with inferior equipment and I can definitely see that as a problem. The points that Monique made about turnouts and better signage are very valid. I'm looking forward to coming back to Maui and doing it again. I have recommended the same to many of my friends and family to take the Bike Maui Haleakala run. Please don't shut it down....Gary Coccoaro Sarasota, FL

Monique LeBlanc

Location:
Submitted At: 5:03pm 11-15-21

I oppose further restrictions on Bike Tours. Haleakala Sunrise Bike Tours are one of the top requested activities by our visitors. They contribute to Kula, Makawao, & Paia towns restaurant & small business locations. Also adding revenue & support for the State and the National Park system.

There are options we can try.

*Limit on the amount of companies permitted to operate.

*More traffic turn-outs.

*More "Share the road" signage.

We should not penalize the legitimate business. We need to find solutions for this popular visitor activity.

Guest User

Location:
Submitted At: 3:25pm 11-15-21

We love having the bike companies ! They help support all of us local businesses that are just trying to stay open during this COVID outbreak . They have brought us business and they are awesome people ! They are so important for us families trying to get by .

Guest User

Location:
Submitted At: 3:21pm 11-15-21

According to Maui Now: 440 speeding citations have been issued since the current enforcement program "Operation Speed Jam" began last week. Appears that we have some impatient drivers on Maui. Hmm?

Guest User

Location:
Submitted At: 3:18pm 11-15-21

I oppose the proposed restriction of the downhill bike industry. I have been working in the the bike tour industry for 5 years and customer service for 20 plus years. These bike companies bring income for our upcountry businesses and it would be a shame for these businesses to lose income or closure. As far as for safety on these roads, I have seen many of times where drivers would blast their horns at the bikers, driving very close to the bikers and flipping them off. We should share the road with respect and patience.

Guest User

Location:
Submitted At: 3:11pm 11-15-21

As residents of Maui county and owners of a small business that employs people here in Hawaii's tourism industry, we are opposed to GREAT-44.

Many tourism-based businesses are struggling to survive following the pandemic. Most were closed completely for a year. Our business lost all eight staff; we have rehired three. While we do not operate bike tours ourselves, the loss of income for our tourism-related business would be roughly equal to one of those three staff salaries.

The volume of bikers is already greatly reduced from its peak, having been cut drastically in 2007 when Haleakala National Park banned commercial bike tours from riding in the park. It was further reduced just a few years ago when the park greatly reduced the number of tour operators with permits to enter. These proposed county rules are just a poorly-disguised attempt to kill the industry once and for all.

Banning unguided bike tours completely is clearly evidence of that. Cutting guided tours to 10 riders per group when they operate 13 passenger vans means they will not be able to run at efficient capacity. The difference between a tour for 10 people and a tour for 12 people is the difference between a tour being profitable, and a tour barely breaking even. Limiting tours in the "management areas" to 6 per day for all companies combined? No company can operate a profitable business on one tour a day.

This proposed legislation is not about safety. It is about caving to a vocal group of residents who do not work in the visitor industry and who ERRONEOUSLY believe that they do not benefit from it. They don't realize that the reason our property taxes are so low on Maui is because of those people who are riding those bicycles. We've heard people complain that those visitors aren't paying taxes on their use of the road ... that is so not true. The vans used for these tours pay commercial rates for vehicle registration. And the guests riding the bikes have paid GET on the bike tour sale. And most significantly, they are paying 13.25% accommodations tax! The amount of TAT a visiting family pays for a four night stay at a high-end resort is greater than the amount that local residents pay for their vehicle registration fee for an entire year!

Let's be honest. Island residents complain about bike tours because they feel inconvenienced. In order to maintain safety they have to slow down to the speed limit or, God-forbid, UNDER the speed limit for a minute or two when they encounter a biker. They believe they have the right to drive our island roads at 15 miles per hour over the speed limit, and anything that gets in their way or slows them down should be banned. The solution to this habitual complaining is not GREAT-44. The solution is for local residents to appreciate the value we receive from these visitors who are contributing thousands of dollars to our local economy when they visit here for a week. Many of these residents who are complaining were once tourists here themselves who decided to move to Maui. They, of all people, should be willing to share the road.

These rules would result in dozens of jobs lost in bike tours, and would have a ripple effect to related businesses and even more unemployment.

Mahalo

Guest User

Location:

Submitted At: 3:02pm 11-15-21

This proposed ordinance is anti-small business and tourism.

The biking tour industry has been part of upcountry Maui for over 40 years. Riders get to enjoy parts of Maui that they would normally never visit. They shop at stores and eat at local restaurants. The people who work for the bike company's live in this community. This isn't some nameless corporation that take money from the island. These are our neighbors.

This ordinance says they want to make the tours safer. It doesn't address any safety issues. Dropping the number of tours doesn't make it safer. It seeks to limit the amount of people to the point that companies can't operate. It wants to give cars the ability to race down the mountain. The addition of extra guides and insurance requirement don't help make the ride safer just increase cost.

The county has spent hundreds of thousands on a study of the bike industry. They were told what to do back in 2010. It was to install pull out, bike lanes or even better yet slow traffic down with speed bumps. This improvement wouldn't just make the roads safer for tour groups but for all users. The county has spent millions make bike paths for Paia, Wailea and Lahaina. When it comes to the up-county roads they are suddenly absent. They want to make the island a better place for biking, just not upcountry. The problem with biking up county isn't a safety issue. The problem is a traffic issue. A biker going 20 mph isn't a problem, it's the car driving 45 mph in a 30mph zone.

Bike industry leaders have continued to make the tour safer and continue to show respect to our upcountry neighbors. We would be happy to work with the county to make solutions that work for everybody. If they would only work with tour operators not just trying to get rid of bike them.

Jeremy Hall
CEO/Owner
Bike Maui

Guest User

Location:
Submitted At: 3:01pm 11-15-21

Hello

I'm Chef at Pakamon Thai Foodtruck. Come to try Authentic Thai Food in Makawao. Call us 808-500-2311

Great Committee

Location:
Submitted At: 2:23pm 11-15-21

Testimonies received from Great Committee.

Guest User

Location:
Submitted At: 1:24pm 11-15-21

I am a frequent visitor to Maui. We always do the bike ride

Guest User

Location:
Submitted At: 1:04pm 11-15-21

Mankind's greatest issue is climate change. This proposal will effectively remove tourists from bicycles and put them back in cars if they plan to visit upcountry. What happened to Maui's commitment to resolution 14-128? How does this new proposal help meet Maui county's goals detailed in the 2030 Master Bike Plan? If this new proposal was actually about bike safety, why does it only limit tour companies abilities to operate? How about we actually address bike safety by adding safe turnouts for cyclists and more speed humps to discourage speeding?

Kai Duponte

Location:
Submitted At: 12:45pm 11-15-21

Please limit these tours. They take over the roads, keeping residents from getting to the activities that are crucial to our daily life. The tourists who participate in these block up already dangerous roads due to there being no bike lane. Some of them are not experienced bicyclists and some just think that they are entitled to the road. Either way, they remind us that leaders are putting the desires of people wanting to make a profit on tourism over the needs of residents who are just trying to live our lives. Most residents do not depend on tourism and should not have to suffer the consequences because of those making a profit from the industry. Mahalo for initiating this bill!

Guest User

Location:
Submitted At: 12:39pm 11-15-21

My name is Jan Roberson. I'm a 47 year Maui resident and 6 year Kula resident, and owner of Maui Stargazing, a sunset and stargazing tour company permitted for Haleakala National Park.

I see the problem with the bike tours as a fault of the state for failing to install bike lanes and turn outs along the routes.

I believe the popular bike tours generate tax revenues that should pay for the needed infrastructure to ensure the safety of the participants and mitigate the anger of residents commuting to work.

Let's be sensible and find a workable solution rather than harm the businesses in order to protect the cyclists.

Please don't act prematurely and end up harming our small businesses and overall economy.

Mahalo

Jan Roberson, MPA
Maui Stargazing LLC

Guest User

Location:

Submitted At: 12:31pm 11-15-21

Instead of hurting small businesses further than they have been already hurt, why doesn't the county take responsibility and make the roads safer by installing bike lanes. The majority of complaints from local residents is because the bikers are on the roadway, because there are no bike lanes. I think this is where the county takes responsibility not the small businesses.

Guest User

Location:

Submitted At: 11:54am 11-15-21

This is concerning the great 44 new regulation my name is Tim Hayes I have been riding bikes down Haleakala for 30 years we do as much as we can to get the traffic around as quickly as possible it is the main emphasis of my tours this is a wonderful Green tour I have raised a family I have put kids through school I've been able to make a decent living on Maui the amount of money that is spent in up country towns and restaurants from our clients has to be in the millions. These tours provide a way for visitors to experience Maui like they never have before the difference in temperature Haleakala summit different foliage and aromas coming down they would never experience this in a rental car. I have noticed since the pandemic that a lot of people on Maui are very uptight and are almost demanding that they be allowed to speed that is where the danger is. In the 30 years I've been leading back to her as I have never once been involved in an accident with the motor vehicle hitting any of our clients. To point blank pass this great 44 would ruin lots of people's lives I am open to negotiation but this bill as it stands is Draconian. Isn't tourism the number one industry on the islands why would you want to stop something that feeds so many families store owners and provides a living for a lot of people to me it's very sad. We are not here to ruin your day thank you very much Tim Hayes Haleakala echo tours

Guest User

Location:

Submitted At: 11:48am 11-15-21

Re: Public Testimony GREAT Committee-36, November 16, 2021.

Jeffrey C. Paisner
Sent from my iPhone

> On Nov 15, 2021, at 11:00 AM, John and Christel Blumer-Buell <blubu@hawaii.rr.com> wrote:

Guest User

Location:

Submitted At: 11:46am 11-15-21

Bike Tours

Committee,

I write to you with great concern over the current litigation concerning bike tours on Maui. As we return back to normal and attempt to regain our island economy we should take care to not hinder services that cater to our islands main industry of tourism. Often a highlight to vacationers, island bike tours allow great opportunities for our visitors to experience our island from outside of the confines of a car or bus. In these struggling times we should be standing behind the companies that create experiences and employ our local families. Let us consider the over all health and security of our local people and island economy .

Sincerely,
Molly Altaha

Guest User

Location:

Submitted At: 11:44am 11-15-21

GREAT-44 threatens our company and the life of the bike companies as it is written. Please let us help make

some changes!

Aloha Mayor Victorino, Council Chair Mike Molina and Maui County Council Members

Background Info

My name is Troy Tanga. I live on East Kuiaha Street in Haiku, with my wife Kelley and our children Ashley and Tyler. It has been my families blessing to be included as a part of the Maui community for the last 31 years and to still call it home today.

I came to Maui in 1989 with a dream of starting a small local business called Mountain Riders. I got married, attended Kings Cathedral, raised our kids who were born at Maui Memorial and attend the local schools upcountry.

Mahalo for the opportunity to testify today in support of Maui County working together with the licensed bike companies to enhance safety and help alleviate any litigation concerns.

Downhill bike tours have been a part of the Maui visitor scene for the last 40 years. The Haleakala tour is known worldwide and attracts visitors from all over.

Our company Mountain Riders has been operating as a licensed bike tour operator on Maui since 1992. We have our county license, a P.U.C number, \$3,000,000 in insurance and operate out of a commercial location 886 Hailiimaile Ave. Makawao. We are the longest serving bike company on Maui and a current stakeholder in the bike tour process. I am hoping to be a part of the Maui bike community until the good Lord calls me home.

The fact is GREAT-44 threatens our company and the life of the bike companies as it is written.

If this new proposal goes through, we would then be shut down, out of work, forced to layoff people and in serious financial trouble. We signed a 3-year lease with Maui Land and Pine, have equipment liabilities etc. and have committed to many other long-term obligations associated with the business. We believe there's a way to work with the community to make some changes as well as continue with the viability of our businesses.

Financial Contributions/Consequences

Hawaii residents own 98% of Maui in-destination experiences; the profits stay within the county in which they reside. Unlike some of the other visitor related businesses, which are national chains or global travel agencies. The visitor industry brought in over \$4.6 Billion for the state of Hawai'i and employed more than 50,000 workers in 2019.

Maui Bike Tours employ over 200 people directly with another 300-500 people associated with other businesses. Most of our employees are local with a large percentage being of Hawaiian heritage. The bike tour companies are responsible for a significant amount of local taxes.

Some Facts

Mountain Riders Bike tours decided years ago along with the Makawao Community Association to load up our bikes before the town and drive the bikers to Makawao to alleviate traffic. We work with Polli's Restaurant to park our vans and trailers and let our guests shop and dine in Makawao.

Our company has been mostly guided bike tours for the last 31 years. We currently only do sunrise tours on Sundays and Mondays. On the other days our tours operate after 8:00am heading up the mountain.

All Tours Average Daily biker count

Bike Maui 80-120

Mountain Riders 24-48

Maui Sunriders 28-42

Easy Riders 8

Maui Bombers 12

60% of the downhill traffic goes down to haiku, 40% to Paia

Daily Traffic down

2002-2007 riders per day 400, 2019 riders per day 220-240, 2021 riders per day 160-180 (on a busy day).

Accidents and rider traffic are down significantly from prior years

Proposed Changes and possible Solutions

Prohibiting Unguided

We agree the self-guided tours have gotten a little busier. Although the numbers are still at their lowest. However, banning them seems way too strict or archaic with far reaching implication (someone wanting to rent a bike in Lahaina for example etc).

We believe there can be more improvements on all the bike companies' behalf (spacing, timing of departures, better instructions. We also believe this a great time for the county to be working with the state and fed governments on roadway pullouts and passing zones

Issue Bike Tour Congestion

2. Six Tours Each Day – Eight Customers and two guides, between 9 am and 1 pm (4 hours), each company is allowed only one tour per two hours. These capacity settings equate to an individual Company conducting two times per day (provided their competitors have not booked the available open slots).

Possible solutions

Times could be moved back to 8-8:30,

Groups could travel 5 min apart or approx. 2 miles between each.

60 people is too small, 400 too large,

160 people per day from 8-4p is only 20 riders per hour

Fees to assist with roadway improvements

"The fact is GREAT-44 threatens the life of these companies as written".

The costs of running a legal business have skyrocketed. We do not believe this to be a viable model! The expenses of a lease, insurance, vehicle insurance, gas, employee payroll, medical etc. exceed the available revenue for each company at those numbers.

If it is your desire to put us out of business, please say so. Also, If that is going to be the case please give us enough time to make a change like 12 months. Some of us are financially committed need time

We also believe the proposed "ordinance changes" will have an opposite effect on safety. People will be unsupervised and begin to seek out "on their own" unsupervised alternatives not affiliated with a legally permitted bike tour company.

We believe we can accommodate the local population first and partner with them instead of opposing them We would like to see Maui facilitate uniting all bike enthusiast businesses to adhere to best practices. Build turnouts along the most popular routes etc.

The county and bike companies can work with the DOT's Bicycle and Pedestrian Planning Program <https://highways.hidot.hawaii.gov/stories/s/h4ss-c6xy>).and accommodate this demand. Their plan includes building separate bike paths away from the roads. Study and visit places like Amsterdam or Portland, Oregon, where bicycle riding has infrastructure support.

Thank you for your time and ear! Aloha and Mahalo

Sincerely

Troy Tanga

Proudly Associated with

These Fine Establishments

Mountain Riders Bike Tours

Highland Farms California

Cell: 808 283-7333

Email: troy.tanga@gmail.com

Guest User

Location:

Submitted At: 11:42am 11-15-21

GREAT-44 Bicycle Tour Comments

I would like the following language added to this ordinance:

"No bike tour may use county or state public parking for their customers, employees, tour vans or trailers.

Applications must include the physical address of employee and customer parking and the number of parking

stalls available for these uses"

Thank you for addressing this very important topic. Bike tours need stringent regulation and limits because they are using public resources for their personal and business gains. Furthermore, they appear to be very unsafe as Maui does not have resources to accommodate this type of activity (wide roads, bike lanes, multiple lanes, passing lanes).

A business "good for the economy" should not put stress on public resources or living beings. Residents should not have to file complaints. I have personally complained about bike tours using Paia beach and public parking for their customers in lieu of providing their own parking.

Thank you,
Marcy and Dan Martin
Paia

Guest User

Location:
Submitted At: 11:41am 11-15-21

This ordinance is anti small business. Its over reaching and its not regulation but trying to make it impossible to operate.

Guest User

Location:
Submitted At: 11:37am 11-15-21

Baldwin Avenue as a bike path.

Aloha.

I have live in Paia for 44 years in the same place. I have traveled Baldwin Avenue a lot. Every time I encounter a bicycle rider I don't feel safe for me or the rider. Currently the road is to narrow and curvy to safely support bicycles and cars. Any given moment on a curve, the road having to support two cars and maybe two bicycles clearly show the road is to small. Even two cars and a bicycle is too narrow. Until this safety issue is cleared up, bicycle riders should be band from using these narrow roads for all bicycle activity. Having these bicycles on this road is just to dangerous.

Mahalo for your time.

David Farrington
76 Hana Highway
Paia

Guest User

Location:
Submitted At: 11:34am 11-15-21

Regulating Bike Tours

Thank you for allowing testimony on this matter. My name is Guillem Molinas and I live in the Paia-Haiku area. My daughter attends Kalama Intermediate and I drive this area every day.

Personally, I do not believe bike tours, guided or unguided, have a place on the roads. These bikes are not registered and do not contribute taxes to the maintenance of the roadways. There is no space on these roads for bikes and vehicles to coexist. In my experience, bicyclists must be able to pedal a minimum speed of, for example, 20 mph, in order to act as a vehicle on the roadway. The tourists, whether guided or unguided, are slow and inhibit the flow of traffic on the roads.

The unguided tours are more dangerous - one time, a woman lost control of her bike in the gulch area of Makawao Avenue, and fell over on her bike. I was driving slowly and was able to stop in time, but this is really dangerous. The bikers are ill-equipped to be on the roadway. In my experience you must have a license and understand the rules of driving to be on the roadway. With these tours, there are no rules or expectations. The

tour companies collect their fees and accept anyone. Further, the helmets that are used block the peripheral vision of the rider. On a motorcycle, the mirrors allow you to see what is happening on either side and behind you. For these bicyclists, they can only see what is directly in front of them unless they turn their head to look to the side. This is so dangerous.

I am really opposed to bike tours and support any regulation that will result in safer roadways.

Regards,
Guillem

Guest User

Location:

Submitted At: 11:33am 11-15-21

Bike Tours - Govt Relations, Ethics & Transparency Committee - 11/16/21

Aloha County Council members;

Mahalo for allowing written testimony on the subject of regulating bike tours. My name is Nicole Hokoana and I am submitting personal testimony. I live in the Paia-Haiku area and work off Baldwin Avenue. I have attending child at Kalama Intermediate, and therefore, drive the Baldwin Avenue -Haliimaile - Haleakala route; and the Kokomo -Makawao Avenue route frequently.

I would really like to see more regulation of the bike tour businesses. Aside from the nuisance caused by the bike tours, my real concern is for the safety of the riders. From what I have observed, the unguided tours, especially, are unsafe. The proposed rules would seem to address the concerns that I have, so I will comment on how these rules will impact the safety of the business as I see it.

Proposed Rules:

- Prohibiting unguided commercial bicycle tours. This is really important. I see family units, including children about 8-10 years+, uncertain of where they are headed and separated by traffic. It is so dangerous. One day, as I drove along Haliimaile, from Baldwin Ave to Haleakala Hwy, I observed a family of 3 navigating the gulch area that has no shoulder or space and is dangerous due to speeding and potential to cross the centerline. A mother was in the front, her 10 year old in the middle, and dad was much farther back. They were separated; luckily I saw dad on the shoulder early on, so I proceeded slowly, then saw the son, and finally, after navigating around the son who was peddling downward in the gulch area, I spotted mom at the top of the hill where she was waiting for son and dad to catch up with her (where the road begins to flatten out - by the neighborhood). There was no car behind me, so I rolled down my window and I scolded her. I told her that the road is unsafe and that I would NEVER allow my kids to bicycle on this road. She remarked that this is where the tour company said to come. I barked a response, shook my head and moved on. Crazy recommendation from the tour company in my opinion. I have also seen people lost on Kokomo Road, uncertain about whether to continue towards Kaupakalua Road or turn left on Kokomo. Unguided tours leave the tourists to fend for themselves in an unknown place that can be difficult to bike if you are out of shape; they are at increased risk due to the conditions of the roads that were not intended to accommodate bikers, let alone inexperienced bikers.
- Tours may only operate between 9:00 a.m. and 1:00 p.m. Yes please. Parents are always rushing to get their kids to school on time. There are school buses, traffic, and people are easily frustrated. Limiting tour times reduces the conflict that can occur between tour companies, tourists and residents.
- Tour companies may only operate one guided bicycle tour per two hours in the community plan areas. I agree with this.
- Only six tour companies are allowed to operate in the community plan areas. More regulation so that it is not a free-for-all is smarter, and will likely result in increased compliance by the limited tour companies that secure the permit to operate.

Mahalo for allowing this testimony. My number is 808-269-8653 if more information or testimony in support of regulation is needed.

Nicole Hokoana

Guest User

Location:

Submitted At: 11:29am 11-15-21

Upcountry bike tours

Aloha,

As a homeowner and resident in Haiku for 37 years I strongly oppose all bike tours on our roads. I have seen the excessive increase in traffic on our dangerous roads with no shoulder. Coming down from Makawao and on Kokomo to Haiku is particularly unsafe for both the bike riders and drivers.

Many bike riders appear to be inexperienced with no guide. And there are too many of them. I am sick of tourists everywhere in our neighborhoods. Too much already.

Thank you.

Shiela Kawaiaea

Guest User

Location:

Submitted At: 11:27am 11-15-21

Bicycle Tours

Just wanted to let you know that I'm on board for the upcoming proposed changes to the biking industry. As you may or may not know, I already am in compliance with most of the changes already. The only thing I am not in compliance with is that I do offer my clients unguided tours as well as guided. The unguided makes up about 25% of my bookings and I only offer the unguided as a business decision to remain competitive with the larger companies. I'd much rather eliminate unguided all together. Also, I personally guide each tour myself, ensuring the safety of my clients as well as being as courteous as possible to the local traffic. Our tours also include lunch at Makawao Garden Cafe. Yes, we do things differently. Hope to have you join us sometime!!

Thanks!

Matthew Domenichini

Guest User

Location:

Submitted At: 11:05am 11-15-21

Bill Great 44

Aloha I am Antoinette Bantilan and live on Kokomo Road. The bikers come down Kokomo Road daily. Recently, I have not seen much bike riders.

They don't bother me.

Thank you,

Antoinette Bantilan

Guest User

Location:

Submitted At: 3:22am 11-15-21

Oppose this change

Guest User

Location:

Submitted At: 11:47pm 11-14-21

As a citizen of the upcountry community, I am well aware of the bike tours, and as someone who drives these roads daily as well as someone who has had the opportunity to participate in the down hill bike tour, I feel compelled to share a few thoughts on this ordinance. From my first hand experience, I have to say I absolutely oppose this ordinance.

You are considering passing an ordinance that will undoubtedly make some very drastic changes to how the bike

tours will operate moving forward. Most of these changes will seemingly make it impossible for these local businesses to thrive, potentially leaving many residents of this community out of work. I might venture a guess to say that most of the people who are deciding the fate of these local companies have never been on these bike tours before or maybe even ridden a bike on these county roads before.

I have been on the bike tours a couple times and often recommend it to visiting friends and family. I know a few people that work for these tours as well. I live in Haiku and drive between home and Makawao regularly, and so I've used the roads while others have been biking down. I think that gives me a unique perspective and more experienced opinion on the matter.

Biking down the mountain gives the chance to see this beautiful island, that we all love, in the most glorious light. I know that people have some concerns of the safety of the bikers, however I have never felt like I was in any danger. I've only done the unguided bike tour, but felt the company has always done everything in their power to prepare us for the ride. They were very thorough in their safety briefings, and they did not let us go until they knew I was ready. They also included instructions on how to be courteous to the drivers on the road. When I've done it, I noticed that they stayed on the mountain until the riders were safely on their way. Without a question they put safety as their top priority. To be honest the only time that I felt unsure or unsafe was when dealing with impatient drivers that often speed on these roads.

If you really want to ensure the safety of riders then let's get real here. Safety lies in all users of the road. Drivers on the road come up behind bikers and don't want to wait the 30 seconds or less to pass the bikers safely, because realistically that is all it would take, 30 – 60 seconds. I know because I drive these roads. Passing the self-guided is sometimes easier cause they are in smaller groups, so it really doesn't take that long until they give you an opportunity to pass. But I've watched other drivers on the road behave in such reckless fashion that it is appalling. Honking at bikers, startling them, speeding past them closely, and passing on a blind curve in the road with oncoming traffic. Again all it takes is a little patience. Maybe my perspective is different being that I've experienced that as a biker too. But what's the rush? Have we really lost the art of patience? What happened to that Aloha that we were once so proud to share?

I actually had a close friend that was walking and got hit by a speeding vehicle on the same route these bikers come down. There really is a problem with safety on the road, but being completely honest, the bike tours seem to be the only ones obeying the laws! So, do we start to regulate residents on these rural roads? These bikers have every right to enjoy the road and our beautiful community too. It really is a fun and enjoyable experience, and a safe one. So, instead of potentially destroying more businesses and the livelihood of many, maybe we should get to the root of the problem and make the roads safer. Better road ways, enforce traffic laws, crack down on reckless drivers. Consider a solution that might actually make the roads safer for everyone. So yeah, I oppose this ordinance.

Thank you,

Kathleen Haiku

Russell Reinertson

Location:

Submitted At: 11:05pm 11-14-21

To: Mike Molina and the Government Relations and Ethics Committee

Re: GREAT 44 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS

As a multi-decade Resident and recreational bicyclist of Upcountry, and with many years of experience working in the Occupational Safety & Health field, and as a professional bicycle tour guide, I feel uniquely qualified to comment on this proposed ordinance. Upon even the most cursory reading, it is quite obvious that the authors are using "Safety" as the cover for a tyrannical attempt to shut down a booming industry which is supporting local families as we struggle to recover from the pandemic shutdown.

First, I'd like to speak to the concerns that the bike tours create a safety hazard. I feel that they are being made a scapegoat for the general trend of reckless driving we are seeing on Maui's roads. For nearly 25 years, I have

been riding bicycles Upcountry, both for fun and for a job. It used to be the tourists that drove like donkeys, but now it's the local residents too. Every single driver I see is trying to do 40-50mph on roads marked 30mph. A local rider was recently killed in Ulupalukua, by a young local resident who was reportedly driving recklessly. Sadly, I knew both the victim and the driver. Two local families are now devastated by dangerous driving. Almost immediately, social media comments blamed the bike tours, calling for their shutdown, even though the rider was just a local guy out for a ride, and had nothing to do with the tours.

This last week, the Maui Police Department conducted a crackdown on speeding and dangerous driving. While it may slow us down for a week, next week everyone will be racing everywhere again. This trend is even acknowledged in County Communication 21-453 Exhibit B, where it says "Operating guided tours on Baldwin Avenue, Olinda Road, Hanamu Road, and Haleakala Highway 377 poses an increased risk of traffic/miscellaneous accidents due to impatient drivers who frequent the area." It isn't the tours creating the risk, it's the impatient drivers.

Another paragraph says: "Bicycle tour companies who allow guided tours often don't use good judgement and causes a line of cars (5-8 vehicles) to build up behind them forming a slow moving line. This eventually becomes a safety hazard and impatient drivers will attempt to pass at a moment's notice. This type of behavior creates reckless driving and road rage type incidents." Again, it is the impatient drivers creating the problem. As a long-time tour guide, I can assure you that we make every attempt to let the following traffic pass when it is safe to do so. I'm not going to pull my group over to the side and send traffic if we're rolling into a blind turn. I'll wait until I reach a safe straightaway, with good sightlines for the drivers, and a decent shoulder for the riders. Unfortunately, that sometimes doesn't come soon enough for those impatient and reckless drivers speeding down the mountain well above the posted speed limits. The local community has been asking for additional pullouts to be created for decades. Funds were collected by taxing the bike tours, but none were created. If the politicians and powers that be truly cared about the people of Maui, they would have built some a long time ago.

The truth is the bike tour industry is a hollow shell of what it once was. When I began leading tours more than two decades ago, there would be 35-40 bike tour vans at the summit every day for sunrise. Now there is only handful. Many long-time businesses are no longer operating, and none at the scale they used to. But still they consider us the problem...

The proposed legislation referenced in Correspondence from Corporation Council 10-29-21 makes no attempt to address the true problem of reckless driving. Instead, it seeks to effectively close down bicycle tours, without regard to the true effects it will have on the community. Elements of the proposed ordinance, such as excessive reporting requirements, to criminalization of administrative offenses, and offloading County liability for providing safe roadways to the tour companies, sound more like punitive actions than something to address safety.

Furthermore, the overly broad definitions allow this misguided legislation to be applied to group rides conducted by local nonprofits, such as the Maui Bicycling League, and even a small business who may rent out bikes to a couple by the day or week.

Also, eliminating the self-guided bike tours would be a huge mistake for a destination that bills itself as a place for outdoors-loving people. Kula, Makawao, and Paia are all designated Country Town Business Districts. Part of the definition of a B-CT country town business district is that it has limited parking. Why would you want to discourage bicycle traffic when there is already inadequate infrastructure for motorized vehicles? How about taking some of those funds that were never used to build pull-outs, and use them to build bike racks in Makawao, Paia, and Kula? Safe parking can help encourage bicycle travel, which is a reasonable, safe, and healthy alternative to motorized vehicles. Do you really want Maui to be known as Anti-Bicycle?

One of the biggest issues I have with this legislation is the impact it will have on the many local families that are supported by the bike tour industry. First you have the employees and their families. Working as a tour guide, I can pay my mortgage. My children have a home to live in, food to eat, and clothes to wear. We are not living on the street or collecting public support. My taxes are being paid. The money I earn is being spent in the community, at the grocery store, dining, schooling for my children such as martial arts, piano, and gymnastics, and more. Go to Makawao on a weekday morning.... Sit in front of the Rodeo General Store for an hour and look around you. You will see long-time businesses such as Komoda Bakery, as well as new businesses such as Ohana Island Grinds and Espresso Mafia. Many of those businesses are busy because of the bike tours. It's not the locals shopping in those clothing and knick-knack stores.....it's the 200 people a week I bring into town just on my tour alone. Once the bike tours pass through, the town becomes quiet again. Close down the bike tours, and those local businesses, owned and staffed by local families, not mainland corporations, will also shutter.

At a time when we are all struggling to rise out of the difficulties of the pandemic shutdown, and get those financial lifelines flowing again, why would you want to shutter a vibrant sector of the Upcountry economy? Are you truly a friend and advocate of the Upcountry Residents if you support this ordinance? Or do you prefer to see us all stuck on those government handouts? How will it help the community if the company I work for is drowning

under excessive fees and costs, government overreach, and restricted income due to group limits, and are unable to pay me a living wage? Is it truly making Maui better? Are You?

Mahalo,
Russell Reinertson

Guest User

Location:
Submitted At: 8:05pm 11-14-21

Aloha Committee Members,

I strongly oppose. I understand the safety concerns that exist due to the biking industry. I feel as if many of the public concerns should be addressed appropriately. I have seen the community come back to life due to the return of the tourism industry. This decision is a drastic measure that would shut down a business that has provided for many families. This extends to tax revenue, increased park visits, restaurant, and store visits. I know that we can come up with more constructive solutions.

Thank you,
Ethan

Guest User

Location:
Submitted At: 5:30pm 11-14-21

Aloha Committee Members,

My name is Matthew, I am a Baldwin High School Alumni and grew up on the south side of Maui. Firstly, I oppose this ordinance change because I believe the bike companies provide employment opportunities and needed revenue to support the Maui economy. Many of these businesses are locally owned and have been running their tours legally and responsibly down Haleakala for 30 years and have remained respectful of the surrounding communities, abided by laws of the road and been conscientious of traffic patterns. They make a point to pull over when needed and do their best to cater to the residents of these areas. Many of the employees conducting the tours are local Maui residents who have lived on island their entire lives and know the roads like the back of their hand and therefore know how to best navigate them. My biggest issue with these ordinance changes is that they would further put pressure on struggling local businesses that have already had to implement many changes due to COVID safety protocols during the pandemic. There is a big push to support locally owned businesses and help them succeed, these changes would do the complete opposite for many of these companies.

As mentioned in other comments, there also seems to be a prevelant issue with tours being conducted illegally that aren't being addressed and enforced under the current ordinance. The individuals running these tours are not only blatantly breaking the law and putting Maui residents and visitors in danger by being on the road, but also putting the responsible businesses at risk and giving them a bad reputation. By first enforcing the current ordinance to combat these operations there will be less of these illegal tours on the roads and I am certain that this issue would greatly resolve.

Thank you,
Matthew

Guest User

Location:
Submitted At: 4:51pm 11-14-21

Thank you for the opportunity to respond to the proposed amendments to the County Ordinance. At the very least it appears that any change to the existing ordinance is premature. The existing ordinance does not allow for unlicensed and permitted tours to operate. Living in Upper Kula I am aware that there are numerous tours that are operating illegally. For many on the road I am certain they are unaware of who is a permitted operator and who is not. It is my suggestion that the County first proceed by enforcing the ordinance as written.

In the event the ordinance is put in place I do not see that it will make any difference to the illegal operations on the road as they are already operating illegally and do so with impunity because of the lack of enforcement. existing ordinance. It is my opinion that the ordinance serves as an improper restraint restraint on legally

operating businesses.

Guest User

Location:

Submitted At: 4:12pm 11-14-21

My name is Ashley, born and raised in Upcountry Maui, I am emailing my written testimony in support of the Maui bike businesses, for a majority of my life I lived in Upcountry Maui where I went to high school at Seabury Hall. I have family and friends who live all across the Upcountry area whose livelihood depends on their employment with the bike tour companies. I myself have driven the Kula, Makawao and Haiku roads for 24 years of my life and have never had a negative experience with the bike companies, their employees or the riders. I personally have seen the positive impact these companies have had on their Maui community, donating money and resources to local organizations over the years.

These companies are locally owned and provide much needed employment opportunities, not to mention they have brought an astounding amount of revenue and tax money that benefits the state of Hawaii and county of Maui for decades. The proposed "ordinance changes" would have a significant negative impact on these companies, leading some to fully close their doors, leaving many employees without work and no way to provide for their families. These companies have already had to significantly change their operations and business models to abide by and uphold COVID protocols and have done everything possible to keep their customers, employees and community safe. Putting this burden on these companies could have a catastrophic impact on the surrounding communities by resulting in layoffs and a huge decrease in revenue from this sector of the tourism industry. Many families are already suffering as a result of rising cost of living and the stress that the pandemic has put on everyone, this decision will directly impact many, crippling these employers, employees and their families financially. I ask that you rethink this change and listen to these business owners, employees and others in support of the bike tour businesses.

Best Regards

James Boote

Location:

Submitted At: 3:44pm 11-14-21

Thank you for the opportunity to testify. My name is James Boote. I am the owner and operator of West Maui Cycles, a family-owned business that has served the west Maui community for over 27 years. We sell, service and rent bicycles to Maui residents and to our island visitors.

We do not provide guided or supported unguided tours of any kind.

As a matter of good business, we follow the following practices.

- Maintain and service all our rental bikes for function and safety before and after every rental.
- Provide safety equipment including helmets.
- Purchase and hold a comprehensive liability insurance policy annually
- Already have in our rules and liability contract that no riders are allowed on the Volcano downhill route, listed by name and route number, and that riding down the volcano is not recommended by West Maui Cycles.
- Require all riders to read and sign our rules and liability contract at time of pick up.

During the pandemic West Maui Cycles and other neighborhood bicycle shops remained open as an essential service to the community repairing bicycles for those who rely on them for their primary transportation. We remain dedicated to serving the local community's bicycle needs for both transportation and recreation. Services that we would no longer be able to provide without the income stream from our bicycle rentals.

As a struggling small local business, this ordinance will add financial burden and hurt our ability to remain open.

I ask that this ordinance be rewritten to not include our local neighborhood bike shops and their bike rental services.

I also ask that our local bike shops not be genuinely grouped-in with bicycle tour companies that do not offer or provide the same type of services as we do.

Thank you for your time.

marcy martin

Location:

Submitted At: 3:02pm 11-14-21

I would like the following language added to this ordinance:

"No bike tour may use county or state public parking for their customers, employees, tour vans or trailers.

Applications must include the physical address of employee and customer parking and the number of parking stalls available for these uses"

Thank you for addressing this very important topic. Bike tours need stringent regulation and limits because they are using public resources for their personal and business gains. Furthermore, they appear to be very unsafe as Maui does not have resources to accommodate this type of activity (wide roads, bike lanes, multiple lanes, passing lanes).

A business "good for the economy" should not put stress on public resources or living beings. Residents should not have to file complaints. I have personally complained about bike tours using Paia beach and public parking for their customers in lieu of providing their own parking.

Thank you,
Marcy and Dan Martin
Paia

Jacqueline Ambrose

Location:

Submitted At: 2:46pm 11-14-21

The narrow upcountry roads are not designed to accommodate bicycle tourists. The location of the bicycle shop next to Makawao Pharmacy is not good either, they take up parking stalls meant for the pharmacy customers. Going downhill on Baldwin Avenue cyclists take the whole road causing traffic to back up. As additional housing developments are being constructed in the area & traffic increases it will become more problematical & dangerous.

Guest User

Location:

Submitted At: 2:24pm 11-14-21

November 16, 2021 Meeting

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

Aloha Chair Mike Molina and Vice-Chair Keani Rawlins-Fernandez & Committee Members;

Thank you for the opportunity to comment. My name is Toni Marie Davis. It's been my honor to collectively market & lobby on behalf of the State's in-destination experiences for the past 24 years. Hawaii residents own 98% of Hawaii's in-destination experiences; the profits stay within the county in which they reside. Unlike some of the other visitor-related businesses, which are national chains or global.

Collectively, our industry brought in over \$4.6 Billion in revenue for Hawai'i and employed over 50,000 workers in 2019. Tourism is a gift to any community when appropriately managed. Focus on balanced use of public resources between patrons and non-patrons of commercial tours is imperative. Additionally, commercial tours enhance the ability to control use. Supervised tours allow the opportunity to site & enforce rules of conduct, share culture, and sets a stage for environmental consciousness.

Bicycle Tour businesses are members of our organization, and GREAT-44 threatens the life of these companies as written. The friction between residents (Kula) and the bike tour companies is nothing new. This opportunity has been studied since 1995 by Maui Police, Corporate Council, Kimura International, Inc, National Park, etc....

Always with the same approach to stifle the legally permitted companies.

1. Prohibiting Unguided tours- Providing rental bikes to visitors and residents is a service provided by a much larger scope of businesses. In essence, this ordinance will prohibit "permitted guided bike tour" companies from conducting these "tours". The ability for "Joe Public" to own, lease, rent a bike and ride on our public roadways is a Federal right. There is a demand that is not going away – we need to accommodate this experience as safely as possible and make changes and improvements that reduce friction with the community.

2. No more than six Tours Companies operate each Day – Eight Customers and two guides, between 9 am and 1 pm (4 hours), each company is allowed only one tour per two hours. These capacity settings equate to an individual Company conducting two times per day (provided their competitors have not booked the available open slots) with a total of 16 guests a day.

The proposed "ordinance changes" will refocus the current demand to seek out "on your own" unsupervised alternatives not affiliated with a legally permitted bike tour company. Reducing supply will not reduce demand. If there are fewer "guided" options more will be opting for the "unguided".

A3H recommends:

- instead of stifling this sector, accommodate and partner with them.
- Eliminate scofflaws (those operating now without being permitted).
- Facilitate uniting all bike enthusiast businesses to adhere to best practices.
- Build turnouts along the most popular routes.
- Work with the DOT's Bicycle and Pedestrian Planning Program (<https://highways.hidot.hawaii.gov/stories/s/h4ss-c6xy>) to improve and accommodate this demand. Their plan includes building separate bike paths away from the roads.
- Study and visit places like Amsterdam or Portland, Oregon, where bicycle riding has infrastructure support.

Maui is among the top-rated bike destination in the world. Why not embrace this honor by providing the proper infrastructure.

Hawaii's economy has suffered more than any other state in the U.S. due to Covid-19 due to our evident dependence on Tourism. Our government and community should be welcoming COVID-Free visitors back and assist these "barely-holding on" businesses as much as possible. Despite arguments to diversify our economy, there is no other export industry more lucrative and supportive of our land, people, and sense of place than Tourism if managed.

Mahalo again for this opportunity to provide comment,
Toni Marie Davis/Executive Director
Toni@A3H.org
808-264-0000

Guest User

Location:
Submitted At: 12:47pm 11-14-21

Aloha.

I have live in Paia for 44 years in the same place. I have traveled Baldwin Avenue a lot. Every time I encounter a bicycle rider I don't feel safe for me or the rider. Currently the road is to narrow and curvy to safely support bicycles and cars. Any given moment on a curve, the road having to support two cars and maybe two bicycles clearly show the road is to small. Even two cars and a bicycle is too narrow. Until this safety issue is cleared up, bicycle riders should be band from using these narrow roads for all bicycle activity. Having these bicycles on this road is just to dangerous.

Mahalo for your time.

David Farrington
76 Hana Highway
Paia

Guest User

Location:

Submitted At: 11:13am 11-14-21

Aloha County Council members;

Mahalo for allowing written testimony on the subject of regulating bike tours. My name is Nicole Hokoana and I am submitting personal testimony. I live in the Paia-Haiku area and work off Baldwin Avenue. I have attending child at Kalama Intermediate, and therefore, drive the Baldwin Avenue -Haliimaile - Haleakala route; and the Kokomo -Makawao Avenue route frequently.

I would really like to see more regulation of the bike tour businesses. Aside from the nuisance caused by the bike tours, my real concern is for the safety of the riders. From what I have observed, the unguided tours, especially, are unsafe. The proposed rules would seem to address the concerns that I have, so I will comment on how these rules will impact the safety of the business as I see it.

Proposed Rules:

Prohibiting unguided commercial bicycle tours.

-This is really important. I see family units, including children about 8-10 years+, uncertain of where they are headed and separated by traffic. It is so dangerous. One day, as I drove along Haliimaile, from Baldwin Ave to Haleakala Hwy, I observed a family of 3 navigating the gulch area that has no shoulder or space and is dangerous due to speeding and potential to cross the centerline. A mother was in the front, her 10 year old in the middle, and dad was much farther back. They were separated; luckily I saw dad on the shoulder early on, so I proceeded slowly, then saw the son, and finally, after navigating around the son who was peddling downward in the gulch area, I spotted mom at the top of the hill where she was waiting for son and dad to catch up with her (where the road begins to flatten out - by the neighborhood). There was no car behind me, so I rolled down my window and I spoke to her. I told her that the road is unsafe and that I would NEVER allow my kids to bicycle on this road. She remarked that this is where the tour company said to come. I barked a response, shook my head and moved on. Crazy recommendation from the tour company in my opinion. I have also seen people lost on Kokomo Road, uncertain about whether to continue towards Kaupakalua Road or turn left on Kokomo. Unguided tours leave the tourists to fend for themselves in an unknown place that can be difficult to bike if you are out of shape; they are at increased risk due to the conditions of the roads that were not intended to accommodate bikers, let alone inexperienced bikers.

Tours may only operate between 9:00 a.m. and 1:00 p.m.

-Yes please. Parents are always rushing to get their kids to school on time. There are school buses, traffic, and people are easily frustrated. Limiting tour times reduces the conflict that can occur between tour companies, tourists and residents.

Tour companies may only operate one guided bicycle tour per two hours in the community plan areas.

-I agree with this.

Only six tour companies are allowed to operate in the community plan areas.

-More regulation so that it is not a free-for-all is smarter, and will likely result in increased compliance by the limited tour companies that secure the permit to operate.

Mahalo for allowing this testimony in support of regulation of especially unguided tours.

Nicole Hokoana

Guest User

Location:

Submitted At: 11:04am 11-14-21

Aloha Council members, I OPPOSE this bill in its entirety! When I first heard the Kula Community Assoc. was having a meeting and one of their topics of conversation was the downhill bicycle tours, I tuned in to that meeting. I found out that they had a draft of a bill to submit to the council. In the draft there were numerous items that showed they do not know anything about the industries inner workings. But I was very interested to get involved to help facilitate meaningful dialog, however the bike tour industry was not contacted. As a result of the Kula meeting I reached out to Council Member Molina, again offering to work with them to facilitate a better understanding. On Monday November 8th his office sent me an invitation to have a virtual meeting for Nov.10th

with him and his staff. At this time they also sent me a new draft calling it GREAT-44, the original intent of this meeting from my side was to talk story with Mike so he could have a better understanding of the industry. However once we had time to digest the new Draft GREAT-44, it became clear there was no longer an intent from Mr. Molina to work with us.

He is intent on shutting down the industry. An example of this, is a rule that calls for a 2hr window between guided groups, only operating from 9am to 1pm, which is absolutely written to put us out of business. In 2010 the council commissioned Kimura International to conduct a study. Part of their findings was that time and space was an important factor to ease traffic concerns. They recommended that 5 minutes between groups would have a 2 mile space and 10 minutes would create a 5 mile gap. This would work for the companies and not put anyone out of business. The other big takeaway from the study was to put in pullouts along the route, creating safe area's for the guided and self guided groups to pull over giving ample room for vehicular traffic to pass safely. This study was published in 2010. The county has not implemented any thing since to enhance safety along the route. Maui County will receive monies soon from the federal government for improvement of our Island's infrastructure. Maybe now is the time place this into the upcoming budget! Calling for an outright ban of self guided riders is unacceptable! The county has no hard data to support this position. Only that the Kula Association calls bike riders a "nuisance". We have always been willing to sit with community leaders and or government officials to address safety concerns, however this new draft of a bill is not about safety. But it is about getting name recognition for a council member up for election who may have aspirations of moving up a floor in the county building. I OPPOSE THIS BILL!

Phil Feliciano

Owner of Cruiser Phil's Volcano Riders

1998-2018

Director of Operations,

Bike Maui 2018-Present

Guest User

Location:

Submitted At: 2:17am 11-14-21

Aloha and thank you for the opportunity to voice my concerns over GREAT-44 which seeks to regulate and restrict the Haleakala Bike Tour business which has been around for 40 years. I OPPOSE this bill and ordinance.

I testify with two points of view. As a manager of one of the bike tour companies but also as a concerned long-time resident of Upcountry Maui.

I work for Haleakala Bike Company (HBC) dba Bike Maui. HBC gave me my first job after returning home to Maui from college. I've had the pleasure of working for this company for now 16 years, starting as tour guide, learning to be a bike mechanic, becoming proficient in the office workings and becoming a manager in this company I was able to gain a well-rounded understanding of the bike tour industry and its operations. My experience as a worker and leader in the industry as well as a resident of Upcountry has me very concerned over the details of GREAT-44.

My biggest concern with the ordinance lies in the fact that it has been constructed without a great understanding of the industry, it's operations, and its current state.

No one from the county nor any community association has asked for a conversation with the industry leaders or the hardworking employees whose jobs are threatened by this ordinance. No one has asked the experts in biking, touring, and driving Haleakala for their input. Here are a few things that should have been considered had there been an effort to appropriately examine this industry:

First, the number of bikers and bike tours have been drastically reduced since it's peek in the mid 2000's, when concerns over the activity started. In 2005 Haleakala National Park limited companies to just 2 vehicles for Sunrise, an 80% reduction for some companies. In 2007 bike tours were suspended from the Park resulting in a 50% reduction in participants. In 2018 Haleakala National Park reduced access to the park to only 4 companies, down from 17. Only ONE of those companies were known as a bike tour operator. This resulted in 3 companies eventually shutting its doors. Cruiser Phil's, Bike-it Maui, and Maui's largest downhill tour company Maui Downhill. And most recently the covid-19 pandemic, the shutdown of local businesses, the deterrent of tourists,

and the restriction of operations all led to even less participants overall. If the 2010 Kimura Bike Safety Study was used as a resource to determine the traffic and safety impacts of the tours, some of that date may be outdated irrelevant.

Second, there is no data that suggests one type of tour is better, safer, or less impeding than the other. Banning Self-guided (unguided) bike tours has no basis in fact or reason. There are pros and cons to both guided and self-guided, which is why Haleakala Bike Company offers both. For example, Self-guided participants come down at the riders own comfortable pace, and often come down in much smaller groups, making it easier for vehicles pass. If they are found riding "in the middle of the road" it is because the roadway is often the safest place for these licensed vehicles to travel. With a little patience, the bikers are advised to let traffic go by when safe to do so.

Third, regarding vehicle traffic and safety, this is an area that we hope to address with local residents. Bikers travel an average of 20-25mph down Haleakala. Posted speed limit along this route rarely goes over 30mph. I've heard arguments that the conditions are unsafe because drivers get impatient and pass when it's not safe to do so. I'm sorry, that is not a biker problem. In that scenario the bikers are adhering to law and the vehicle the danger. Speeding and aggressive driving should be addressed for the safety of everyone on the road. Average speed of vehicles coming down Haleakala exceeds the speed limit in every area. We do not intend to impede traffic at all, however if all parties follow posted speed limits and display a bit of patience you will find it much bearable and the situation much safer.

Fourth, the bike industry has long been willing to work with the county and community on the concerns. I am a member of this community having grown up in Haiku, lived in Kula, and started my family in Makawao, I am very well aware of the bike tours and their use of the roadway. But having worked for one of those tours, I know that we have taken great strides and made countless efforts to address the concerns of the community. Things like mandatory stops and pull offs, later launch times, and specific instructions to guests to not only be aware of local traffic but have respect for the local communities as they enjoy their adventure. We've offered our rides for free to any interested parties, kamaaina, or officials that wish to see how we operate. In addition to what we already do, the industry has also expressed interest in working with the county to build pull-outs that we would gladly use, a recommendation given in the 2010 Kimura bike study, which was conducted when the industry was at least twice the size it is now and those that conducted the study deemed the ride relatively safe after experiencing it for themselves.

Fifth, our customers are the communities' customers. The positive influence on our guests goes beyond just the bike experience. Not only do the bike tours offer an opportunity to diversify tourism and bring visitors to rural Maui, but when they visit they spend! Both the self-guided and guided bikers will often stop and eat at Kula Lodge. They will grab some fruit from the local fruit stands along the route. They grab some donuts on a stick at Komodas, and even take a browse around the shops in Makawao, Paia, and Haiku. As part of our interpretive services, we share so much about the local history and culture, and invite them to experience it for themselves, and to support these communities.

Sixth, our valued team members are local residents too. They have voices, they have input. Though the issue is brought up by residents, it affects the residents in our business as well. We are not big companies, we don't have lobbyist or support groups, we just have our families. I have a family of 6, my kids have all gone to Haiku School. I'm a King Kekaulike graduate. I'm just one of hundreds who not only rely on this job to support their families but have grown to appreciate their career in the industry. These are small, locally own and operated businesses, that are now threatened by this ordinance. These businesses and families have gone through a lot recently with their work being eliminate, suspended, or restricted due to the Covid-19 pandemic and resulting shutdown and restrictions. Do we really want to put more local workers out of a job?

This ordinance wants to present solutions to a perceived problem, however it fails to do so. The basis and reasoning behind it is flawed and the information and resources that back it incomplete or one-sided. The above discussed items are just a few of many that need to be considered before allowing a destructive bill like this to be passed. I could go on and on about what is missed by just observing from afar rather than understanding it first hand. We had hoped that the conversation with the affected parties would take place before it was written, but here we are testifying as to why it shouldn't pass, pleading not to take away something that is good for local business, but essential to many local families.

For these reasons I strongly oppose GREAT-44 and recommend everyone should. These concerns can be addressed and discussed without drastically affecting small business and their hard-working local employees.

Mahalo,
Lewis Upfold
COO – Haleakala Bike Company
Haiku Resident

Guest User

Location:
Submitted At: 12:46pm 11-13-21

Some simple questions: how many vehicle vs. vehicle collisions have occurred as a result of mspeeddists avoiding bikers? How many vehicle accidents have occurred because of speed? Why are there 6 speed bumps on Hanamu? How many motorists observe posted speed limits? How are bike activities the problem?

Guest User

Location:
Submitted At: 11:11am 11-13-21

Aloha Honorable Councilmembers,

I am writing to let you know that I oppose GREAT - 44 for many reasons. I am a hard working single dad and this proposed ordinance will eliminate my career and my ability to provide for my family as well as hundreds of other residents who rely upon this long established Maui visitor industry activity to survive.

As a former graduate and current advisory board member for UHMC's Hospitality and Tourism (HOST) program, I am strongly opposed to this ordinance as it is clearly ANTI-TOURISM. It is so sad to see all of the hard work which UHMC puts into promoting tourism as a viable career choice via the HOST program only to have the County Council propose such an ANTI-TOURISM ordinance. This sends a strong message to high school students, and others, contemplating attending UHMC that Maui County is not tourism friendly and that it might not be a good career choice going forward.

This proposed ordinance is clearly not about Safety, but rather about trying to appease a small but very vocal group of Kula residents, aka the Kula Community Association. If safety were actually a priority, then Mr. Molina would be introducing an ordinance which would help prevent the huge number of visitor drownings which occur every year in Maui waters. Look at the data! Bicycle deaths on Maui are extremely low compared to drownings and motor vehicle accidents.

And speaking of motor vehicles. Let's look realistically, if anyone does that anymore, at what the root cause is which compels Kula residents to complain about the bikers. Bikers ride at or below the speed limit averaging between 20-30 mph. The fastest posted speed limit along their route is 30 mph. If drivers actually drove the speed limit, there would not be an issue, correct? The reality is that the vast majority of Upcountry drivers speed and get really frustrated when they are forced to drive within the posted speed limit for a few minutes until the bikers can safely pull over and let them by. The comprehensive Bike Tour Study published in 2010 stated this multiple times, yet it seems as if Mr. Molina would rather turn a blind eye to reality and instead propose an ordinance that doesn't address the root cause, impatient drivers who speed. What's even more concerning is the fact that Mr. Molina did not even consult with the bike industry leaders before drafting and proposing this ordinance. Shocking, but true!

The Haleakala Downhill Bike Industry provides careers to literally hundreds of residents on Maui, most whom are themselves Upcountry locals. Now let's consider the ripple-effect of such an ordinance. Jobs will be lost from so many other businesses as well. How will this impact Destination Management Companies who book these tours for their corporate groups coming to Maui? How will this impact the local Activity Sellers who rely upon the bike tours for a substantial portion of their income? How will this impact the local Concierges who also rely upon the bike tours for a substantial portion of their income and commissions? How will this impact the local small businesses in Kula, Makawao, Pa'ia, and Haiku which the bikers help to support? If this ordinance is passed, will there be a compensation fund set up for those whose careers were stripped away from them by the County of Maui, similar to HC&S workers? This proposed ordinance is clearly ANTI-SMALL BUSINESS!

The negative impacts from this proposed ordinance are long reaching and it is my opinion that they should be carefully considered before making any decisions.

Mahalo for your time and consideration!

Guest User

Location:

Submitted At: 11:07am 11-13-21

Aloha, Government Relations, Ethics and Transparency Committee

First I want to say that this would be disappointing thousands of tourist that come to Maui to watch the sunrise over Haleakala. There many of families that depend on the bike companies to provide for their family. I have been behind the bikers many times and they are very aware of the cars behind them and pull over the first chance that a safe place comes up to do so. From what is have witnessed is the cars coming down the mountain are more bothered by the fact that they have to slow down and do the speed limit for the short time till they pull over. The drivers of the cars are the problem not the bikers. This is AMERICA land of the FREE. The bikers and the bike companies have the right to be doing what they are doing. We live on this beautiful Island and we rely on our tourist to provide for our families. This would displace workers and their family's and hundreds of children domed to live on the beach like so many of our local families are living today. I strongly oppose this. I believe that is nothing but a political stunt by Mike Molina to win the votes in upcountry when he runs for Mayor for the county of Maui. The Sunrise Bike tours are the most popular attraction on Maui literally thousands of people come to this Island to do the Sunrise Bike Tour. PLEASE SAVE RESIDENT'S JOBS...NOT DESTROY THEM!!!

My Name is John I have live on our Island for forty two years and back in the early 80's when the bike tours started with Bob they use to come in the restraint I worked in to have brunch at Dillon's where I was a waiter and they were so excited about the bike ride. The exactment has only gotten stronger. The deportment for the tourist would have a very negative view on our council members. And the effect on the family's would be devastating. We have a hard time supporting our family's as it is. DON'T DO THIS TO THE PEOPLE

Cecilia Ortiz

Location:

Submitted At: 10:38am 11-13-21

Please do not shut down the Maui bicycle industry. It is a visitor favorite and brings needed tourism dollars to upcountry businesses and families.

At this time we should be expanding businesses and opportunities for tourism not limiting them.

Please do not allow the interests of a minority of individuals (drivers inconvenienced by bicyclists) decimate an industry that has served visitors and local businesses for over 40 years.

Please oppose the restriction/elimination of Haleakala bicycle tours.

Thank You.

Cecilia Ortiz

Haiku resident

Guest User

Location:

Submitted At: 10:31am 11-13-21

As an owner and founder of Haleakala Bike Company, it comes as no surprise to hear I oppose this proposed ordinance. It is wrong in so many ways. It is anti small business, and anti tourist. Downhill biking today on Maui is less than a third of it was, it is not proliferating. In these months of trying to survive Covid 19, we have lost two bike companies. This ordinance was published to owners just last week by Council Molina's office just last Monday, the eighth of November with absolutely no input from the industry. Input from other stakeholders such as Kula Community Association was ignored. GREAT-44 is not about regulating a forty year old industry (Read it), it is about banning and eliminating. Nobody business can survive under this ordinance. I understand the traffic problem we have when multiple user try to use a public thoroughfare at the same time. Eliminating one user because they are a nuisance and not addressing problems created by other user, such as impatient speeding law breakers with no enforcement of speeding laws. 2010 Maui Bike study revealed that drivers coming down 377 average 8-15 miles an hour over speed limit. Mr Kimura whom conducted study stated that downhill bikers were not unsafe, if they follow the rules. Study also revealed a BLOS evaluation of bike routes 378, 377, Kealoha, Hanamu road, and Olinda were safe roads for bikers. I have spent half my life on Maui, I am now approaching my 80th birthday. One might argue this is not about me, its about the forty plus families that are employed by our company and the many other employed by friendly competitors.

Guest User

Location:

Submitted At: 8:28am 11-13-21

hello my name is Marlon and I work for one of the bike company I have been working in this industry for the bike since 2006 and I have provided for my family for years because of this industry. in my opinion this is safest bike ride in maui. we follow all the safety measures to make sure our rider are safe and the community too. this bike ride down haleakala is been here for 30 years. I don't understand why is the need take it away now after 30 years we have been following the rules for year. so please as a family that I have to take care and provide. do not take my job away. by limiting the amount of riders. is less work for many employees that work with the bike company . so again I'm begging all all you that will be making this decision. this of all the family that will not have work to provide for their families. Mahalo for the opportunity to express my self.

Guest User

Location:

Submitted At: 5:08pm 11-12-21

I support this Agenda Item.GREAT-44 CC 21-453 BICYCLE-TOUR PUBLIC SAFETY AND RELATED LITIGATION CONCERNS (GREAT-44). Driving from Makawao to Paia the cyclists ride in the middle of the road causing traffic jams which could also result in road rage. The back road to Kula (past Kula Lodge) is the same. These roads are nor designed to handle the volume of cyclists here now, they should stick to the main designated bike routes.

Guest User

Location:

Submitted At: 3:52pm 11-12-21

Oppose the Great 44

I oppose the Great 44. Haleakala Bike Company was one of the first local businesses to take a chance on my small Maui marketing company (when they could have used a mainland company). If it weren't for them, I would have had great difficulty growing my business and surviving. Currently, Hawaii Web Group serves over 60 Maui clients and has helped hundreds of local businesses over the last 14+ years. My family largely depends on income from services to their bike company in order to survive.

Mahalo!

Chris Norberg
Project Manager
(808) 283-3446
Hawaii Web Group

Hawaii Influencers

Guest User

Location:

Submitted At: 3:46pm 11-12-21

Help out our Bike Companies

Aloha,

The most popular tour is biking down the volcano on sunrise. We are reaching out to support our Bike companies on the island. As a concierge at the Four Seasons, I believe this is one of the most sought after activities on the island. We really hope you consider and continue to support our bike companies.

Mahalo Nui Loa,
Ella

Guest User

Location:

Submitted At: 1:29pm 11-12-21

Aloha Government Relations, Ethics and Transparency Committee,

My name is Rici Guild and have lived on Crater Rd. in Kula for over 20 years. I am in full support of Committee Chair Michael Molina's proposal for the proposed changes to the bicycle tours.

I am not completely against the guided tours as much as I am against the unguided ones, but as it is now, living with the bike tours are a nightmare. They pose a threat to the safety of everyone who has to drive on our roads. We have had countless accidents occur in front of house and have had to call the first responders on many occasions. One example is when a 14 yr. old girl who was with her family, (unguided) hit our mail box at 6:30 in the morning. Our mail box post is made of Keawe and so it did not budge (although the mailbox did). The girl and our mailbox flew 15' forward into the middle of the road. Fortunately there were no cars coming in the opposite direction but we did have to call the ambulance and she was taken to the hospital. Another example which has occurred many times to me is a biker falling from the bike lane into the road in front of me while I was driving, causing me to swerve into on coming traffic. These are just two of many incidents that have happened to me and my family, but anyone who lives Upcountry will say things like these have also happened to them.

I would also like to suggest that it be mandatory that all rental bikes be equipped with rear view mirrors. Many of the accidents are caused because of the biker turning around to look behind them for cars or other bikers and then losing control of the bike and crashing, resulting in injuries.

Again, I can not stress enough how frustrating it is to live with the down hill bikers. There are too many groups, too many in a group, too many people who are unfamiliar with bicycle and road safety, and not enough road for everyone to be safe. There has to be more regulation for the well being of the Upcountry residents and the bikers.

Mahalo for the opportunity to submit my testimony,

Sincerely,
Rici Guild
Crater Rd.
PH: 808-280-5789

Guest User

Location:

Submitted At: 1:16pm 11-12-21

Bike Tours

I'm writing in support of bike tours on Maui. I've worked for the bike industry for over 10 years.

I have been on the Mountain as a driver, we have always dropped traffic to the local people and school students as soon as we get them behind us.

It is to my best interest that the traffic & safety is very important to me in doing my job.

I do understand that we need to utilize the bike lane as much as possible, which to my best interest we do.

I also enjoy taking guest down Haleakala, they always say "It's once in a life time!"

We should be able to continue to bring guest down the mountain, "Turning their dreams into lifelong memories."

Mahalo,
Nanette Mendoza

Guest User

Location:

Submitted At: 1:06pm 11-12-21

GREAT-44

Hello! I would like to oppose this ordinance. I am a store owner in Makawao and have witnessed the great benefit these tours have for our local businesses. I also worked for Maui Sunriders 36 years ago and know what a wonderful fun activity this is for our visitors! Please don't take this away!!! Thank- you, Jennie Spenser, owner of Collections in Makawao.

Jennie Spenser

Guest User

Location:

Submitted At: 1:05pm 11-12-21

Bike riding dangers in Kahakuloa

in makes it hard enough to drive on the road with 2 vehicles in oncoming traffic. So adding in the bikers does cause possible dangers and the already narrow roads with no guard rails or steep cliffs and near edges of the mountain. There is also no areas for safe passing for cars to pass these bikers. The very windy roads also causes the bikers to ride close to the median of the road because of the way they ride around these turns can cause a life threatening situation. How are you supposed to even see these bikers if they are right around a limited sited turn and you are driving around and could collide. There has been a fatality on the Kahekili Hwy once it was foggy from the clouds and a woman completely missed the turn and she rode off the cliff and died. This was mainly caused because of speed and no road markings.

I hope that there can be warning signs out or some kind of biking permit and info about the dangers of riding bike on these types of roads.

Bikers and car drivers should both share the road bikers should ride on the side and be conscious of the drivers and let them pass so it is more safe on the roads.

--

Jimmsie Stisher

Guest User

Location:

Submitted At: 1:01pm 11-12-21

Great-44

Aloha Great Committee,

I am writing to oppose the proposed restrictions of the downhill bike industry on Maui. The Haleakala bike experience is unlike any other in the Hawaiian Islands, and perhaps the entire world. I have talked to many visitors in my previous work experience as an activity salesman and as a former employee of one of the local bike companies. Some of the the comments have been about how one of the reasons for coming to Maui, as opposed to the other islands, is the one activity that the others cannot match: the Haleakala downhill bike experience. I have been on some of the other islands bike tours and there is just no comparison with ours. Maui is blessed to have such a powerful visitor draw.

Having some knowledge of the costs of running these businesses I am positive that the proposed restrictions will price the cost of a tour right out of the visitor market. Insurance, fuel costs, employee costs, National Park fees, activity broker commissions...all of these have been rising and are expected to escalate in the coming months.

Having previously worked in the industry I know the the bike industry has made a good-faith effort to improve their relationship with the local communities. Please reconsider these onerous restrictions.

Dean Whitney
5 Huina Place
Kula, HI 96790

1-808-283-0742
deanwhitney7@icloud.com

Guest User

Location:
Submitted At: 1:00pm 11-12-21

Opposition to Great-44

Aloha Great-44 Committee,

I hope this email finds you well. By way of introduction, my name is Brie Shimada and I'm the Regional Sales Manager with PRA Hawaii. We partner with amazing companies like Bike Maui who create unforgettable guests experiences for our corporate clients. They've been a huge draw for tourism for decades and it would be heartbreaking and detrimental for our community to have their operations affected by the ordinance Great-44.

I'm emailing you to oppose this ordinance and share with you why they are such incredible partners. The experience they offer brings visitors and locals adventure and their company shares the best that Maui has to offer.

Thank you so much for your time and consideration!

Warmest aloha,
Brie

Brie Shimada
Regional Sales Manager
Brie.Shimada@pra.com
D +1 808.909.2596

Guest User

Location:
Submitted At: 12:52pm 11-12-21

Testimony re bike companies

Aloha,
I am writing on the proposed Great-44 .

I have been in business over 38 years in Kihei as a concierge service issuing tickets for bikes, luaus snorkel trips etc.

One of the main attractions that we have sold all these many years has been our bike trips down from Haleakala. Its one of the 1st questions we get ask about when speaking to guest about their activities on the Island of Maui. I would say its at least 35% of our sales . We work on commission and The bike companies pay us 25% . So with that money I employ 5 concierges and pay my rent at Sugar Beach resort where we rent commercial space.

So without the bikes we will lose money and would not be able afford to continue to pay all our employees . I would have to lay off at least one or two employees.

Not to mention the bike companies employ a lot of people and outside vendors.

This is one of Maui's biggest attractions not to have this available is not sharing a very special family fun activity

Please allow the bike companies to run they are good stewards of the land and provide a great Maui Experience.

Mahalo for your time

Aloha & Mahalo
Elaine Cuaresma
Owner/Maui Sights & Treasures
www.mauivalue.com
879-6260

Guest User

Location:
Submitted At: 12:49pm 11-12-21

Bicycle tours

Dear Members:

I am avid cyclist here on Maui for decades. I would suggest limiting the downhill tours to fit between the rush hours and school bus times. This may help with the frustrations of all. I support Mr Molina's recommendations regarding the proposed changes to the Maui County Code.

Separately I would not want limits on non-commercial recreational and commuter Bicycling. In fact, encouraging these and working to make the roads safer would be desirable.

Sincerely,
Gerald P Durkan MD

Guest User

Location:
Submitted At: 12:39pm 11-12-21

Aloha Committee Members,

My family and I lived on Crater Rd. for many years. Everyone would pass by our house daily going up and down the mountain. We would hear the people coming down the mountain on their bikes, enjoying themselves. We hear the big construction trucks squeaking their way up the mountain, the road mowers, buses, or the lifted vehicles whose engine sounds spill over our sound barriers. Upcountry is full of sounds and activities that give life to the area. People who testify that noise pollution is impacting Kula's way of life do not live near the road. Noise is part of life.

The road itself is interesting and is always full of activities that you need to be aware of. Are we going to start banning those things too? Depending on the season there are photographers out shooting Jacaradana, the road mowing crews, and the ranch hands going back and forth from properties on their ranch equipment. There are visitors pulling over to enjoy the views and of course, bikers going up and down the mountain. With all this activity already we need to take care at all times. There are always going to be bikes on the road and we need to make it safer for them which includes a lot of residents. I have biked down (and partly up). I have seen the recommendations from the bike study plan from years ago. The community and the county did nothing to help support that activity, make the road safer, and yet show little work towards a solution on the ground. Very little action was taken by the county but the companies themselves have been doing more to help keep their people safe and reduce impacts on the communities. They have done a great job in the last number of years. That should be recognized for doing better, yet this ordinance punishes that effort. Let's foster innovation instead of fostering an ill-conceived "ban". (Make no mistake, that is what this essentially is.)

We need to make biking on Maui safer for everyone, not limit what any one group is allowed to do on our public roads. They have a right to it as much as we do.

We talk about injuries and other issues from these activities. There are calculated risks to everything and the tour companies do a really good job in making sure they don't deal with unnecessary risks either. Forcing more insurance coverage on them does nothing. Any claims that are coming up, are covered by the amount of insurance they are required to hold already. This extra burden ensures that no new, small company can start this or any sort of similar activity. They simply won't be able to get that level of insurance without operating history. That alone will create a pseudo-ban and I believe the writers of this ordinance knew it. That is wrong.

Some of these things are a definite inconvenience but there are rarely any real delays or impacts to anyone's day. If you have to wait a minute coming down the hill or pulling out of your driveway to allow someone to get out of

your way, then you need to be ok with that. This lack of patience is felt throughout the island and banning an activity does not solve the issue.

What this ordinance will do is create a bike rental industry with bike racks that will be put on rental cars. Residents, seeing the opportunity will set up a service that does just that outside of the regulation proposed. (Exactly like we see with Turo for rental cars, loopholes in short-term rentals, people renting tenting gear or RVs for camping). We already see it happening with residents who supply visitors with equipment with no instructions, no safety gear, no proper maintenance checks, and no nearby support. This is not what we want. We need professionals to run things and be able to do it at the scale needed to service the demand. Companies always care about their guests but this ordinance is trying to do its best to force guests to go out on their own. The exact opposite of what is intended.

Make no mistake, this ordinance as written is a virtual ban. The targeting of insurance amounts, group sizes, and timing, will make sure our "bike down the volcano" experience is stopped. Whoever designed and wrote this knew exactly how to hurt a company and push their profitability to almost nothing so that they could not offer the experience at all. Residents must remember that tour guides and tour operations are the solutions, not the problem. These locally-owned and managed companies are spending more money in the local economy than most others. They care about our communities.

We need to have multiple ways to experience Haleakala National Park and educate our visitors through controlled settings. Removing one of those options (sightseeing-bike combo) that put people on buses and into controlled groups for at least part of their experience on Maui is not helpful overall. What this ordinance will do is it will force visitors to do more things on their own, making the impacts worse, not better.

This ordinance needs to be rejected or re-written properly with input from the industry at large. The participation numbers, operating times, and restrictions stated here are targeted so specifically and directly that it's obvious this is about grudge and not about making our lives better or making the roads or communities safer.

Daniel Logtenberg

17375 Haleakala Hwy
Kula, HI 96790

Guest User

Location:

Submitted At: 7:16pm 11-11-21

Aloha Great Committee,

I am writing to oppose the proposed restrictions of the downhill bike industry on Maui. The Haleakala bike experience is unlike any other in the Hawaiian Islands, and perhaps the entire world. I have talked to many visitors in my previous work experience as an activity salesman and as a former employee of one of the local bike companies. Some of the the comments have been about how one of the reasons for coming to Maui, as opposed to the other islands, is the one activity that the others cannot match: the Haleakala downhill bike experience. I have been on some of the other islands bike tours and there is just no comparison with ours. Maui is blessed to have such a powerful visitor draw.

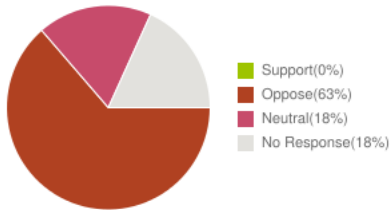
Having some knowledge of the costs of running these businesses I am positive that the proposed restrictions will price the cost of a tour right out of the visitor market. Insurance, fuel costs, employee costs, National Park fees, activity broker commissions...all of these have been rising and are expected to escalate in the coming months.

Having previously worked in the industry I know the the bike industry has made a good-faith effort to improve their relationship with the local communities. Please reconsider these onerous restrictions.

Dean Whitney
5 Huina Place
Kula, HI 96790
1-808-283-0742

Agenda Item: eComments for GREAT-42 CC 21-413 AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42)

Overall Sentiment



Guest User

Location:

Submitted At: 1:34pm 11-16-21

Council of the County of Maui

GOVERNMENT RELATIONS, ETHICS, AND TRANSPARENCY COMMITTEE

Public Meeting Tuesday November 16, 2021

Re: Opposition to AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS (GREAT-42).

Dear Councilmembers and Mayor Victorino,

The Medical-Legal Partnership (MLP) represents patients at community health centers with their legal needs and also engages in systemic advocacy in partnership with the health centers and client communities. The majority of our clients and community partners are Pacific Islander immigrants. The MLP has worked with clients and engaged in community education and advocacy work on Maui, including work with health centers and community-based Micronesian organizations.

It has come to our attention that the Government Relations, Ethics, and Transparency Committee of the County Council of Maui will be deliberating on Tuesday, November 12, on a bill that would authorize the Mayor of Maui County to enter into a special agreement with ICE Homeland Security Investigations (ICE HSI).

First, we oppose the above-proposed measure as it stands because of the limited information provided at this time. The Memorandum of Understanding (MOU – ICE Form 73-002) states, "HSI agrees to Designate certain employees of Maui Police Department as Customs Officers (Excepted), without additional compensation, to perform the duties as noted on the 'Designation, Customs Officer (Excepted) - Title 19 Task Force Officer' (ICE Form 73-001). This form is attached and is hereby made part of this MOU." However, this ICE Form 73-001 was not attached as promised nor was it made publically available in a way that we could find. As a result, we oppose this measure without transparent, detailed public information on what the program would actually entail.

In particular, the proposed bill raises the following questions:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the Council have a plan for oversight, accountability and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research

shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.

- Will Maui taxpayer's money be used to carry out federal ICE duties?

Second, we oppose the above-proposed measure as it stands, because we are concerned with the chilling effects of local law enforcement collaboration with ICE departments on immigrant communities, which already face barriers to seeking protections from law enforcement—from language access to fear. For example, at the MLP we have seen examples of immigrant domestic violence (DV) victims and other crime victims choosing not to go to police because of fear. This also impacts U.S. citizens living in mixed-status households and immigrants are all statuses, documented or otherwise.

We believe there is another pathway to accomplish public safety goals without eroding trust between the MPD and the immigrant community. Thank you for this opportunity to submit testimony opposing the above bill.

Dina Shek

Legal Director, Medical-Legal Partnership for Children in Hawai'i

Guest User

Location:

Submitted At: 12:28pm 11-16-21

Re Item 42: Please ask Mr. Martin or the authors of the proposed ICE agreement what amount of funding the County stands to gain from this agreement, and why the local MPD officers aren't paid more for this collateral duty. Then please consider whether that amount of support justifies giving MPD officers collateral duty for the federal ICE HSI agency without extra pay. MPD must then carry out orders based on their ICE HSI training that could impact their foreign-born relatives, neighbors and friends. Mr. Martin offered testimony clarifying that MPD officers would not be deputized under the ICE/HSI agreement to enforce violations of individual immigration status matters. Immigrant rights advocates following this understand that. However, we also know--both from first hand experience and studies/reports from other cities where this type of HSI-local law enforcement agreement has been implemented - that there are unintended negative consequences for foreign-born residents.

Guest User

Location:

Submitted At: 8:59am 11-16-21

Date: November 16, 2021

Re: GREAT 42 – AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE US IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

Dear Chair Molina and Committee Members, Aloha and Good Morning!

I am in opposition to the agreement with ICE, for several reasons.

1. It will delete the trust the community has develop with Maui Police over the years.
2. ICE is a federal agency and it should be treated like a federal agency separate from a community police.
3. It will give Maui Police Officers another task, that they didn't sign up for it. Will this include additional pay?
4. It violates human rights all across the spectrum and there will be law suits against Maui County, who will pay for this?
5. ICE lacks training and is constanly profiling all those that look like from a similar culture.
6. Definitely a negative perspective for Maui overall.

Thank you for allowing me to provide a few words to you, if is in any help, I am always available for additional testimony and also let me mention that for over 2 years, I provided an aculturation class to Maui Police Department and was able to train at the time all the 340 Maui Police Officers.

Cesar Gaxiola

Executive Director
J. Walter Cameron Center
Wailuku, HI 96793
(808) 244-5546 Office
(808) 298-8428 Mobile

Guest User

Location:
Submitted At: 8:43am 11-16-21

Michael Molina, Chair
Maui County Council
Government Relations, Ethics and Transparency Committee
200 South High Street, 8th Floor
Wailuku, HI 96793

Date: November 16, 2021

Re: GREAT 42 – AUTHORIZING THE MAYOR TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE US IMMIGRATION AND CUSTOMS ENFORCEMENT HOMELAND SECURITY INVESTIGATIONS

Dear Chair Molina:

I have been a licensed attorney since 2013 and am currently the principal in a firm that provides representation in all types of immigration and nationality cases. Prior to this, I was the Director of the Immigrant Services Division for the County of Maui. My practice is exclusively immigration related and I have appeared before all the applicable agencies in this field including the Immigration Court (EOIR/ US DOJ); the Board of Immigration Appeals; the Department of Homeland Security (“DHS”) (USCIS and USICE) and the United States Court of Appeals for the Ninth Circuit. I have testified as an expert in the second circuit as well as providing in-service training and immigration law training to numerous agencies and non-profits including the Family Court Bar of the HSBA, the Maui County Public Defender’s Office, the Hawaii State Judiciary and the Maui County Council. I am the Vice-Chair of the Hawaii Chapter of the American Immigration Lawyers Association and I sit on the Board of Directors of the Hawaii Affiliate of the American Civil Liberties Union, although I do not speak on their behalf today.

I stand in opposition to the proposed IGA between ICE and the Maui Police Department, at least until the following issues are addressed and until there is a concrete plan for oversight, transparency and accountability. There is a history of agreements between local law enforcement and ICE during the last decade or so, most notably the 287G type agreements in which, like the agreement proposed here, local law enforcement are “deputized” by ICE and perform some or many of their enforcement actions. Because of this history, there has been time to access and document some of the effects of these agreements and here are some of the findings (Sources include the American Immigration Council, The Migration Policy Institute and the Brookings Institute)

1. Erosion of trust and threat to community safety:

In Hawaii, close to 20% of the population are “immigrants (foreign born) with close to 60,000 families (although actual data is difficult to produce accurately) in “mixed status” families in which one or more people may be undocumented.

Perhaps the most important collateral effect of these agreements is that if a person is a victim, or even a witness to a crime, they may not call the police for help or to report if they think the police officer, or might be, a deputized ICE officer.

Trust between local police and the immigrant community is already hard won and fragile. Many of us have worked hard over the past decades to build that trust through the Domestic Violence Task Force, outreach and community building efforts and that trust can easily be eroded and destroyed.

In 2005, the International Association of Chiefs of Police (IACP), the nations premier law enforcement association stated:

Local Police agencies depend on the cooperation of immigrants, legal and otherwise, in solving all sorts of crimes and in the maintenance of public order. Without assurances that they will not be subject to an immigration investigation and possible deportation, many immigrants with critical information would not come forward, even when heinous crimes are committed against them or their families.

In 2019, the Major Cities Chiefs Association (MCCA), a group of police chiefs from the largest police forces in the US and Canada found that “Without assurances that contact with the police would not result in purely civil

immigration enforcement action, the hard-won trust communication and cooperation from the immigrant community would disappear.

2. These agreements can lead to constitutional violations and violations of individual civil rights:

Department of Justice investigations of two different County Sheriff's Offices in Arizona and North Carolina with 287G agreements, similar to this one, revealed widespread constitutional violations including racial profiling, illegal stops and other civil rights violations. (Source: American Immigration Council)

3. These agreements can lead to arrests of individuals without criminal histories

These agreements have a collateral effect of leading to the targeting and arrest of individuals who have no criminal history for nothing other than status offense. Each one of these arrests represents trauma to a family and the community.

A study by the UNC Chapel Hill revealed that 57% of arrests stemming from a 287G agreement in Gaston County were of individuals with no criminal conviction and many of those resulted in deportations which effectively splintered and destroyed families. (Source: Migration Policy Institute)

4. These agreements can be expensive for localities

The Maricopa County Program that was shut down, referenced in Number 2 above created a \$1.3-million-dollar deficit. Harris County Texas: \$675,000. Mecklenburg County North Carolina: \$5.3 million. Alamance County: \$4.8 million. Prince William County: \$6.4 million.

(Source: Brookings Institution)

5. ICE does not provide sufficient guidance, direction, supervision or support:

A Government Accountability Office report from January of 2021 found that there were insufficient performance goals to measure success and concluded that there was no effective oversight for these types of programs as a result. The report also found that there was no standard to determine compliance with the MOU.

I have reviewed the proposed MOU that is before the council and these are the specific questions that I have about it:

A. Are these agreements legal or do they violate the anti-commandeering clause of the 10th amendment?

B. What safeguards are there that "deputized" MPD officers will not ask suspects, victims and witnesses questions about their place of birth, status or social security numbers?

C. This may have a negative impact on community policing as victims and witnesses in immigrant communities will be less likely to report crimes if they know the MPD officer is, or may be, a deputized ICE officer. What assurances and safeguard are there for the immigrant community that they will be safe and not targeted?

D. Does the council have a plan for oversight, accountability and transparency?

E. Can we see ICE Form 73-001 (Its not available online)? What duties will be assigned to designated MPD officers who are "deputized?"

F. The language of the MOU mentions "Abuse of HSI cross designation" What would that look like and what is the reporting and accountability plan to ensure that such abuses do not occur?

G. Item #3 if the MOU says that deputized officers can "enforce the full range of Federal Offenses" but that HSI is "not conveying the authority to enforce administrative violations of immigration law." These statements seem contradictory.

H. Do the rights and duties of this MOU extend to other branches of ICE, like ERO, or are they limited to HSI?

I. Do other Counties in the State have these agreements? If not, why not?

Thank you for allowing me to provide testimony. I am available as a resource, either individually to the council members or to the body as a whole, if that would be helpful.

s:/Kevin Block
November 16, 2021

Thomas FitzGerald

Location:
Submitted At: 6:18pm 11-15-21

Dear Councilmembers Mayor Victorino:

As the Government Relations, Ethics, and Transparency Committee of the County Council of Maui deliberates this proposal on Tuesday, November 12, to authorize the Mayor of Maui County to enter into a special agreement with ICE Homeland Security Investigations (ICE), I hope you will consider these comments.

I serve as pastor to people in my faith who reside on Maui. I am also a member of the NY State Bar and have accompanied and supported those seeking asylum in Immigration Court who reside on Maui. On these and other occasions, I have had the chance to hear directly from members of our community about their fears as they navigate the federal asylum and migration process, which is difficult and fraught with terrible trauma, expense, and pain already for so many. On behalf of those whose lives this will directly impact and on behalf of those I serve as pastor, I ask that you pause authorization of this measure until the public has had sufficient opportunity to learn about it and to provide input.

There are many questions raised by this measure. In particular, what will be the scope of discretion MPD officers will be permitted to exercise? How will MPD discretion and authority be monitored and by whom? Will Maui taxpayers be funding these efforts?

Perhaps more pressing than any of these is the idea that Maui peace officers will take on the role of inquiring and perhaps examining the immigration status of Maui residents. Over and over, throughout every jurisdiction that starts permitting local officers to inquire into these matters, non-citizen residents report feeling scared or worried to call police when they are the victims of domestic violence, fraud, sexual assault, and a range of other crimes that non-citizen residents, as more vulnerable members of our community, experience in real and painful ways. Let us not take this step lightly, removing yet another layer of dignity and real safety for some of the most vulnerable among us.

I have faith in the ingenuity and compassion of our lawmakers. I know there are ways to meet the safety needs of all of our residents without taking this step. I humbly ask you to postpone this agenda item to allow for more community input and to share answers to these questions in the many beautiful languages spoken and understood by all in our community.

Submitted with love and aloha,
Rev. T. J. FitzGerald
First Unitarian Church of Honolulu
minister@unitariansofhi.org

Amy Agbayani

Location:
Submitted At: 5:40pm 11-15-21

Oppose and Comments from Amy Agbayani, co-chair Hawai'i Friends of Civil Rights

At this time in Hawai'i and the nation, there is an increase in anti-immigrant, anti Asian and Pacific Islanders, as well as ICE and local police. Has there been any recent incidents or problems that require this bill? Is there any urgency to approve this bill/MOU at this time? I have not had the opportunity to check if the other county police officers have such an agreement or are proposing one. We respectfully request you to defer/postpone approving this request for an MOU between local law enforcement and Homeland Security Investigations (HSI) of ICE (Immigrations & Customs Enforcement).

I am in touch with immigrant community advocacy groups who are concerned about possible racial profiling, lack of language access and other additional questions

Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
Does the Council have a plan for oversight, accountability and transparency?
Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
Will Maui taxpayer's money be used to carry out federal ICE duties?
Are there other alternatives to accomplish public safety goals that increases trust and compliance between MPD and the immigrant communities?

Great Committee

Location:
Submitted At: 2:25pm 11-15-21

Testimony received from Great Committee.

Debbie Cabebe

Location:
Submitted At: 1:43pm 11-15-21

Maui Economic Opportunity urges further vetting of the measure. See attached pdf for complete testimony.

ANGELA DEAN

Location:
Submitted At: 9:09am 11-15-21

Dear Mayor Victorino, Council Members: Mike Molina, Kelly Takaya King, Keani Rawlins-Fernandez, Shane Senenci, and Tamara Paltin,

It has come to my attention that the Government Relations, Ethics, and Transparency Committee of the County Council of Maui will be deliberating on Tuesday, November 16, on a bill that would authorize the Mayor of Maui County to enter into a special agreement with ICE Homeland Security Investigations (ICE). Given the historical context of other agreements between ICE and local law enforcement, the proposed authorization raises concerns for our state's foreign-born residents and their trust in the Maui Police Department (MPD).

As an immigrant activist and advocate who has worked and advocated for immigrants on; Maui, Oahu, Kauai, and the Big Island, I ask that you please consider our community as a whole. I, as well as other advocates and community organizations, have worked hard to encourage members of our immigrant communities to trust local law enforcement and to report crimes such as domestic violence, etc. If local police enforcement is given job duties and powers to act as ICE agents, this will force the community to further distrust the police. Immigration is a Federal agency, whereas police are under the County. Our police officers serve and protect all of Hawaii's residents, regardless of immigration status. I believe these two agencies and their functions should remain separate. I understand that at times ICE, asks for Police assistance however these actions create distrust towards our Police officers. Our Police officers should not be put in situations where the community they serve, further distrusts them. Please do not put our Officers in this situation. Please do not permit Federal Agencies to utilize our Police officers for Immigration and Customs Enforcement purposes.

Please consider Hawaii's long history of Immigrant inclusion and how as a State we are trying to increase Immigrant inclusion. Please don't forget the economic contributions of our immigrant communities and how vital they are to Hawai'i. There are many reports available to help you reflect, and understand our immigrant communities, their hardships, as well as contributions to Hawai'i.

https://research.newamericaneconomy.org/wp-content/uploads/sites/2/2021/08/Hawaii_COVID_Brief-v8.pdf

As you are well aware, there was a series of ICE raids in 2008 on Maui and a subsequent response by local and state community organizations given the abuse of ICE officials and local law enforcement regarding racial profiling surrounding these incidents, and how they affect the entire Latino population, regardless of citizenship status. This racial assumption of Latinos with undocumented status and criminality is also well known, given the

history of racial stereotypes that continue to be prevalent in the news media. This is to say that although there are undocumented migrants in Maui and other parts of Hawai'i from various countries around the world who will be impacted by this agreement, it is the Latino population who will bear the brunt of this policy given these past incidents. This agreement also sounds all too familiar to the policies that terrorized the Latino communities of Arizona, with the passing of the draconian legislation known as Arizona SB1070 in 2010. Currently, COVID has greatly impacted immigrants' access to renewing their identification documents since consulates have not been in Hawai'i for the past two years due to the pandemic, which jeopardizes their ability to keep their documented status up to date at no fault of their own. All this will do is create continued mistrust and fear of local law enforcement by the Latino community in particular, especially if they are the victims of crimes, and if these unanswered questions leave open the opportunity for abuse and racial profiling by deputized MPD officers who have their own implicit racial biases.

On behalf of Maui's immigrant communities, I ask that you reconsider approving such authorization until the public has had sufficient opportunity to learn about the bill and to provide input. In particular, the proposed bill raises the following questions:

- Which duties will be assigned to designated MPD officers who are "deputized" and trained by ICE/HSI?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the Council have a plan for oversight, accountability, and transparency?
- Has the Council analyzed the risks vs. benefits for the immigrant community under this agreement? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that local police may be deputized as ICE officers.
- Will Maui taxpayer's money be used to carry out Federal ICE duties?

We believe there is another pathway to accomplish public safety goals without eroding trust between the MPD and the immigrant community. Please consider postponing this agenda item to allow for more community input and to share answers to these questions (with appropriate language interpretation).

Mahalo and Gracias,

Angela Dean

Advocate for Immigrants

Guest User

Location:

Submitted At: 2:59pm 11-14-21

I have the same concerns as commenter Bettina Mok. The civil rights/civil liberties record of ICE is dismal, and ICE's penchant for mistreatment of immigrants, even those who are present in the US legally, is notorious. I oppose any authorization for our local police department - overstretched as it already is - to be "deputized" to assist in ICE operations in any way. Surely some way can be found to train our police in the use of body cameras without involving them in the affairs of a widely and deservedly despised federal law enforcement agency known to have been heavily infiltrated by white supremacists. <https://immigrationimpact.com/2021/02/11/border-patrol-racism-history/#.YZGwzmDMI2w>

Bettina Mok

Location:

Submitted At: 12:59am 11-13-21

Given the historical context of agreements between ICE and local law enforcement, this proposed authorization raises concerns about the implications for our state's foreign-born residents. The Legal Clinic is a nonprofit

organization that advocates for fair immigration policies in Hawai'i, and which provides immigration legal services to assist our state's low-income residents—including Maui residents.

While the HSI's function is to investigate transnational crime and not to enforce individual violations of immigration law, national immigrant advocates found that in recent years, HIS agents were "increasingly complicit in roundups fueled by racial profiling...and workplace raids that left communities traumatized" (Immigrant Legal Resource Center).

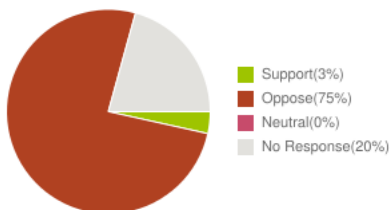
. We ask that you reconsider approving such an authorization until the public has had sufficient opportunity to learn about the bill and to provide input. In particular, the proposed bill raises the following questions:

- In the risk vs. benefit analysis has the Council considered the effect on the immigrant community? Research shows that victims and witnesses in immigrant communities may be less likely to report crimes if they know that an MPD officer is, or may be, a deputized ICE officer.
- Which duties will be assigned to designated MPD officers who are "deputized"?
- When are MPD officers authorized to ask suspects, victims, and witnesses questions about their immigration status, social security number, and/or place of birth?
- Does the council have a plan for oversight, accountability and transparency?
- Will notice of MPD's new duties be shared with the public in various languages?
- Will Maui taxpayer's money be used to carry out federal ICE duties?

We believe there is another pathway to accomplish legitimate public safety goals without eroding trust between the MPD and the immigrant community. 49% of Maui's agricultural workers and over 35% of Maui's Tourism, Recreation, and Hospitality workers are foreign-born. Please consider postponing this agenda item to allow for more community input, and to share answers to these questions. Mahalo.

Agenda Item: eComments for GREAT-36 CC 21-242 CONSTRUCTION ON LOWER HONOAPIILANI ROAD (NAPILI) (GREAT-36)

Overall Sentiment



Guest User

Location:

Submitted At: 9:49am 11-16-21

I oppose the construction of this property. It is not in keeping with the style, size, and nature of our community and was clearly designed to be far more than should ever have been permitted. It is the responsibility of our elected officials to care for the rights of our community and ensure not the law and bylaws are followed, but the intent and purpose of the laws and bylaws are followed. I expect and require the council to force any further construction to stop and to demolish the construction done to date. If this entails litigation and a court case then so be it, that would be a valid spend of council taxpayers money to visibly demonstrate that the laws and bylaws (intent and practice) have meaning.

Mayor Victorino & Councilperson Tamara Paltin - YOU are my representatives - REPRESENT ME! and stop this building.

Hamish Craig, Napili

Guest User

Location:

Submitted At: 8:52am 11-16-21

Questions for Director Mclean on Greg Brown's construction:

Are Mr. Brown's plans, as approved, in compliance with Title 19?

You asked DSA's Supervising Building inspector to perform a square footage analysis of Greg Brown's permit application. Correct? And he's reported to you that under the specifications laid out in Chapter 19.04.040 where what constitutes a "Story" is clearly defined, the plans for building Permit 2020-0448 show, by definition, a 3 plus story building, yes?

Does it not follow then that the plans submitted by Mr. Brown, labeled two-stories, misrepresents his actual design?

Is not that misrepresentation just cause to invalidate the SMA permit exemption that the planning department awarded to Mr. Brown?

Why did you ask a DSA inspector to perform the analysis of Mr. Brown's plans and not your own department?

Mr. Brown's architect represented on his building plans that each of the three levels cover around 3000 sq ft, for a total of 9000. The DSA supervising inspector has affirmed that Mr. Brown's plans show a square footage count of substantially more than 7,500. By what rule did this structure qualify for an SMA permit exemption when that exemption is limited 7,500 sq ft?.

If a developer seeks an SMA exemption for a single family residence does the home have to be built with residential use standards?

Mr. Brown's architect represented on his building plans that the maximum height of the single family home is 35 ft. What section of the county code allows a single family home to be 35 ft and not limited to 30ft?

Can you cite any ordinance that allows a single family residence to be over 30 ft?

The building standards for a hotel allow for a height of 35 ft plus another 10 ft for elevator and staircase shafts. How was Greg Brown's building plan approved as a single home when it clearly applies hotel standards?

Even though the Napili Bay District did not set height restrictions, why doesn't the more restrictive Maui County Code, which does set a limit of 30 ft for a single family across all of Maui, still apply?

You are aware that DSA is by law not allowed to do a site inspection without the Planning Department first declaring that a violation has occurred? Your department has not issued a violation to Mr. Brown that would trigger a site inspection by DSA. Why then have you specifically requested a DSA inspector join your inspectors today at the site?

Thanks

Sam Small
Maui Causes

Guest User

Location:

Submitted At: 8:27am 11-16-21

For the sake of our community's trust in the checks and balances established in the Maui County Charter, we hope this Council will support and confirm the Department of Public Works Senior Building Inspector's research and conclusions that the Brown Development has violated Title 19 of the Maui County Code and the SMA Rules established by the Maui County Planning Commission.

Director McLean clearly stated she would not have issued the SMA Permit Exemption. However, it was issued under her discretionary authority. Today, we hope the Council recognizes the only information that is acceptable from Director Mclean is the confirmation she has ethically issued a Notice of Violation to Developer Brown which will trigger a Stop Work Order from the Building Department.

Director McLean is attempting to falsify government records by sending out inspectors from both DSA and the Planning Department to mislead this Council into believing a violation has been "discovered". This act of deception will expose the County to liability in the same manner as the Fairway's / Palama Drive debacle wherein Warren S. Unemori Engineering, Inc submitted civil engineering drawings which were clearly in violation of the County grading ordinances.

For the record, it was a team of ethical professionals and attorneys that I brought together who settled the Palama Drive litigation, not Corporation Counsel. The developer's civil engineer that stamped the plans knowing they were in non compliance with the County Code was responsible for the violations. This fact mitigated the developers claims that County issued the approvals for the development, and therefore was somehow liable for the developers violations. The same is true for the consultants employed by Developer Brown. The "stamp of integrity" is being used for a financial windfall at the public expense.

Developer Brown's professional consultants submitted plans which violate the Maui County Code and SMA Rules under HRS 205A, which is lawful grounds for revocation of the SMA Permit and a Stop Work Order. If the Council is willing to listen without the conflicted interference from Corporation Counsel, the residents of Napili can provide a comprehensive and creative solution to this "disaster".

As was the case with the UpCountry Water Bill and the unaccounted for Deferral agreements executed by the unclean hands of County attorneys, the Council Member Molina is called upon to mitigate the financial harm to the taxpayers by investigating the wrong doing by the two Planning Department employees who granted approvals to Brown Development in violation of adopted County laws and ordinances.

There are community solutions which can be planted into this Village to turn this fertilizer into flowers. Unfortunately, Mayor Victorino was unwilling to listen or take action on the proven violations by Brown Development. We hope the Council will help the residents unravel the wrongdoing...

Christopher Salem

Guest User

Location:

Submitted At: 9:01pm 11-15-21

Take this illegal structure down. Enough with this illegal corruption by our own government employees. They all should be fired and Greg Brown should not be allowed to build any development on Maui.
Ui'lani Kapu

Sam Small

Location:

Submitted At: 8:24pm 11-15-21

Why hasn't a stop-work order yet been issued to Greg Brown when it's already been determined and documented by Maui's Senior Building Inspector that under Title 19, the County must classify what Brown has built as "Three Stories Plus", which violates the Napili Bay District Two-Story limit.

It's also been documented that Mr. Brown's actual sq. ft. count is more than 7,500. which means he never was eligible to request the SMA permit exemption that he was granted. Granted, by the way, by Planning Department officials who have recently, and suddenly resigned.

This project is a poster child of intentional mismanagement and corruption between developers, professional consultants, and county officials. And I can prove to you that Corp Counsel will pull no stops to hide that corruption by lying to this council and in court.

Several past council members have admitted that Corp Counsel intimidated them with the threat that "if you take any action that results in our loss in court of our vigorous and costly defense a director's decision, even though it was a demonstrably faulty decision, that you will be on your own to be held personally liable for costs and that we will refuse to represent you in your official capacity."

Corp Counsel routinely denies any conflict of interest in any situation except when they use conflict of interest as a threat to muzzle County employee whistleblowers and Council Members. And from what I hear, they are doing that here.

Speaking today will be Director McLean who has a rich, 20-year-plus experience with developments here in Maui County, on the developer's side. Over 20 years ago, Ms. Mclean was a land planning consultant for Kent Smith, a private developer, who partnered with past Public Works Director David Goode on a wildly inappropriate West Maui development that was ultimately rejected by the Maui County Planning Commission.

It was Christopher Salem who blew the whistle to the Commission and got Ms. McLean's project killed. So you can imagine how much tension Mayor Victorino stirred up when he hired Mr. Salem to write legislation to fix the very same accountability loopholes between Planning and Public Works that allowed Greg Brown to get as far as he has today.

Director McLean has repeatedly stated publicly that she had nothing to do with Mr. Brown receiving his SMA exemption and building plan approval, and that she wished those things had never happened. She's talked of "mistakes" made by employees at the Planning Department. Mistakes? By the very same individuals who recently resigned?

It is ridiculously premature for Director McLean to blame the department for this mess and I believe her saying so prejudices this council into being amenable to a financial settlement with Mr. Brown when he is ultimately forced to tear his construction down. In reality, Mr. Brown's own misrepresentations make him liable for all his costs and our tax rolls could actually swell if he's fined appropriately for his subterfuge.

In an email sent to Kanamu Balinbin last Friday, Director Mclean wrote: "Now that the structure has been framed enough to be able to determine if any violations of square footage or stories exists we are coordinating a compliance inspection with Public Works and Planning inspectors. This should occur next week. After that, we will take appropriate action based on the report provided by the inspectors and in consultation with Public Works."

DSA's review of Mr. Brown's misrepresented plans has already determined they include multiple violations worthy of issuing a Stop Work Order today, regardless of the fact that a planning staff member, who has suddenly now retired, had previously approved the misrepresented plans.

Director McLean has yet to acknowledge that Mr. Brown's approved plans include violations and has repeatedly stated the Planning Department has yet to find that Mr. Brown is in violation. Director McLean requesting DSA to participate in the site inspection this week seems also a set-up designed to give Mr. Brown a legal process advantage if he ends up suing the County.

Director Mclean knows or should know that DSA does not have independent investigative authority and is legally barred from going into the field on a fishing expedition to take measurements until such time as Planning first reports that a violation exists, which, of course, Director McLean has so far refused to do. That, I'm told is the law, and Director McLean it appears is today, right now, baiting DSA inspectors into breaking the law.

If this council wants to hear the reality of how Greg Brown and other developers routinely ply the existing loopholes in order to deny us citizens of our rights to public oversight on SMA permits, in violation of state and federal laws, to stop it from ever happening again, there are three experts other than Director Mclean who are readily available to be expert witnesses for this committee.

Both Deputy attorney Mimi Desjardins and our well-respected County Clerk Kathy Kaohu have over 20 years of experience, some of it working directly with Christopher Salem, to research and expose these exact issues.

That experience is why Christopher Salem was hired by the Mayor in 2019. Isn't it ironic that it's for using that same experience to blow the whistle on Greg Brown last April that Mr. Salem's employment was terminated by the Mayor in July?

Mr. Salem's suit for wrongful termination as retribution for blowing the whistle on Mr. Brown, specifically names

Director McLean for her refusal to issue SMA violation notices to both Mr. Brown and to Developer Lot 48 LLC, another well-documented, west side development where Mr. Salem has blown the whistle on falsified SMA documents which allowed developers to deny citizens of our rights to public hearings. Had public hearings not been blocked by professional consultants committing fraud, neither of these projects would ever have gotten built.

Given her public mischaracterizations and her refusal to issue a Stop Work Order to Mr. Brown, there's absolutely no way this Council can permit yourselves to go into executive session to hear Director Mclean today. All of her comments today need to be made publicly.

Corp Counsel is defending Mayor Victorino and Director McLean and just had their 500-page motion to dismiss and two motions to block adding Director McLean to the case denied, so an executive session should be out of the question for Corp Counsel too.

But they will lie to you that there's a "Chinese Wall" that protects them from conflict of interest. Yet just watch that wall vanish when they try to use conflict of interest as an excuse to stop Deputy attorney Mimi Desjardins from giving testimony to you.

Senior Building Inspector Derek Hyland is probably the most qualified person in Planning or Public Works and has apparently done an enormous amount of research on Brown's project specifically, as well as our County rules and how they are routinely avoided. He should also be called to testify here.

Request any of those four experts to give their expert testimony here and watch what happens. That would be just great!

Thank you for your time and attention to these important matters.

Sam Small
Director, Maui Causes
www.MauiCauses.org

Great Committee

Location:
Submitted At: 2:25pm 11-15-21

Testimony received from Great Committee.

Guest User

Location:
Submitted At: 11:52am 11-15-21

I am strongly opposed to Greg Brown's building on the Low Road in Napili. He has been operating illegal vacation rentals in Launiupoko for years and will do the same in Napili. The building is obviously designed to be used as a hotel and he has told employees that is what it is being built for. I am a former employee and am still in touch with people who work there and everyone is aware of Brown's intentions for the property. To allow this monstrosity to be built is an insult to the people of Maui and only shows the amount of corruption in the system. The council has the power to require that building be shut down and the structure be removed. Do the right thing.

Guest User

Location:
Submitted At: 10:45am 11-15-21

Aloha, Kanamu Balinbin again wanted to reiterate what I stated earlier. Council member Tamara Paltin always gets back to me whenever I contact her office or personally. My frustration stems from the answers that I receive from her. She stayed that it's not her jurisdiction and that the decision falls on the Administration, meaning Mayor Victorino. Michelle McKean also responds to my emails. However, she states that everything needs to be checked before she can issue a violation. The correspondence between Director McLean and I has been going on for months and should have been dealt with long time ago. Mike Molina flat out doesn't respond.

Guest User

Location:

Submitted At: 10:27am 11-15-21

This is a big obvious NO in construction on Maui . Shut this down asap !!!

Mahalo

Guest User

Location:

Submitted At: 10:06am 11-15-21

Simple. Follow the law. Stop fraud.

Guest User

Location:

Submitted At: 9:10am 11-15-21

This is insane. This has to stop. If he gets away with this others will too. We can't have people cheating the laws.

Guest User

Location:

Submitted At: 8:52am 11-15-21

REJECT, STOP & REVOKE

Guest User

Location:

Submitted At: 8:49am 11-15-21

Hi my name is consuelo apolo-gonsalves I strongly oppose this should be torn down stop letting developers get away with a slap on their wrists fined them to the fullest.

Guest User

Location:

Submitted At: 7:29am 11-15-21

This is a pilau project and it has to stop.

Guest User

Location:

Submitted At: 7:00am 11-15-21

Hello everyone my name is Kanamu Balinbin,. I strongly oppose this project. The one thing that really upsets me is that we have been telling and sending viable information to council members(specifically Paltin and Molina), Planning Department and other public officials about all of the violations 8 months ago regarding this project and no one listened. Reached out to council member Tamara Paltin and she pretty much said it's out of her hands and only the Mayor's administration can make the decisions. The mayor says that legally he can't do anything about it. Mike Molina chair of the transparency and ethics committee has not returned one of my emails or any of my phone calls regarding this project. I am very sick and tired of having to do the work of our elected officials. Sending emails and phone calls to Tamara Paltin, Mike Molina, Michelle McLean and calling Mayor Victorino on his cell phone to no avail. Even when I testified about corruption in the Planning Department, NO ONE IN COUNTY GOVERNMENT CONTACTED ME TO FOLLOW UP.

Now Tamara wants to start a petition. Why only now? Is it because its election time soon? West Maui is tired of posers in county government. We need someone who isn't afraid of Moana Lutey, Corp council, or Mayor Victorino and someone who will actually help the people that they are elected to represent. Other community members and myself have given you people in government enough information to stop this project 8 months ago. Now that you finally decide to do something, LETS GET IT DONE RIGHT.

Guest User

Location:

Submitted At: 2:29am 11-15-21

Way too large of a structure

Guest User

Location:

Submitted At: 1:08am 11-15-21

I am a licensed Realtor in the State of Hawaii. I am choosing to remain anonymous. There is not a single person I know that isn't disgusted by the blatant disregard for the rules and laws. The rules are forced upon the rest of the island while we sit back and watch this project somehow progress by manipulation of the developer. While we continue to suffer from lack of affordable housing, this is a project that smells of cronyism and, "The rules apply to everyone else except the few". The hypocrisy is blatant. If you do not stop this project, you will set a precedent for more of these situations. Ms. McLean has a reputation of enforcing the rules and laws. We have all sat back and wondered why this is an exception. I have clients that have had to follow all rules from everything including building ohanas, comply with agricultural land use requirements, to simple electrical or other county permit requirements. This project always comes up as a, "I heard about that monster house/vacation rental. How can they get away with that when I can't even get a simple permit?" Please shut this down. It reflects badly on the planning commission and they have a good reputation. It is harming the morale of the community that cannot get even a small home for their family. Please shut this down before it provides a road map to more developers on how to defraud and manipulate the system here. Mahalo for your consideration.

PAUL JANES-BROWN

Location:

Submitted At: 12:16am 11-15-21

Aloha kakahiaka,

My name is PAUL Janes-Brown, I am a 24 year resident of Maui. Currently I'm I live in Pukalani. This project is an abomination. It is clearly in violation of numerous aspects of its permit and should have its construction permit pulled immediately and the building should be torn down. A better use of the property would be a public park with rest rooms. Mahalo.

Guest User

Location:

Submitted At: 8:33pm 11-14-21

Completely oppose! The county should stop this kind of illegal activity and impose penalties to make an example out of violators!

Guest User

Location:

Submitted At: 8:28pm 11-14-21

I can't believe this was allowed to happen. There was a law about monster homes out in place that I remember. This should not be allowed anywhere on Maui. The Corruption needs to stop now. We pay taxes and vote people in and yet the rich get around the rules. I've lived on Maui for over 40 years.

Guest User

Location:

Submitted At: 8:23pm 11-14-21

I am so upset the county is allowing this to continue. I spoke with the construction workers when it started and even they told me they thought it was a big single family home but kept getting changes that were clearly turning it into a large rental property. It is laughable that the country allows them to try to hide their obvious intentions. At best the issuers of the permits are ignorant of what they are doing. More probably there is corruption here. Ultimately this goes to the council and the mayor, and I will not vote for any incumbents as it is impossible to see who is responsible as everyone is covering for everyone else. What a shame this structure is a monument to corruption and we have to look at it.

Guest User

Location:

Submitted At: 7:33pm 11-14-21

I'm speechless & have never gotten so upset enough to send in a testimony. I'm a native of Lahaina. My tutus are

from Honolua, this hideous lie and farce has to be torn down & Lutey and her consort deserve to be prosecuted for abuse of power or lack of.

Guest User

Location:

Submitted At: 7:25pm 11-14-21

It's disgusting and pretentious and should not be allowed.

Guest User

Location:

Submitted At: 7:22pm 11-14-21

Please do not allow this illegal monstrosity to be built in Napili. Its an eyesore and not going to be used for what it was permitted for.

Guest User

Location:

Submitted At: 7:13pm 11-14-21

I strongly oppose Greg Brown building such an eyesore to the public. He should have all permits revoked and that eyesore torn down. If he feels that he is entitled to skirt the law(s) by omission to build a house (hotel), he should pay a price that would fit the crime. A huge fine, his hotel house completely torn down, his license revoked as a builder, contractor, real estate agent and turn this property into a park. How blatantly deceitful he is.

Nicholas Drance

Location:

Submitted At: 6:48pm 11-14-21

Item GREAT-36 CC 21-242

Nov 16, 2021

Testimony from:

Nick Drance

Founder, TheMauiMiracle.org

I wish to make 3 points in this Hearing.

1. No one is above the law.
2. This developer disrespects you and asks you to set a precedent.
3. The Planning Dept. needs your support

1. This developer has clearly made several egregious violations. Some occurred with obfuscation like itchens that appear then disappear. So many other violations that appear as gray areas but in the light of day, they are black and white. Each of them manipulating the system because this person thinks he can get away with it simply based on the potential of the County wanting to avoid costly litigation. It looks to me like you are being manipulated.

His actions indicate that he's completely confident that he can get after the fact permits and game the system. Is it so easy to violate County Code in some cases, because the consequences are a just a mere slap on the hand?

2. Apparently, he thinks it is. At the last hearing, he threatened you in broad daylight, for all, including the public, to see. His attorney said that if you did not grant him a transient rental permit, he would continue construction and he followed through on that threat. How dare he insult you like that? Aside from disrespect, there is another word for that. Hubris.

Over thousands of years, literary figures guilty of hubris, among others, include Achilles and Hamlet. The impunity with which this developer acts is a textbook example of hubris. By definition, the consequence of hubris is self-destruction. He dares you to make him the exception.

3. Item 3, Section 3-6 of the Maui County Charter, enables you to "To conduct investigations of the operation of any department or function of the county". The Planning Dept. Director has said that some of the issues at hand occurred because of the structure and size of the department. She indicated that this was the first time the property had been visited by anyone in her department.

In context, to me, what I heard was that it's impossible to manage over 100 staff along with the number of tasks they deal with. Essentially, in many instances, it seems that staff has the de facto authority of the Director, without oversight, inviting unnoticed impropriety. The Director, perhaps unwittingly, might be asking you for a mandate to change that. Mind you, when Director McClean visited the jobsite with concerned citizens, I listened to what she had to say and came to both like and respect her.

In summary:

I believe this developer has complete disregard for you, the County, and the rule of law. He asks you to endorse this behavior and set a precedent for others to the exact same thing. The Administration and Corporation Counsel ask you to fear him. Let him push you around. I find that intolerable.

Some consider whatever legal advice you may be told as a way to perpetuate the existing system which is flawed, inviting impropriety. No one is above the law. Not him, not me, not you.

I'll finish by saying that as always, I and many others, are complexly amazed at what you accomplish. I can't express the degree of my gratitude. Mahalo nui for working so hard for Maui nui and its people.

Mahalo nui,
Nick Drance
Kihei

Guest User

Location:

Submitted At: 3:17pm 11-14-21

I selected "Oppose" because I oppose allowing Greg Brown to continue to construct this monstrosity after having repeatedly lied to the Planning Commission about what he intended to build, and obtaining permits based on those lies. However, I SUPPORT the GREAT Committee's decision to look into this matter. Please do not let County Counsel's exaggerated fears of litigation deter you from taking steps to put an immediate halt to further construction of this abomination. It is a sad commentary on County Counsel's priorities that they took the Lahaina Injection Wells case all the way to the Supreme Court in order to defend the pollution that is killing our coral reefs, while they cower in fear every time they get any pushback, no matter how groundless, from an attorney for a developer. This project was given permits based on total misrepresentations regarding the intended size, height, configuration, and purpose of the project. At this point the public does not yet know whether the Planning Department staff involved in this fiasco committed intentional misconduct or were merely incompetent. What is clear is that the Council needs to get to the bottom of this, and exercise proper oversight over the Planning Department to ensure that this kind of abuse does not continue to occur. - Sarah Hofstadter, full-time Kihei resident

Guest User

Location:

Submitted At: 6:57am 11-14-21

Howzit my name is LEONARD K NAKOA III. (JUNYA). I have been looking into the process that was taken by the planning department and the Public Works department. And since March of 2021 I asked why there was no public meeting on this project. And both departments told me that a public meeting was not needed cause it was a SINGLE FAMILY home. But thru a lot of U.I.P.A requests I found a lot of violations by this developer and thru many emails and calls to both departments. 2 for unpermitted walls. One of them was suppose to retain all the material and the house from falling onto the neighbors land and house. Second from the blueprints of the project, I found that many if the spaces was not included in the the square footage of the hotel. It was classified and dead space. Also the developer built the 2 walls without a permit. While buying the walls there was no dust fence. During the building of the walls some damage to the neighbors house happened. And when the neighbor approached GREG BROWN to pay for cleaning bill he said NOPE. Also the added grading has a possibility to run

run into our precious ocean and neighboring properties. The project is now at 3 stories when it suppose to be 2 stories in this area. And also the height was suppose to be 35ft it exceeds that height. THE PUBLIC AND RESIDENTS WOULD DEFINITELY OPPOSE THIS PROJECT IF A PUBLIC MEETING WAS HELD. Both the Planning and Publis Works departments should be investigqted.. MAHALO FOR YOUR TIME. I WILL ALSO BE AVAILABLE TO BE A RESOURCE FOR THE COUNCIL. THE PUBLIC ALSO WOULD NOT WANT THIS TO GO INTO EXCECUTIVE SESSION DUE TO ALL THE SKETCHY QCTIONS TAKEN BY PALNNING DEPARTMENT, PUBLIC WORKS DEPARTMENT, CORPORATION COUNCIL, AND THE LACK OF ATTENTION TO MAYOR VICTORINO ADMINISTRATION. YESAAAQH SEE U FOLKS TUESDAY

mary drayer

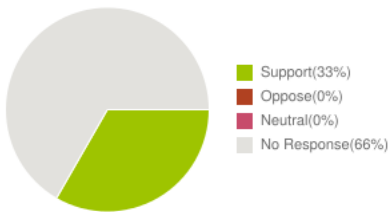
Location:

Submitted At: 4:56pm 11-13-21

i did not select a position, because i don_t really understand which is the way to say NO to this whole greg brown fiasco. i am not an engineer, realtor, developer or any other professional. i have been following this situation simply as a citizen. sadly, i cannot understand how this project has continued -_with permits_. my daughter wants to add a bedroom and bathroom to her 2 bedroom 1 bath home on an over 7,000 square foot lot, and cannot get a permit. (this would give her family of 5 a 3 bed 2 bath home - not unreasonable) - thus my comment is: it_s illegal and definitely not in the best interest of the community. mahalo for the chance to comment.

Agenda Item: eComments for GREAT-39 CC 21-308 ESTABLISHING A SISTER-CITY RELATIONSHIP WITH SAN CRISTOBAL ISLAND, GALAPAGOS, REPUBLIC OF ECUADOR (GREAT-39)

Overall Sentiment



Sam Small

Location:

Submitted At: 8:41am 11-16-21

Why have comments been shut down for item 36 but the other items for today still accept comments?

Guest User

Location:

Submitted At: 11:31am 11-15-21

Support for Galapagos Sister-City Resolution

Dear Mike Molina, Kelly King and all council members of the committee,

I am writing to you to lend my support to the resolution to make Galapagos a sister-city to Maui. During 2017, I traveled to the Galapagos Islands and stayed in the main city of Puerto Ayora on Santa Cruz Island. The similarities between this island of the Galapagos and Maui are striking.

Like Maui, the Galapagos Islands are located a far distance from the mainland and are involved in juggling tourism with protection of the native plants and animals. Both are trying to find a balance between sustainable and imported agriculture.

In my opinion, there would be many reasons to recognize the Galapagos Islands as our "sister-city," mainly that we could communicate and learn from each other about creative solutions to the common problems we face.

The collaboration and connections that we could develop can only help all of us.

Thank you for allowing me to lend my support for the Resolution to make the Galapagos our sister-city.

Aloha,
Ginny Morgan
Kihei, Hawaii

Guest User

Location:

Submitted At: 3:03pm 11-13-21

Dear Mike Molina, Kelly King and all council members of the committee,

I am writing to you to lend my support to the resolution to make San Cristobal Island, Galapagos, Ecuador, a sister-city to Maui.

During 2017, I traveled to the Galapagos Islands and stayed on San Cristobal Island. The similarities between this island of the Galapagos and Maui are striking.

Like Maui, the Galapagos Islands are located a far distance from the mainland and are involved in juggling tourism with protection of the native plants and animals. Both are trying to find a balance between sustainable and imported agriculture.

In my opinion, there would be many reasons to recognize the Galapagos Islands as our "sister-city," mainly that we could communicate and learn from each other about creative solutions to the unique problems we face. The collaboration and connections that we could develop can only help all of us.

Thank you for allowing me to lend my support for the Resolution to make San Cristobal Island our sister-city.

Aloha,
Ginny Morgan
Kihei, Hawaii