

COUNCIL OF THE COUNTY OF MAUI
INFRASTRUCTURE AND
TRANSPORTATION COMMITTEE

November 4, 2022

Committee
Report No. _____

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Infrastructure and Transportation Committee, having met on October 3, 2022, and October 17, 2022, makes reference to Bill 133 (2022), entitled “A BILL FOR AN ORDINANCE TO AMEND TITLE 10, MAUI COUNTY CODE, RELATING TO DOCKLESS VEHICLES AND PENALTIES.”

Bill 133’s purpose is to make it unlawful to park, leave standing or lying, abandon, or otherwise place a commercial dockless vehicle on a sidewalk, street, highway, or public property; make it unlawful to operate a dockless vehicle on a sidewalk; and increase the penalty amount for violations of Title 10, Maui County Code.

Your Committee noted commercial dockless vehicle systems use Global Positioning System, or GPS, locators on a smart phone application making this transportation option increasingly popular.

While dockless vehicles provide increased mobility options over short distances, they pose considerable safety and public health concerns, create tripping hazards, make sidewalks inaccessible to the disabled, and help to create cluttered and unsafe environments for pedestrians.

Your Committee acknowledged that there are no vendors yet offering this service in Maui County; however, your Committee agreed it would be beneficial to implement legislation prior to the matter becoming a community concern.

Representatives from the Department of Planning, Department of Police, and Department of Public Works also expressed their support for the bill.

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The representative from the Department of Public Works was concerned about the equitable use of the public right-of-way for private entities and the enforcement of removing dockless vehicles that are in violation of the Code.

A representative from Maui Bicycle League expressed support for the bill and for docked multi-modal transportation vehicles, but acknowledged the safety and liability concerns they present.

Your Committee agreed to amend the bill to add “commercial” to the title to clarify that privately-owned multi-modal vehicles would not be impacted.

Your Committee voted 5-0 to recommend passage of Bill 133, CD1 (2022) on first reading. Committee Chair Sugimura and members Lee, Molina, Paltin, and Rawlins-Fernandez voted “aye.” Committee Vice-Chair Kama and member King were excused.

Your Committee is in receipt of Bill 133, CD1 (2022), approved as to form and legality by the Department of the Corporation Counsel, entitled “A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC, MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES AND PENALTIES,” incorporating your Committee’s recommended revision and nonsubstantive revisions.

Your Infrastructure and Transportation Committee RECOMMENDS that Bill 133, CD1 (2022), as revised herein and attached hereto, entitled “A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC, MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES AND PENALTIES,” be PASSED ON FIRST READING and be ORDERED TO PRINT.

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This report is submitted in accordance with Rule 8 of the Rules of the Council.



YUKI LEI K. SUGIMURA, Chair

it:cr:22115aa:lma

ORDINANCE NO. _____

BILL NO. 133, CD1 (2022)

A BILL FOR AN ORDINANCE TO AMEND TITLE 10, VEHICLES AND TRAFFIC,
MAUI COUNTY CODE, RELATING TO COMMERCIAL DOCKLESS VEHICLES
AND PENALTIES

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The County of Maui has the authority and responsibility to protect public health, safety, and security, and under state law, the authority to enact and enforce ordinances necessary to prevent or summarily remove public nuisances and compel the removal of any public nuisance from streets, sidewalks, and public places. The Council finds that recent transportation and technology innovations in mobility options have created a demand for both privately-owned and on-demand dockless small vehicle systems, that include bicycles, scooters, electric bicycles, and electric scooters. Dockless vehicles left on County sidewalks will create a tripping hazard, make sidewalks inaccessible for the disabled, and create a cluttered and unsafe environment. It is in the best interest of the County and the preservation of public health and safety that the County prohibit the operations of shared on-demand dockless vehicle systems that operate in the public right-of-way or on public property.

SECTION 2. Chapter 10.04.030, Maui County Code, is amended by adding new definitions to be appropriately inserted and to read as follows:

““Dockless vehicle” means a bicycle, scooter, low-speed electric bicycle, electric foot scooter, and other small, wheeled

vehicle designed specifically for shared use using Global Positioning System (GPS) or similar technology and can be deployed as part of a dockless vehicle system, but does not include a motorized wheelchair, or other personal mobility device designed for use by a person with a disability.

"Dockless vehicle system" means a commercial system that provides bicycles, scooters, low-speed electric bicycles, electric foot scooters, or other small, wheeled vehicles for short-term rentals for point-to-point trips that may be locked and unlocked without the requirement of a bicycle rack or docking station.

"Electric foot scooter" means the same as the term is defined in Section 249-1, Hawaii Revised Statutes.

"Low-speed electric bicycle" means the same as the term is defined in 15 U.S. Code section 2085."

SECTION 3. Title 10, Maui County Code, is amended by adding a new chapter to be appropriately designated and to read as follows:

"Chapter 10.73

DOCKLESS VEHICLES

Sections:

- 10.73.010 Prohibition.**
- 10.73.020 Parking of dockless vehicles.**
- 10.73.030 Operation of dockless vehicles.**

10.73.010 Prohibition. It is unlawful to offer for use or rent, or to rent, a dockless vehicle.

10.73.020 Parking of dockless vehicles. A. It is unlawful to park, leave standing, leave lying, abandon, or otherwise place a dockless vehicle on a sidewalk, street or highway, or on public property.

B. Members of the police department are authorized to remove dockless vehicles that are in violation of this subsection in accordance with the removal procedure in section 10.48.210.

10.73.030 Operation of dockless vehicles. It is unlawful to operate a dockless vehicle on a sidewalk."

SECTION 4. Chapter 10.72.020, Maui County Code, is amended to read as follows:

"10.72.020 [-] Violation—Penalty. Any person convicted of a violation of any section or provision of this title will be punished by a fine of not more than [~~\$100~~] \$200 for the first offense, and not more than [~~\$250~~] \$500 for every subsequent offense."

SECTION 5. This Ordinance takes effect on approval.

APPROVED AS TO FORM AND LEGALITY:



Department of the Corporation Counsel
County of Maui

it:misc:115abill01:lma

INTRODUCED BY:

Tamara A.M. Paltin
TAMARA PALTIN