

MULTIMODAL TRANSPORTATION COMMITTEE
Council of the County of Maui

M I N U T E S

Council Chamber

August 19, 2019

CONVENE: 9:07 a.m.

PRESENT: VOTING MEMBERS:

Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Riki Hokama, Vice-Chair
Councilmember Alice L. Lee (out at 9:51 a.m.)
Councilmember Tamara Paltin
Councilmember Shane M. Sinenci

EXCUSED: Councilmember Tasha Kama

ABSENT: Councilmember Kelly T. King

STAFF: James Krueger, Legislative Analyst
Stacey Vinoray, Committee Secretary

Mavis Oliveira-Medeiros, Executive Assistant to Councilmember
Shane Sinenci, Hana Council Office (via telephone conference
bridge)

Denise Fernandez, Council Aide, Lanai Council Office (via
telephone conference bridge)

Zhantell Lindo-Dudoit, Council Aide, Molokai Council Office (via
telephone conference bridge)

Don Atay, Executive Assistant to Councilmember Shane Sinenci

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the
Corporation Counsel
Kenneth Kihata, Police Sergeant, Traffic Section, Maui Police
Department
Ryan Ehlers, Police Officer III, Traffic Section, Maui Police
Department
Rowena Dagdag-Andaya, Director, Department of Public Works
Nolly Yagin, Civil Engineer VI, Engineering Division, Department of
Public Works
Terence Herndon, Deputy Prosecuting Attorney, Department of the
Prosecuting Attorney
Brandon Segal, Deputy Prosecuting Attorney, Department of the
Prosecuting Attorney

(Seated in Gallery)

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Byron Fujieda, Deputy Prosecuting Attorney, Department of the
Prosecuting Attorney

Andrea Maniago, Mothers Against Drunk Driving
Eric-Lee Correa, Mothers Against Drunk Driving
Ashlee Chapman, Maui Coalition for Drug Free Youth
Rick Collins, Maui Coalition for Drug Free Youth
Lauren Loor, Vision Zero and Healthy Eating Active Living Coalition

OTHERS: Katie Folio, Maui Coalition for a Drug Free Youth
Patricia Hunt
Charles Hirata
Everett Brown, Volunteer, MADD
Charlene Brown, Volunteer, MADD
Plus (5) others in the gallery

PRESS: Akaku Maui Community Television, Inc.

MT-10(8) ROADWAY SAFETY (RULE 7B)

CHAIR SUGIMURA: . . . *(gavel)* . . . Good morning, everybody. Thanks for being here. Today is Monday, August 19th, it is 9:07 a.m. And I wanna welcome everyone to this meeting today. I wanna ask you to silence your noisemaking devices and introduce my Members, my Vice-Chair Riki Hokama is here. Thank you, Mr. Hokama. Shane Sinenci from Hana.

COUNCILMEMBER SINENCI: Aloha and good morning.

CHAIR SUGIMURA: Aloha. Alice Lee from Wailuku.

COUNCILMEMBER LEE: Happy Monday, Madam Chair.

CHAIR SUGIMURA: Happy Monday, congratulations to your team again.

COUNCILMEMBER LEE: Yes, well keep your fingers crossed we still have more games to play.

CHAIR SUGIMURA: Wednesday we'll be cheering for them.

COUNCILMEMBER LEE: Thank you.

CHAIR SUGIMURA: Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha Kakahiaka, Chair.

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CHAIR SUGIMURA: Aloha, thank you for being here, everybody. Excused is Tasha Kama, Kelly King is on her way I suppose and has to leave at 10:30. We have another Member who has to leave at 10:00. Non-voting Members are Mike Molina and Keani Rawlins [sic], so if they join us, welcome. Corp. Counsel, Mr. Hopper is here, back there. Also, having, I'm not having our DOT Director and Deputy here, which I think was reported on our agenda, but I meant for the State DOT Robin Shishido to be here but I had heard that he wasn't available. From the Maui Police Department, thank you very much, Sergeant Kenneth Kihata as well as Officer Ryan Ehlers. From the Department of Public Works, we have Director Rowena Dagdag-Andaya and Nolly Yagin, thank you for being here. From our Prosecuting Attorney, which I'm really glad to see them here, Terence Herndon as well as Brandon Segal, thank you. Other resources that I have asked to join us is Andrea Maniago, Mothers Against Drunk Driving, she's from Oahu. She's not here?

UNIDENTIFIED SPEAKER: No, she's from Maui.

CHAIR SUGIMURA: Oh, you're from Maui, oh sorry, okay. She's from Maui, thank you for being here. Eric-Lee Correa also from Maui from Mothers Against Drunk Driving. Maui Coalition for Drug Free Youth representative is Ashlee Chapman as well as Rick Collins. And Lauren Loor for Vision Zero which is a County initiative, thank you for being here to represent the community's voice on this issue. My staff is James Krueger, Legislative Analyst, Stacey Vinoray Committee Secretary, and our District Offices are standing by to give us testimony. At this time Members, I'm going to start, we only have one item on the agenda. I will tell you in advance that I'm planning on deferring this and to continue the discussion based upon what we hear today and suggestions from the community about how we can help with traffic fatalities on Maui, in Maui County. So, I'm gonna be taking public testimony and then from the District Offices, and then we'll start with our item. So, I have public testimony first person is Katie Folio from Maui Coalition of Drug Free Youth. You have three minutes, thank you very much, Katie, for being here.

. . . BEGIN PUBLIC TESTIMONY . . .

MS. FOLIO: Thank you, good morning. I didn't prepare anything, you guys all know me from my work around tobacco prevention, but I also sit on the Maui Coalition for Drug Free Youth where we look at issues around underage drinking, and we all know that there's just been too many instances recently, well indefinitely, but more recently it's come to community consciousness and we need to take steps to do something. So, the Coalition's going to be presenting ideas for a package with various recommendations and I just wanna offer my support for those recommendations. Thank you.

CHAIR SUGIMURA: Thank you, Katie. Anybody have questions for her? Seeing none, thank you very much. Next testifier is Patricia Hunt. Testifying for herself.

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MS. HUNT: Good morning and thank you for having me here. My name is Patricia Hunt and the reason why I'm speaking actually there was supposed to be two agendas I guess one's this afternoon that I'll be speaking at. But this morning, since I'm here and this has to do with obviously drinking and driving and use and a drug-free environment which I'm all for and it's been brought to my attention through certain things on the Internet and also with MPD, specific MPD meetings and Police Commissioner's meetings I've been to that certain executive chiefs have addressed that issue. The reason why I'm here is I would like to see and maybe possibly the County could actually find out more, you've got a lot of young kids here and the kids that I have met are very well educated, they really have a lot going for them but I don't, I know you have certain groups and Boy Scouts, Girl Scouts, but there's an age bracket that seems to be lacking with the teens specifically. And, you know, we were all teenagers once, it may be a long time ago, but we can probably still remember when we were teenagers, and a lot comes from how you're brought up and raised if you have strict aunties and uncles and grandparents and parents, they get you in a church or they get you in different youth activities. What I would like to see is if there's a way possibly we could get grant money through the Federal government to do some kind of a youth facility for the teenagers here. There's a lot of activities with sports and different things that go on with the high schools here but I think if there was something, I see a lot of kids at the mall which to be honest with you, compared to the mainland, the kids are very respectful for the people when they're at the mall shopping or going to movies and doing different activities and events. I really think that if there's a possibility that they could do a grant to do a youth facility for kids where they could actually, I've actually talked to some of the youths at the mall who would love to have a place to go dance on the weekends, you know drug-free, no alcohol, and I think MPD has done a great job from what I've seen and at the Maui Mall doing a presentation on the drug-free environment and showing different things on how certain substances affect kids and adults. And I know, I think it was two years or about a year and a half ago, that I had actually happened to be at the mall and had seen the police interacting with the community and with a lot of the young kids, which I thought they did a fantastic job, so I will start off with saying that. I'm just kind of throwing it out there and I'm going to send a letter to Kelly King and possibly introduce to a couple grant writers here on island. You have the sources, you have the people, there's a lot of great opportunities to help these kids, so when they're going through that teenage years, that they can actually have something fun to do. And if we can relay a message back to the Chief of Police from my public records request for 92 Statute 24, I'd appreciate it. Thank you so much and have a great day.

CHAIR SUGIMURA: Thank you. Anybody have questions for Ms. Hunt? None, okay, thank you very much for being here. Next, we have Chuck Hirata. Charles Hirata. I know this is a passion of yours, you were, when you were a police officer, your passion was putting up the road or whatever they're called, right?

MR. HIRATA: Checkpoints.

CHAIR SUGIMURA: Checkpoints, checkpoints.

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MR. HIRATA: Aloha, my name is Charles Hirata, I'm the former commander for the Maui Police Department Traffic Section. I was a Traffic Section Commander for 11 years and in that time, I've been involved in investigation of over 200 fatal crashes, so I know firsthand the effects of fatal crashes on people as well as on the community. Every single one of us here could be a victim of a fatal crash or a life-changing injury involved in a crash. I know even Eric was and his family were involved in a very serious crash a few years ago. And I think they're still suffering with some of the effects of that crash. Last month, I was driving Haliimaile Road and if I had been 20 seconds earlier, I would have been involved in that fatal crash on Haliimaile Road, and that's how close I came since being retired to being involved in something as serious as that. We need to look at strategies, there's a lot of things that can be done. I'm also a member of the State Strategic Highway Safety Plan, we have recommendations in there that cover a lot of these subject matters. One of the things I can say and being an observer from the outside, I've been retired for nine years, you know, the Traffic Section hasn't grown a lot in the, you know, the years since I was a Traffic Commander. And, you know, I think if we increase the size of the DUI Task Force that would really make a big dent in some of the crashes. There was a statistic that show that if you arrest 1 percent of the population for impaired driving, you'll have a, you'll make a serious, serious dent on fatal crashes. I think you have to look at it this way, if fatal crashes and the deaths from fatal crashes was a silent killer that's running around on our highways and killing people at the rate that they are, I think we would demand that, you know, we all do something. And it's not just the police, you know, we have something that we call the four E's which is, enforcement, education, engineering, and emergency response. You know, those four things we can educate the people, we can shoot for zero, what we call Vision Zero, which means zero deaths, and when we ask some, if we were to go out and ask people, yeah what do you think about, you know, zero deaths and some people would say, well it's impossible, it's impossible. What if it was your family member that was one of the people that were killed, is it impossible then? You know, we have to take some of this stuff personally and say what can we all do, it's not just on the police or the prosecutors, it's everybody, so I hope that, you know, everybody will get involved and let's all do something and reduce the number of people being killed on our roadways. Thank you very much.

CHAIR SUGIMURA: Thank you. Anyone have questions for Mr. Hirata? Mr. Sinenci?

COUNCILMEMBER SINENCI: No questions, but I was just wondering if Mr. Hirata could be a resource if later please.

CHAIR SUGIMURA: Yes. Mr. Hirata, would you? Thank you.

MR. HIRATA: Be glad to serve, yes.

COUNCILMEMBER SINENCI: Thank you.

CHAIR SUGIMURA: Thank you for your passion, Mr. Hirata. Anybody else? None. Eric Correa is the next speaker.

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MR. CORREA: Hi, good morning. My name is Eric Correa and I'm representing MADD and I thank you all for having me here this morning to participate in this discussion. I did prepare something for this morning if I can get myself organized over here. Okay. So, on October 1, 2016, about 8:00 a.m. in the morning, a drunk driver crashed head on into my family and I while we were headed to the beach. My wife nearly died, my son fractured, had a fractured neck as a result and I had multiple injuries. A head-on crash is not something you wanna be involved in. I didn't expect that at 8:00 a.m. in the morning and my story was recently featured in *The Maui News*. As you can all imagine it's a terrible experience and there's others among us who have had that terrible experience and you'll hear from them soon. But we're here to say MADD's motto and which is no more victims and that sounds a lot like Vision Zero. So, we can come together on this issue and it's totally in line. And, first, we'd like to recommend three things as solutions. First, the creation of three dedicated DUI prosecutors, in the Prosecuting Attorney's Office. I speak from experience when I say that DUI prosecutors are much needed for the continuity, keeping continuity in that office with keeping up with trends or convicting impaired drivers. DUI prosecutors more fully understand the science involving detecting, apprehending, and prosecuting drunk drivers. Years ago, when I was a DUI Task Force Officer, Ms. Marie Kosegarten, Ms. Cynthia Kanoholani, and our own County Corp. Counsel, Ms. Moana Lutey specialized in prosecuting drunk drivers. They were like an iron curtain in that office, so much so that they attained the highest DUI conviction rate in the nation at that time. They were well versed in impaired driving offenses and well versed in the tactics employed by defense attorneys. The next ask I have is that to pass County ordinance to impound vehicles when drunk drivers are arrested. Hawaii County has such an ordinance already in place so we don't have to reinvent the wheel, they already doing that. It was spearheaded, from my understanding by the Prosecuting Attorney Mitch Roth. And there's an article that I will forward to all of you about that, how after that law was passed, the dramatic decrease in traffic fatalities the State experienced in Hawaii County. The third thing is we ask you to encourage the Liquor Commission to revisit their rules. Recently they made a change to allow one serving of beer to be 32 ounces or one serving of wine to be 32 ounces. That's too much alcohol on the streets. I'm sorry I'm going to take a little bit more time.

CHAIR SUGIMURA: What is that? Oh, excuse me, one second.

MR. CORREA: They wanted to do my testimony to music.

UNIDENTIFIED SPEAKER: Whoever's playing it, can you turn it off?

CHAIR SUGIMURA: Oh, I'm going to recess.

(Note: Music is heard in the background came from remote microphone, Chair calls a brief recess.)

CHAIR SUGIMURA: . . . *(gavel)* . . .

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RECESS: 9:22 a.m.

RECONVENE: 9:23 a.m.

CHAIR SUGIMURA: . . .*(gavel)*. . . Meeting will convene.

MR. CORREA: Okay, so the last thing was just to have, we wanna encourage the Liquor Commission to revisit that rule change that they made. Thirty-two ounces of alcohol, of wine, that's more than a bottle of wine. Thirty-two ounces of beer is a lot of beer, especially if you're drinking at a microbrew where the alcohol concentration can be up to 8.5 percent as opposed to the normal 4 percent beers, that the standard is gauged by. So, we don't need that much alcohol pouring on the roads at this time in our community. Right now, we have too many people suffering, you know, to worry about profit and Yelp reviews. We need to our community safe. Thank you for your time.

CHAIR SUGIMURA: Thank you, one moment, Ms. Lee?

COUNCILMEMBER LEE: Hi, thank you for your testimony. What should one serving be if not 32 ounces?

MR. CORREA: We would like to see 16 ounces of beer, one-and-a-half ounces of distilled spirits, which would include vodka, or whiskey, or tequila at a time, and or a five-ounce glass of wine at a time.

COUNCILMEMBER LEE: Would you be able to give us that information? I think you have some other information in writing as well?

MR. CORREA: Yes, I have, I have information on the, I do have information on the actual rules from the Liquor Commission, and I'll forward that to you all. I didn't have time to make enough copies. I also have the law from the Big Island on towing of vehicles which is a low-cost item, because they rely on the tow company's rotational basis to tow and take the vehicles, and where the people cannot get back to the vehicles to drive again. I've had that happen to me, was when I was making DUI arrests, they bail out and they go back to their car and drive again, which was kinda scary. The only reason we found out sometimes 'cause we were lucky enough to catch 'em again, or, you know, they unfortunately crashed.

COUNCILMEMBER LEE: Our Staff can make the copies for you.

MR. CORREA: Thank you.

COUNCILMEMBER LEE: Thank you very much.

CHAIR SUGIMURA: Anybody else have questions for Mr. Correa? Oh Mr. Sinenci has.

COUNCILMEMBER SINENCI: Thank you.

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MR. CORREA: Aloha.

COUNCILMEMBER SINENCI: Was there, did the Commission give any reasonings for their change?

MR. CORREA: No, they didn't.

COUNCILMEMBER SINENCI: They just made that change?

MR. CORREA: No, not to my knowledge. I don't know if other testifiers here know, 'cause multiple...we showed up to testify against it, and we weren't given a reason why.

COUNCILMEMBER SINENCI: Alright. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Correa, and thank you. So, just for the Committee's information, we did ask for Liquor to be here but they're not available. So, we can have another discussion with them.

MR. CORREA: Thank you so much.

CHAIR SUGIMURA: Thank you. Thank you very much. Next testifier is Andrea Maniago, from MADD.

MS. MANIAGO: Hi, good morning. My name is Andrea Maniago and I'm a volunteer for MADD. I'm here to voice my concerns about the increase in DUI deaths and why I think, excuse me, why I think it will increase due to the ruling, the new ruling made by the Liquor Commission. With the increased numbers of DUI cases, it's upsetting to see that the Liquor Commission has made changes to standard dry, sorry, standard drink sizes available to customers, which allows for one customer to be served 32 ounce of an alcohol beverage, to be consumed at one time. Why do we need so much alcohol to be consumed at one time? I'm so sorry. How does this help in making Maui a safer place? With the escalating number of DUI arrests and recent crash fatalities, I believe this is a public safety issue. Let's say a customer gets served one standard size of alcohol beverage which is 32 ounces, let's just say every 15 minutes. In one hour, a customer can consume up to 168 ounce of alcohol. Now, I'm a visual person, so I brought props. So, if somebody was to get served two servings of alcohol, it could fit in this container.

CHAIR SUGIMURA: Wow.

MS. MANIAGO: That's how much alcohol you can be served just in two servings. That's crazy. So, my solution is to have that standard size of 16 ounce of alcohol at one time. Now, again, let's say a customer gets served one standard size of an alcohol beverage that is 16 ounces every 15 minutes. In one hour, a customer can consume 64 ounces of alcohol. So, please tell me out of the two examples which of the, which one makes more sense? I speak at the State DUI classes which means often first offenders of a DUI are required to take these classes, which are held about twice monthly. There are

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usually 30 DUI offenders in each class and it's growing constantly. They've upped the classes now to two classes a month. By last month, I believe there was already 301 DUI arrest made this year, so the question is, do we have problem with people drinking under the influence? The answer is yes. Thank you.

CHAIR SUGIMURA: Andrea, we have a question from Ms. Lee.

MS. MANIAGO: Hi.

COUNCILMEMBER LEE: Hi. You mentioned those DUI classes, do they include people driving under the influence of drugs?

MS. MANIAGO: Yes, drugs and alcohol.

COUNCILMEMBER LEE: Do you know the proportion of drugs to alcohol?

MS. MANIAGO: No, I do not. I can see if I can get that information for you.

COUNCILMEMBER LEE: That would be helpful, thank you.

CHAIR SUGIMURA: Thank you, Ms. Lee. Good question. Staff, can you send a letter to get that information for the Committee? That's a very good question.

MS. MANIAGO: Can I just make one more statement? I also lost my son in a DUI crash and so this is why I do what I do, so thank you.

CHAIR SUGIMURA: I'm sorry to hear that. Thank you very much. Okay. Next testifier is Everett Brown or is it Broad, I'm sorry. You can correct me.

MR. BROWN: Brown.

CHAIR SUGIMURA: Brown.

MR. BROWN: Yes. Hey, aloha, my name is Everett Brown, I'm a volunteer speaker with Mothers Against Drunk Driving, however I come to represent my daughter. Yeah, and this is how I gotta bring my daughter around with me now. She was killed by one drunk driver so if we going talk about what can help, yeah, my first time to Vegas, had this big billboard sign that said, "possession of marijuana, 20 years, intent to sell, life." They was able for change that law and now it's recreational. I wondering if we can change our law to 20 years for just drinking and driving and life if you take somebody else's. Now really, I never had nothing prepared, this is speaking from the heart. This went change my life, so I'm sorry if I get emotional, this is how I feel. So, I'm not sure what you guys can do, but we gotta do something yeah. I wasn't able for save her, hopefully I can do something for save someone else, maybe one of yours. I really don't know what more to say. I'll keep coming back to talk of if got to, but I think talking is not enough.

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CHAIR SUGIMURA: Thank you. We have a question from Ms. Lee.

COUNCILMEMBER LEE: Thank you, Mr. Brown.

MR. BROWN: Thank you.

COUNCILMEMBER LEE: What happened to the person who caused your daughter's death?

MR. BROWN: Still waiting.

MS. BROWN: Right now, she's walking around free. We don't know, from what we understand was she was taken into custody right after the accident, 'cause she had alcohol....

CHAIR SUGIMURA: Can you speak into the, and identify yourself.

MS. BROWN: I'm Charlene Brown, Hannah Brown's mom, Everett Brown's wife.

MR. BROWN: She didn't intend to speak.

MS. BROWN: Yeah, sorry. From our understanding was that she was taken into custody because she suffered absolutely no injuries, she was walking around after the accident, picking grass and telling the police, sorry. And she was released pending investigation. So, as of right now, all we know is she's walking around free. We don't know if she's driving, her license was revoked, her car was smashed, totaled, but she could probably just go out and buy another car, who knows. We really don't know right now what's going on.

COUNCILMEMBER LEE: I'm very sorry. Maybe, Madam Chair, we can ask our prosecutors, you know, what the status of that case is.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: Thank you. Thank you very much again.

MR. BROWN: And I'm sorry for using marijuana, it was just related, I mean not related, but an example, sorry, thank you.

CHAIR SUGIMURA: An example, comparison. Thank you, thank you very much, Mr. Brown, Mrs. Brown. Any testifiers from the District Offices? Mavis Oliveira-Medeiros from Hana, do you have any testifiers there?

MS. OLIVEIRA-MEDEIROS: Aloha, this is Mavis from the Hana District Office, and there are no testifiers today.

CHAIR SUGIMURA: Thank you. Zhantell Lindo from Molokai, do you have any testifiers?

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MS. LINDO: Good morning, Chair. This Zhantell from the Molokai District Office and there are no testifiers.

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

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

CHAIR SUGIMURA: Thank you. Any other individuals who wish to testify in the Chambers? Seeing none, with your permission, Members, I'm gonna close public testimony.

COUNCILMEMBERS: No objections.

. . . END OF PUBLIC TESTIMONY . . .

(Note: Public testimony closed at 9:34 a.m.)

CHAIR SUGIMURA: Thank you. Public testimony is now closed. Thank you everybody for being here. We, the item that I took up today, I just wanted to sort of explain. Road safety is something that we're all concerned about as we are concerned about the public safety for our citizens. And recently, I got to participate in, with many of the testifiers, a sign waving event that happened on a Friday to talk about a death that happened, well it was drunk driving with a mother and a son. It was very sad, and was actually organized through the Police Department by the students, so the students from this 14-year-old boy, I think his technology class, asked the Police Department to help them organize a sign waving event. It was very, very moving, and there were about 300 people there, standing with handmade signs and information and a lot of sadness and passion. I think the mom worked at the Grand Wailea, so there were people from the Grand Wailea. There were members from the Prosecuting Attorney's Office, actually in force, was glad to see that and there was a ton of police officers there to be sure that everybody was safe. It was an event that moved me and then online, there's a Facebook post called 24/7 that basically talks about accidents that happen in the community and it's very interesting because you actually read individual comments about it. One of the things though that happens on this site is that it tells people where not to go when there are checkpoints, and they, you know, so that people can avoid the checkpoints if you're drunk or if you have had some alcohol. So, good or bad, I guess they're trying to, you know, help with the community service, but at the same time it creates a situation that could cause a fatality in the long run. But, on a side note, I just wanted to commend that Facebook site, 24/7 for getting the community involved in this situation. Someone did mention the confiscation ordinance from the Big Island, that's the first time I got to read it, and that interests me, as well as different items, or different conversations about enough is enough, you know, and like Maui get mad, let's, you know, let's do something about this. So, in terms of road safety and security, which would be relevant to this Committee, I wanted to take this item up. When that accident happened on Pihani Highway, Mr. Shapiro who sent to all of us this thick book, all of you got it, which is a . . . Scott Shapiro, it's the National Cooperative Highway Research Program Report #641, Guidance for the

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Design and Application of Shoulder and Center Line Rumble Strips as it talks about roads and how to design it so that it's safer. I think copies were put into all of our, our mailboxes downstairs. You can give this to Tamara if you could. Anyway, Mr. Shapiro was the first one that sent my Committee or all the Councilmembers an e-mail saying maybe we should look at the way we design roads as well as I thought, okay, the Police Department has a important role in this as well as Prosecuting Attorney and Public Works, so that's why I got this Committee meeting together and I really look forward to hearing and learning from this and possibly figuring out what we can do as the County to make our roads safer for our community. And I think, so right now I was hoping if Police could give us your presentation, and then Prosecuting Attorney and Public Works for comments. So, Police.

. . . BEGIN PRESENTATION . . .

MR. KIHATA: Good morning, Sergeant Ken Kihata with the Maui Police Department, Traffic Section, Vehicle Homicide Unit. I brought some stats for everybody. Basically, the first page, I'll go over these stats, it looks back five years including this year. So far, this year we're at 16 near fatal and fatal crashes that we responded to. From those there were 15 fatalities, 14 injuries, 5 pedestrian, the pedestrian fatalities, and out of those 15 fatalities, 9 were alcohol involved, whether it be the driver or the, both drivers, unit one or unit two. There are four drug-involved fatalities from those crashes. There are nine pending toxicology, and that comes out to 62.5 percent which were drug and alcohol involved. And that number may go up or go down, depending on the toxicology results that we get back. And also, I put in some stats for speed. Out of those 16 near fatal or fatal crashes, half, so that's eight, were speed involved, and three died from those crashes which was they weren't wearing any seatbelts. If you look at the numbers, yeah, we're well over, we're only at halfway through the year, little over halfway but we're well above the midway point for fatalities. Next page, we have the Maui County OUI arrest statistics. So far as of July, there were 332 OUI arrests, 299 of those were alcohol, 15 were drugs, and 9 were a combination of drugs and alcohol. There are 3 habitual OUI arrests, and 6 under 21 OUI arrests. The third page....

COUNCILMEMBER PALTIN: Chair, can I ask a question --

CHAIR SUGIMURA: Yes, Ms. Paltin.

COUNCILMEMBER PALTIN: --of information? What's OVUI?

MR. KIHATA: OVUI is Operating a Vehicle Under the Influence of an Intoxicant, so it's UI.

COUNCILMEMBER PALTIN: Oh okay.

MR. KIHATA: Yeah.

COUNCILMEMBER PALTIN: Thank you.

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CHAIR SUGIMURA: Thank you.

MR. KIHATA: And for the third page, this is the stats for the intoxication checkpoints, so the roadblocks. So, far, as of July, MPD has conducted 80 intoxication checkpoints. Of those, there were 6,440 vehicles screened so far and 73 arrests, OUI arrests. I'd like to point out that we're, as of July we're surpassed the year-end total of 2017 and 2018 for OUI arrests already, so that's a quite a jump in OUI arrests. The last page is the stats for Maui County citation statistics. As of July, there were 25,000, over 25,000 citations issues, Countywide. Of those, 1,228 were for distracted driving, so your cell phone violations; 2,154 were for speeding; and over 1,000 for seatbelts, and there's a five-year look back on that as well. Any questions?

. . . END PRESENTATION . . .

CHAIR SUGIMURA: Members, you have any questions? Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair. Thank you for that report. Are we seeing any high concentrated areas where a lot of either the speeding is taking place or maybe more of the OVUI's are taking place where we can quickly address or are these numbers are kind of sporadic about the County?

MR. KIHATA: Yeah, we conduct our checkpoints throughout the County, but as for like speeding, if there's citizen concerns where we get calls, we'll focus on those areas, but you gotta understand that these arrest statistics and citation statistics are the ones that get caught, you know, drunk driving or speeding or on their cell phones. And we all know that if you see a police officer on the road, everybody's going to have their seatbelts on, nobody's going to speed, nobody's going to be on their cell phone, so these are the ones that got caught. So, you gotta think, out of the ones that got caught, how many are out there drunk driving or on their cell phones. I can't give you a number, but --

COUNCILMEMBER SINENCI: Okay.

MR. KIHATA: --yeah, it's up there.

COUNCILMEMBER SINENCI: Alright and I had another question. Does the Department utilize any of those cameras that are mounted at certain intersections?

MR. KIHATA: No.

COUNCILMEMBER SINENCI: No, that is not in use liked other counties?

MR. KIHATA: Not at this time.

COUNCILMEMBER SINENCI: Okay. Alright. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Ms. Lee?

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COUNCILMEMBER LEE: Thank you, thank you for your report. This is very, it's actually sad information. I do notice that you had a hundred, essentially a hundred checkpoints conducted in 2014 and 2018, 150 which yielded almost 3 times the number of vehicles screened. So, we often have during budget time, we all want to give more and pay for more officers, but for some reason the Department has difficulty filling vacancies. So, although you need more officers, as Mr. Sinenci said, can we help provide more, other alternatives, like cameras in high-traffic areas, areas that there are a lot of arrests and speeding and whatnot? Can we do that as one alternative and are there any other alternatives aside from adding bodies to the Department?

MR. KIHATA: I think Mr. Correa made some points of having a designated DUI prosecutor, also maybe a District Court judge who oversees the DUI proceedings. One specifically just for that would be advantageous as well.

COUNCILMEMBER LEE: Well, have you thought of as another alternative, to have a massive social media program since many of the violators are on social media, that we can provide pressure that would, information and pressure that way? Because that's another alternative we could use, we would find the funding to pay for something that's very comprehensive and consistent because I think because MADD and other organizations have been successful in educating the public, if we continue in that vein, except accelerate it, perhaps we can help the Police Department, you know, prevent some of these violations.

CHAIR SUGIMURA: Sergeant Kihata, you have a comment about that? To help you, I guess to help you with education.

MR. KIHATA: Yeah, that would be, that would be very good. That would be helpful.

COUNCILMEMBER LEE: And possibly one other consideration, I know there are not, there are no people to really take the place of police officers, but I'm sure that police officers could hire people on a limited basis in terms of maybe they're not officially police officers, but they would be paid by the County to go to the schools and on a regular basis, teach them about the importance of following the law with regard to other use of drugs and driving and under the influence. So in other words, we don't always have to hire other police officers, we could hire educators, or instructors that are working on behalf of the Police Department.

MR. KIHATA: That would be like in conjunction with the DARE program, yeah?

COUNCILMEMBER LEE: Yeah, but you don't have to be a police officer.

MR. KIHATA: Yeah, that would be helpful too, yeah.

COUNCILMEMBER LEE: Okay. Can you remind us at budget time?

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MR. KIHATA: Okay.

COUNCILMEMBER LEE: For real. Okay.

CHAIR SUGIMURA: Vice-Chair, Mr. Hokama?

VICE-CHAIR HOKAMA: Thank you. I think there were some good recommendations this morning already, Chair, so I'm sure you're gonna follow up on those suggestions that were provided by our testifiers. I was interested in hearing yeah all about these expansions, I need to know, I need more from what you get now. Don't ask me for more money, so tell me how you can do more with what you got now. I think one is what, by Ms. Lee, I think the departments need to ensure that they have full employment of all their positions authorized and funded by the Council. I would look at the Chief maybe adjusting the SRO, School Resource Officers positions to take some of Ms. Lee's concern into account. Okay. There's things already in place. We know that, we spend millions, this County okay, every year. So, my question is, to all of you that represent us as the County, how shall we do this better? I would agree, I think maybe more checkpoints, as Mister, the former Commander Hirata suggested. I know he had a great visual and direct presence in schools with his seat belt and bicycle programs, so he was a very seen and active face of the County and the Department. I don't know if that's what we need, a face for the program, or something where we can have an identification. But I need statistics, Chair, because I believe the County has a role in creating appropriate policy to protect its community and its residents. So, the things that would help us from Prosecutors, Police Department and such is more specific information with the DUI's, how much of it is visitor related versus residents? What is the age demographics? How much are rental cars versus ownership cars? How many of those cars were current in its registration and insurance?

MR. KIHATA: Yeah, I can get you those stats.

VICE-CHAIR HOKAMA: Yeah, that can help us adjust our side, what we can legally by ordinance or ask for the Legislature to change a statute, something that works for you guys, because you guys providing us the guidance yeah, so that's why we look at you folks for those type of guidance. Prosecutors, you know, more than likely we gotta deal with statute so better to go to the Leg and lobby and get the statute changed 291. Right, that's what you deal with, HRS 291. We can, and again, I don't know, Mr. Hopper, what is the power of a County ordinance to direct the Commission to adjust its County rules within the County of Maui's jurisdiction?

CHAIR SUGIMURA: Mr. Hopper?

(Note: Councilmember Lee leaves at 9:51 a.m.)

MR. HOPPER: I'll admit I don't deal on a daily basis with liquor issues, but the, I did read the Charter for this meeting and it does appear that the Charter gives that, gives the responsibility for rulemaking to the Department of Liquor Control and the Liquor Commission, so a lot of that's through HRS as you mentioned, so as far as what

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County authority we would have to alter those, I don't offhand of how that would be done given the charter and given the HRS, but that's something that we could research and get, you know, some more detail.

VICE-CHAIR HOKAMA: Can you request written comment back from --

CHAIR SUGIMURA: Liquor.

VICE-CHAIR HOKAMA: --both, all the departments involved. I think we should hear from the Prosecutors, Police, and whoever else deals with 291.

CHAIR SUGIMURA: Two ninety-one, ok.

VICE-CHAIR HOKAMA: Especially on the fees, because we know how the Department has been budgeting. Okay, I know their history for 20-plus years on budgeting. Why not use some of those fees . . . *(inaudible)* . . . to address some of this DUI adjustments. I think we should make a point and maybe there's something we can either statutorily make the amendment, or if we can budgetarily through Council's ordinance that we should consider those things. Thank you.

CHAIR SUGIMURA: Thank you, good point. I believe because it's the Liquor Department is run through HRS and not through the County ordinances, that they have different laws that they adhere to outside of what we do and they also don't report to us and only budgetarily, correct Mr. Hokama? The budget gets approved through us?

VICE-CHAIR HOKAMA: Well, there'll be no Commissioners if the Council didn't confirm them.

CHAIR SUGIMURA: Yeah.

VICE-CHAIR HOKAMA: Okay, so we have authority to a degree.

CHAIR SUGIMURA: Commissioner.

VICE-CHAIR HOKAMA: And that's why I'm gonna ask you to write to Corp. Counsel, Mr. Hopper for some written guidance on what is our purview.

CHAIR SUGIMURA: Okay, thank you very much, very good questions. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you for the information and I like how it was going back five years. I was wondering if you could provide us any more information on the circumstances of each year, like 2017 looks like a big dip in fatal and near-fatal crashes and then I noticed that, you know, in 2016 there was the highest number of total citations issued Countywide. And so, I kinda was just wondering if you did any kind of analysis of things being done differently from year to year that yielded higher numbers of citations or lower numbers of fatalities. Like is it all constant your conditions, like in 2014 there was only hundred checkpoints

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conducted, but in 2017, 153. Like, is there a reason that those numbers are different, was there someone more out there in a certain year versus another year?

MR. KIHATA: No, we just, we were just ramping up more enforcement throughout the year, so as for fatalities, yeah, the number of fatalities we have...

UNIDENTIFIED SPEAKER: Policy.

MR. KIHATA: . . .*(inaudible)*. . . Okay. Yeah, we can get that through the Federal data, yeah, base, yeah.

COUNCILMEMBER PALTIN: Okay. And like changes in the, it seems like changes in the Liquor Commission rules might have affect out on the roads and things like that. Like, I guess also why the checkpoints conducted in any given year fluctuates, like is it lack of workers or? I like how you guys do 'em surrounding the holidays, you know, like 4th of July and graduation time, but I just was wondering like, who makes the call on how many checkpoints per year and where they're at?

MR. KIHATA: We pretty much run one, or several every weekend, we try to anyway, so the numbers have been consistent for the past three years, but we're trying to ramp up more enforcement, more visibility out there. These are all Federally-funded programs, roadblock programs, so with that, yeah, we try to do more, as much as we can.

COUNCILMEMBER PALTIN: And did you have opinion on the confiscate your car legislation? You think that would be helpful?

MR. KIHATA: I think that would be very helpful. But the only problem I see is where do we store these cars?

VICE-CHAIR HOKAMA: Bingo.

MR. KIHATA: Yeah, currently our Kihei impound, where you impound all traffic fatality vehicles, they're also used for Vice, forfeiture, and CID cases. We also store that in a secure impound facility, that place is filled to the brim already.

COUNCILMEMBER PALTIN: So, they would need to be stored by the police, they couldn't be stored by the private towing company at the owner's expense?

MR. KIHATA: I would have to refer that to the Prosecutors.

CHAIR SUGIMURA: So, we can look at that as we look at the ordinance.

MR. KIHATA: Yeah, yeah.

COUNCILMEMBER PALTIN: And if they no pick 'em up in a certain amount of time, public auction.

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MR. KIHATA: Yeah, I don't know.

CHAIR SUGIMURA: So, we can look at the detail when we look at possibility.

MR. KIHATA: Yeah, yeah.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SUGIMURA: Thank you. Any other questions for the Police Department? Seeing none, so I would love to hear from the Prosecuting Attorney's Office. So, one of the things that came up was a suggestion for a DUI judge and don't we have somebody that does, is that Judge Cardoza that used to do the, do that?

MR. SEGAL: That's Drug Court, and good morning, and just for background, introduce myself?

CHAIR SUGIMURA: Yes, please do.

MR. SEGAL: So, my name is Brandon Segal.

CHAIR SUGIMURA: Could you introduce yourself, introduce yourself.

MR. SEGAL: I'm a Deputy Prosecuting Attorney, I'm here with Terry Herndon, he's the current District Court Supervisor. And I was the former District Court Supervisor and I currently handle some traffic felonies in the office, I'm also in the Family Court Unit and I also assist Terry in his duties as being essentially sort of a liaison between us and various partner agencies such as the State DOT, our police officers, police agencies in other counties and things of that nature. District Court, just for little bit of background is what I would like to call the frontlines on traffic safety. District Court handles anything from civil speeding infractions...

CHAIR SUGIMURA: Excuse me. *Akaku* is asking if you could speak closer, yeah so we can hear you.

MR. SEGAL: Oh sorry. Excuse me.

CHAIR SUGIMURA: Thank you.

MR. SEGAL: So, District Court, we have three District Court judges, Judge Hammond, Judge Kobayashi, and Judge Kawano. And as I mentioned, it's essentially the frontlines for traffic safety, so if you're issued a citation for speeding, for excessive speeding, you have a mandatory court date. And excessive speeding would be anything from 30 miles per hour over the speed limit or going 80 miles an hour or above. And so, excessive speeding is a crime, we have mandatory license suspension and penalties for that. In addition, if someone's issued a regular speeding ticket and they want to fight the charge, they can come into court and then we have hearings called trial del novos with officers. It's all judge trials. And of course, District Court is

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where we handle DUI's, which are petty misdemeanors with various levels of penalties. And so upwards from there we have traffic felonies, negligent homicide, negligent injury, upwards of manslaughter which are handled in our Circuit Court, so Judge Cardoza handles Drug Court which is different from DUI Court. Drug Court is just drug-specific offenses, it's with a focus on rehabilitation. In Oahu, they have what's called a DWI Court, a DUI Court. We do not have that there, but the DUI Court is, from what I understand it is a specific court with one judge whose focus is on rehabilitation treatment of repeat offenders. We do not have that on Maui, we have three different court, we have two different courtrooms and all the judges rotate and handle any DUI cases or speeding cases that go through their courtroom. I mentioned that District Court is really the frontlines is because while DUI in itself is just a petty misdemeanor, that's the way our law currently treats it, it's just as Eric mentioned, it takes just one swerve or one left to center to turn that standard DUI into a, you know, a negligent injury or something worse, maybe a Class A Felony Manslaughter. So, we take DUI's very seriously in Maui at our office. We have a, I'll give credit to Don Guzman, you mentioned about staffing, we're now currently fully staffed at the Prosecutor's Office, more or less, I think someone might be leaving soon, but he's done a great job of getting, of the hiring of attorneys to make sure we are fully staffed. Terry is the District Court Supervisor as I mentioned, so he oversees five prosecutors who handle District Court and obviously, we have our Circuit Court units with prosecutors, and traffic felonies get assigned according to which court room they assigned, which is pretty much random based on their name and the resources in the courtroom. So, on that end, Mr. Guzman has also assigned a prosecutor to be I guess our PR or outreach prosecutor, another thing that I think is important. So, his role is to work with the community, go to these events as was just mentioned, the sign waving event, work on outreach to the community to make sure that what we're doing at this office is known to the community. And from my end, I work closely, so we have a lot of Federal grants that I've worked and applied for, for trainings for our prosecutors, so for example I recently returned from the DRE Conference which is in Anaheim and it's all Federally funded grants and the DRE Conference, it's basically a conference that allows prosecutors and police to receive trainings from national instructors and get updates on the case law, updates on legal issues, updates on what prosecutors and police officers face in the field, so the State DOT has done a great job of giving us the funds for these trainings which I think are very important because the legal issues do change very often. And so, as Eric mentioned, I think having a dedicated DUI prosecutor or more than one dedicated DUI prosecutor is a great idea, we did have it in the past. As I mentioned, the law does change very often and the nature of how District Court works is that our District Court deputies are typically our entry-level deputies, so they're coming straight out of law school, or they're coming from another agency, and so they are learning how to be prosecutor when they come in. But they're also doing with DUI's which are from my opinion, are probably some of the most complicated types of cases that our prosecutors charge and see in court, due to the foundation that has to be laid, the instruments and the testing, and all the chemical analysis has to be done, and so they are learning. And so, they go through a lot of training, they get the experience and then they move out to obviously as part of their career, they move on to felonies. So, I think it's a great idea if we did have some dedicated DUI prosecutors who can continue that training, share those resources and

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knowledge with other prosecutors who are under their belt, and essentially be a catchall for DUIs in our county. So, I'm here to answer questions you might have about the way our process work or I know we have some stats as well if you want information on that.

CHAIR SUGIMURA: Thank you. So, we're down to bare quorum, so anybody let me know if you need to take a break. Mr. Hokama, you have any questions for the Prosecuting Attorney's Office?

VICE-CHAIR HOKAMA: I would request to share their details with the members so we can at least see what they're tracking.

CHAIR SUGIMURA: Okay.

VICE-CHAIR HOKAMA: Because for us, we'd like to know what is your average case load per attorney? How often are you in court? What's your conviction rates? You know, is a lot of things a delay because of procedural technicalities that shouldn't have, should have been addressed earlier, I mean, you know, you tell us what's happening.

MR. SEGAL: Certainly, so, typically with a DUI arrest, the arrest occurs, and their license is taken away, they're given a temporary permit, and then we have a civil process that's called the ADLRO and that's a separate agency with the State of Hawaii Judiciary, and so that process immediately starts to give me a hearing date. And before the ADLRO, as I said, it's a civil process and their license, they go to a hearing or a review decision, and their license is revoked if there's enough evidence, excuse me, to sustain the revocation. Obviously, they can hire an attorney and they can fight that revocation, that's a separate process, so those, once they're arrested, they're given a court date, they appear in custody or they usually bail out and they're given a court date within about 30 days, more or less. That case is then sent to us for review, so we get all the police reports, we get their, what the police saw as far as the vehicle motion, their observations, how they perform on the field sobriety tests, any testing that was done, if they took a test or refused a test and so we evaluate that evidence and our ethical standard is proof beyond a reasonable doubt, so we make sure we can prove that case if we're going to continue with charges. And to their credit, the police does a great job of collecting evidence, we have very few cases, anecdotally I can say just a few this year that were actually declined due to insufficient evidence. So, we charge the case at that point and then they have a hearing date, arraignment date, and that's how the judicial process starts. We're fortunate right now that we don't have a lot of the problems that Honolulu has been having in terms of prosecuting DUI's, you may have heard it on the news. They're saturated and we're saturated as well in terms of our court case load, but they have problems with speedy trial and speedy trial is essentially a six-month time period that prosecutors or the State is required to bring a case to trial. And due to the case load, due to the number of court rooms and hearings and, it just doesn't happen over there. And a lot of cases end up getting dismissed. We're lucky we have really great judges and we have a good team here that Rule 48, what's called the speedy trial rule, that comes into play far less often than it does in Honolulu, so we can generally take a case to trial if it's going to go to trial. The

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vast majority of our cases settle, by way of plea agreement and so I don't have the statistic, but last year our conviction rate was in the high 80's or low 90's, I don't have the number offhand. So, in my opinion, it was a good conviction rate, considering the state of the law as it is right now on DUI's. Trial-wise, as far as the delays you mentioned, these cases do take a while to get to resolution or adjudication. People, I'd say that DUI's affect all members of our community, regular people get DUI's and there's a lot at stake obviously as far as penalties go, as far as their job goes, so a lot of people fight DUI's. That's just the nature of how they are, and so we have a lot of defense attorneys, very good defense attorneys, their role in the judicial system is to make sure the Constitution is upheld, it's part of the system, and they keep us on our toes, making sure that we're...go ahead.

VICE-CHAIR HOKAMA: So, let me ask you a question, and again you answer within the parameters of this open session. So, if somebody's guilty of a DUI and they were in an establishment, wouldn't that make a argument for the person was over served?

MR. SEGAL: So, you're referring, I can't remember the name off hand, is it dry shop or?

UNIDENTIFIED SPEAKER: Dram shop.

MR. SEGAL: Dram shop, thank you. Yeah. So, that's a, obviously a civil standard, we don't work with dram shop liability, but certainly someone could be sued if they did over serve someone and that resulted in a crash or injury to others, and I have heard of cases anecdotally where shop owners have been sued due to dram shop liability. So obviously, a conviction would help that civil case, yes to answer your question.

VICE-CHAIR HOKAMA: One of the things that maybe you guys could, how much of this DUI's came from people who were in establishments versus private homes, a rave party in a open field, you guys know what's the difference between or what was over, you know, DUI's from people who bought and/or served drinks?

MR. SEGAL: Well, as far as the information of where they've been goes, usually that information is obtained through search warrants or subpoenas in more severe cases that involve crashes or injuries to others, or deaths, so for regular DUI's, I think Sergeant Kihata can speak to it I guess. As for the enforcement goes, we have roving enforcement, enforcement excuse me, where officers just out and about catching or looking for impaired drivers and so I would think they'd focus their enforcement in areas where you'd see impaired drivers, you know, Kihei on a Saturday night is probably a hot spot for that. Then we have roadblocks, but I don't have data specifically of where they've been as far as regular DUI's go, unfortunately.

VICE-CHAIR HOKAMA: No, 'cause I agree with the, you know, former commander, this is a big community thing, I mean we know that teenagers are pretty sharp on how to get liquor from non-establishments.

MR. SEGAL: I certainly agree.

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VICE-CHAIR HOKAMA: So, you know, I'm just concerned about, we shouldn't only focus on the establishment because if they getting liquor from home, that's another issue.

MR. SEGAL: Right, and I'd have to defer it to Liquor Control on how that's enforced. I'm not too familiar with enforcement of people who are over served. So, sorry about that. But, I think you can speak to, as far as enforcement goes, you guys do focus on certain areas, Sergeant Kihata, for roving patrols on, for example on a weekend or a holiday?

MR. EHLERS: Yeah, so...

CHAIR SUGIMURA: So, this is Officer Ryan Ehlers.

MR. EHLERS: I'm sorry, Officer Ryan Ehlers, Vehicle Homicide Unit. So, if there is specific things going on like MayJah RayJah or things that we know are going to be happening in a specific area, then yeah, we'll focus on a specific area if that's what you're asking about. As far as specifics as far as where they were drinking, we can ask them but they, it's up to them to tell us right, and a lot of times they don't want to tell us. So, we ask them, if they tell us, that's great, if they don't tell us, that's fine too, that's, you know, that's not, we can't compel them to do so. And then, after that Liquor Commission steps in.

VICE-CHAIR HOKAMA: The prosecutor could compel them in court?

MR. SEGAL: No, they have a right to remain silent so we couldn't force them to tell us where they've been unfortunately.

MR. EHLERS: The Liquor Commission does however after we make arrests, come in and ask them again a second time. I understand you've been arrested for impaired driving, would you mind telling me where you drank, and then they begin the civil process that way.

VICE-CHAIR HOKAMA: Okay, thank you.

CHAIR SUGIMURA: Interesting. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, prosecutors. I was wondering when you mentioned about the outreach prosecutor, if that person would also, you know, as far as outreach, or if it would be a different entity, like, you know, I think PSA's might be helpful, like with people that lost their family members due to drunk driving and stuff like that. Like if you have a non-profit, sometimes they can get PSA's on the radio free or something like that, like just have it more front and center for the public, and I appreciate like how you said you guys take DUI's very seriously, like are you saying a regular DUI is someone that doesn't crash or anything? What is a regular DUI?

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MR. SEGAL: Correct, so yeah, a standard DUI without a crash would just be one charge. Obviously if they're driving recklessly or they had maybe a single car collision where they crashed into a tree and no one else was injured, that would add an additional charge. But most DUI's fortunately don't result in crashes.

COUNCILMEMBER PALTIN: And so, you're saying a regular DUI is considered a petty misdemeanor?

MR. SEGAL: Correct, and so just this year, I work on the impaired driving task force, worked with the State DOT and other agencies in Honolulu, and so we did amend the law this year, you may have heard to reduce the number of DUI's required to be a felony from four to three within the last ten years. We've increased the penalties. There is mandatory minimum penalties, for example you have to have a one year license revocation as part of your first DUI, you have a minimum now it's \$250 fine, maximum \$1,000 fine, there's community service that potentially could be imposed. And so, we've increased the penalties from \$500 to a \$1,000 for a second DUI and so forth, so.

COUNCILMEMBER PALTIN: Is there a way to change the name, 'cause just the way to hear it say petty misdemeanor makes it sound like it's not serious as it should be sounding.

MR. SEGAL: Yeah, well I certainly I can understand what you mean by that. DUI's used to be misdemeanors, full misdemeanors, I don't recall the day it was, well before I became a lawyer, I think it was in the late '90s that, that was changed to be a petty misdemeanor. And the reason why is because misdemeanors carry a jury trial right, meaning that they want to fight the charge they have the right to bring in 40 or 50 members of our community, we pick 12 and it becomes a much more resource intensive and longer process, which means inherently that less can go to trial, then you have speedy trial issues. So, one of the reasons why we reduced it from a misdemeanor to a petty misdemeanor is to remove that jury trial right so we can be more efficient, 'cause now there's all judge trials, meaning we can do two or three a day as opposed to one a week or two a week.

COUNCILMEMBER PALTIN: Okay, that makes sense. And then at one point you said the law changes often?

MR. SEGAL: Yeah, so what I meant by that is DUI's inherently involve issues of fourth amendment, search and seizure, implied consent, and so the case law in Hawaii as far as what's coming down from the Supreme Court which has a very liberal, currently very liberal construction of the fourth amendment. The case law's changing very often and so as the case comes down, their interpretation of 291E-62 means we have to adapt to whatever changes are. For example, in the past when someone was involved in a crash we used to do what's called a mandatory blood jar, meaning the officer would take them to the hospital and take their blood whether they consented to it or not, and that was part of what our understanding of implied consent meant at the time. Just for background, when you have a license or you apply for a license you imply the consent to having your blood drawn when you're on the road, it's actually on

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the licensing form that you sign. The Supreme Court struck down that part of the law and basically said that we have to apply for a warrant if we want to take their blood, in the past we weren't doing warrants, and so for the past couple years we've only had...obviously warrants are more resource intensive and we only have one judge on call so what we've done is last year we went back to Legislature and we asked them to allow us to use electronic warrants, meaning and we're going to have a pilot program hopefully next year, we applied for grant funding from the Federal government, and essentially that will allow us now to apply electronically, basically e-mail the judge a copy of the warrant, so all the fourth amendment protections are there. We tell the judge what the officer saw, the judge would have essentially an iPad, review the warrant, make sure there's probable cause, issue the warrant, and then sign off and we can then do what's called a mandatory blood draw. Right now, we take them to the hospital, we have a partnership with Clinical Laboratories of Hawaii and they have nurses there at all hours of the night that allow us to take their blood, so we have a warrant then we're allowed to take their blood for a blood test.

COUNCILMEMBER PALTIN: If folks wanted to try and ask the Hawaii Supreme Court to make the law stricter for it, how would they go about that? You gotta wait for the case to come to trial or?

MR. SEGAL: Well, so the change in laws would be resting with the State Legislature, the Hawaii Supreme Court really would interpret the laws. As I mentioned they have a very liberal interpretation, so we actually passed a law about ten years ago that made it a crime to refuse to submit to a test, a chemical test or a breath test, so if someone was arrested and brought to the station then you offer them an opportunity to take a breath test, if they refuse then they would be advised of further sanctions. If they still refuse they'd be charged with another crime which in of itself is a petty misdemeanor. The Supreme Court struck that law down and said it was unconstitutional. So, the sort of the dynamics between the Legislature and the laws we want to enact, but ultimately the Supreme Court has the authority on whether a law is constitutional or not. So, now it's no longer a crime to refuse to submit to a test, that law was ultimately repealed.

COUNCILMEMBER PALTIN: Okay. Thank you.

MR. SEGAL: We do have civil sanctions however for refusal to submit. So for example, it's a one year mandatory revocation for a first-time offender, but if you refuse to submit to a test it's now a mandatory two-year revocation, and that's all on the civil side with the ADLRO.

COUNCILMEMBER PALTIN: Cool.

CHAIR SUGIMURA: Thank you. So, if any of us...

COUNCILMEMBER SINENCI: Chair? Oh, go ahead.

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CHAIR SUGIMURA: Wait, just a second, so, Mr. Herndon, so if any of us have laws that we would like to suggest changes for the Liquor Department or Liquor Commission, so we can do it through what organization is this? Is that something, Brandon, that you're a part of?

MR. SEGAL: Yeah, we're both part of it, I guess we have a task force with various State agencies so we can always make recommendations to the DOT who can then, we would have to find a sponsor obviously. So, if there's people or members of the public who want to see a type of law passed we could certainly relay the information on to the police or the prosecutors, we could relay it to the task force and see if that's a bill that we can get introduced during a session.

CHAIR SUGIMURA: Oh, very good. That's good information, thank you. Anybody else? Oh, I'm sorry, Mr. Sinenci?

COUNCILMEMBER SINENCI: Just a same question along those lines, so Mr. Brown testified about mandatory sentencing for, that includes loss of life in a DUI accident. So is that the same thing if we wanted to increase those, the years, would that have to go through the Legislature as well?

MR. SEGAL: Yes, yes it would.

COUNCILMEMBER SINENCI: Okay. Alright, thank you.

CHAIR SUGIMURA: Thank you, Mr. Sinenci. Anybody else have questions for Prosecuting Attorney? Thank you very much for good information. Next, Public Works, after Public Works, I'm going to take a short recess and then bring up the community advocate, advocates, so Rowena Dagdag?

MS. DAGDAG-ANDAYA: Thank you, Chair. I think earlier in the, when we started the meeting, former District Commander talked about, Chuck Hirata talked about the four E's, education, enforcement, engineering, and evaluation and those are, I mean we take those E's heavily into account when we're designing roads and, or making retro fits to existing roads. Also, Councilmember Riki Hokama had mentioned about data collection and we rely heavily on the data that's being collected in order to drive the decisions that we make in making again, designing roads and retrofitting them. For Public Works, you know, we, since we look at the data, it's also important to know what is happening when an accident occurs, where is this happening, are we seeing multiple incidents happening at an intersection or on a particular roadway? Who does it involve? I think the question was raised earlier, is it seniors, is it students, is it people in a specific demographic, that's an important question to ask. Also, when is this happening, when is the incident happening. Is it at night mainly or are these incidents happening during a specific time of day. And then also looking at too the cause of the accident, why is this occurring. So, for Public Works, we work really heavily, we're involved in getting that data from the Police Department and we're also in consultation with Police Department and other affected agencies as well when we're trying to study a particular incident or case. I have Nolly Yagin here from our

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Engineering Division who deals mainly with traffic safety issues and so he can speak a lot on what they've been doing in terms of complete streets and creating guidelines for designing roads. You know, also when we're looking at the data, I know today's discussion was focused a lot on driving while under the influence of drugs or alcohol, but speeding is also a big issue with respect to our County roads. I know a lot of the incidents that have happened in the past year, have mainly happened on State highways where you have a lot of high, high-speed roadways. On County roadways, many of the accidents that come to our attention are those that involve pedestrian issues. Whether it be a pedestrian who is not in a marked crosswalk, or someone who is wearing dark colors at night, and that might have involved speed, it might have involved driving under the influence as well. But, I'll turn it over to Nolly, and maybe he can explain also some of what they do in his section.

CHAIR SUGIMURA: Thank you. Thank you, Mr. Yagin, for being here.

MR. YAGIN: Yeah thank you, Chair. So, yeah as Rowena mentioned most of our, most of the accidents that occur on County roads tend to be lower in speeds, and what we do with that data is we try to identify the trends whether it be in a certain area, intersection, the cause of the accidents. When it comes to DUI's or alcohol-related-type accidents, it gets to a point where we really can't design the roads around that type of an accident. Pedestrian issues though, those are something that we've been focusing on. Bringing down the speeds are something that we're, we always try to look at too. We always aim, we always notice that 30 miles per hour, after 30 miles per hour fatalities do increase, the rate of fatalities do increase so we try different methods to bring down those speeds. Some of the things that we've been trying to get started especially is in the area of pedestrian safety so one of our observations for a while now has been that pedestrians mainly adult, children they tend to play it safe, but a lot of adults look at the crosswalk almost as like a right-of-way. Basically, they see the crosswalk, they look at it as I'm crossing, everybody needs to stop right then and there. It's wrong and so we're trying to find techniques on how we can get the word out and we'll start with the kids because for the most part the kids already exercise that caution, they stop, they look, 'cause they don't know how everybody's gonna behave. But we're looking at other ways such as type of a public service announcements, getting out to the schools, flyers, something that they'll actually look at. We've also been looking at just putting instructions on the ground basically stop, look both ways, those might be effective enough to get the word out, so that's where our focus is on curbing down speeds and pedestrian safety. Thank you.

CHAIR SUGIMURA: Interesting. Ms. Dagdag-Andaya?

MS. DAGDAG-ANDAYA: I also wanted to add that our partnerships in the community are really important, so in the last few years we've been partnered with HEAL formerly known as NPAC so in the audience we have Lauren Loor and Katie Folio. They've been really active in the organization as well as Blue Zones in bringing people together to address some of the concerns, or bring those concerns to light. So, our community partnerships are really important. We talk about conducting educational programs for kids, teaching them how to cross the street safely, also it should extend out to seniors

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as well, because senior pedestrian fatalities are a big issue, especially in Honolulu, but it can be a big issue here on Maui. So, I really do appreciate all the work that's being done by the organizations to bring these issues to the forefront and into the community.

CHAIR SUGIMURA: Thank you for bringing that up. Anybody have questions for Public Works? Mr. Hokama? Oh, Mr. Sinenci?

COUNCILMEMBER SINENCI: Thank you, Chair, real quick. So those, are the rumble strippings down the center median, Director, on just newly paved highways or have they been installed in I guess the older highways where there is no median to separate the two-lane traffic?

CHAIR SUGIMURA: Mr. Yagin?

MR. YAGIN: Thank you for that question, so, yeah, we have installed them primarily on new, on newly repaved roads or reconstructed roads. For us, Haliimaile is one that is, that we've used those devices. Basically, we look at the data, we see where there are trends for run-off-the-road accidents or crossing over the center line and that's where we use them. It doesn't mean that we can't use them on existing roads. They can be done on with projects or on existing roads as well, so if there are areas that are of concern, we'll gladly look at 'em as well.

COUNCILMEMBER SINENCI: Thank you. Thank you, Chair.

CHAIR SUGIMURA: Thank you. Mr. Hokama?

VICE-CHAIR HOKAMA: So, I appreciate your comments, Director, regarding the County's Public Works. I would agree, I don't have a problem giving you financial support 'cause I think we really need to make visible, visibility an issue especially regarding crosswalks, we got a lot of faded areas, areas that I think we need to do appropriate either signage or additional lighting because of tree overhangs or whatnot, casting the shadows over the crosswalks, Waialea good example, by correctional center. But on the stoplights, I would say I think we need to start looking at adjusting our timing, I think we too gracious on the yellow 'cause we get bad drivers. I cannot believe how many people go through red lights, okay, I don't know whether they drinking or drugs or that's just normal bad driving habits, but we gotta adjust this too. So, for me, I don't have a problem with cameras to assist enforcement and prosecution, I think we need to invest more in cameras again, I don't have a problem with that, especially on County roads that we have the jurisdiction over. And again, timing, I think you guys need to adjust timing. The other thing I think about highway safety, I always bring this up with police too, is illegal parking. I have a problem, it irks me big time Countywide how people park in front of stop signs and next to intersections to block line of sight, so you gotta edge yourself into the oncoming traffic for see if you can make your turn or cross the street. That is wrong, okay, we got the current laws, I think it's 15 feet minimum, right, and nothing in front of a stop sign or intersection. Enforce it, tag it, ask us to increase fines or something, but I agree with you, I think

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Maui Lani Parkway works, that narrow road, 30 miles an hour, yeah sometimes I wish I could go faster but hey I understand. So, I think we should do more of those kind of good things you folks have already supported. Thank you, Chair.

CHAIR SUGIMURA: Thank you. At this time anybody else have questions for the departments? I just saw Prosecuting Attorney Brandon, oh Byron, sorry, Byron Fujieda just walked in, did you want to join in the discussion? I think your name was listed here. No? Okay. So, at this time then I'm gonna take a short recess and come back at 10:45 and I'm going to continue with the community groups, so thank you everybody for being here. . . . *(gavel)* . . .

RECESS: 10:33 a.m.

RECONVENE: 10:50 a.m.

CHAIR SUGIMURA: . . . *(gavel)* . . . Welcome back to the Multimodal Transportation Committee, it is now 10:50. We're at bare quorum, I wanna thank Vice-Chair Mr. Hokama, Tamara Paltin, Shane Sinenci, and to finish this meeting we're gonna be out of here by 11:30. Absent from today's meeting was Chair King, she was gonna show up and she never did so I just wanted to clarify that for the records and Ms. Lee has gone to another meeting which she told me about, she had to leave for a ten o'clock meeting. So, today...oh okay, Mr. Hirata had to leave. So, today, we're gonna hear from the community of thoughts that they may have on how the County can possibly help with road safety for our community as it relates to their part of what they do in the community. From the Vision Zero, we have Lauren Loor which is sitting here and then we have from Maui Coalition for a Drug Free Youth, is Ashlee Chapman, Rick Collins, you're not gonna come up?

MR. COLLINS: No, I can, sure.

CHAIR SUGIMURA: Okay Rick Collins and Ashlee Chapman are here. And then from Mothers Against Drunk Driving, Andrea Maniago as well as Eric-Lee Correa, so all of them are here today and I wonder if I can first hear maybe from Vision Zero as I think this is a County-initiated effort along with the State of Hawaii to give us kind of broad perspective of where we are and then we can go into the other departments. Thank you, thank you, Lauren. Please identify yourself.

(Note: Committee is now at bare quorum, excused: AL, TK; absent: KK)

MS. LOOR: Yes, I'm Lauren Loor, I coordinate the Healthy Eating Active Living Coalition for Maui, Molokai, and Lanai. And one of our focus areas is the built environment and community design. One initiative that...we also partner with the Blue Zones Project, one of our initiatives partnering with Blue Zones and with our Maui MPO, Lauren Armstrong who is the Executive Director, the MPO is the Maui Metropolitan Planning Organization. So, Vision Zero is a national initiative to kind of promote and motivate communities, motivate states, counties, to go for zero pedestrian or zero vehicular deaths, so that could be bicyclists, pedestrians, motorists, and just to promote safer

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roads. In September 2018, former Mayor Arakawa signed a Vision Zero proclamation. This was also in partnership with the Maui Bicycling League, Hawaii Bicycling League, Blue Zones Project, MPO, and the County. So, with the Vision Zero, there's also a bill that was passed at the State for all counties to have a Vision Zero task force to address this issue. For Maui County in 2018 I believe we had 17 deaths due to vehicular traffic deaths and as you heard before, we currently have 16, so we're kind of probably on track to go above what we had last year. Like I said we've been partnering with Lauren Armstrong from the Maui MPO to convene a Vision Zero task force which would include, you know, different departments that are from our coalition, but also at the County, Planning Department, Public Works, State DOT, Police, and any other community organizations. Definitely wanna get schools involved as well and administrations there and also senior housing and senior facilities as well to, you know, really span all of the vulnerable populations that we see and I do think that when it comes to drunk driving specifically, this is one way that we can, you know, sort of promote, align with as MADD said as well, you know, no more victims, zero pedestrian deaths or zero vehicular, you know, traffic fatalities. However, there is a part of that, that Vision Zero cannot be the only way, you know, creating safer roads all around will definitely help the public in general and with driving, but when it comes to drunk driving specifically we also need to address the alcohol sort of saturation that we are seeing in our communities and really where the accountability lies. We cannot just create safer roads but we also need to figure out really where are the spots in our community that alcohol is becoming the risk factor before, you know, if a drunk driver still is consuming exorbitant amounts of alcohol and then getting, even if the road is designed to be the safest that it could be, there most likely will be a fatality because that person was impaired. So, thank you for your time, I really appreciate it.

CHAIR SUGIMURA: Thank you, I'm gonna have everybody speak and then take questions. So next, Ashlee and Rick, if you could talk to us from the Maui Coalition for Drug Free Youth.

MS. CHAPMAN: Good morning everyone, my name is Ashlee Klemperer Chapman, I coordinate the Maui Coalition for Drug Free Youth. Our primary focus is on looking at community level risk factors that contribute to youth substance use, but we've also tasked ourselves with the need to address adult substance use in terms of alcohol use because we know that what happens with an adult trickles down into what our youth are doing as well. And for us we see that DUI's, DUI's are preventable and so it's great to hear from the Prosecuting Attorney's Office and from MPD and from Public Works on how to create the safer built environment. But as Lauren said, we really need to look at the source of where the alcohol is being consumed and what are our administrative rules around that, and what is establishing our social norms around what is acceptable in terms of alcohol use and what is not acceptable, so for us we're looking at proposing through the Liquor Commission to strengthen the responsible beverage server training. We know that there currently is one, but we think that there is a lot of room to create a better accountability, better education opportunities and to really strengthen that, and also looking at our over service rules which are also part of the Liquor Commission administrative rules. Is there, did you want to add?

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MR. COLLINS: No, I think what's important here is that from our coalition's perspective it's important to look at interventions that occur after someone's been drinking and driving, but also to get upstream and look at prevention efforts to keep that from happening. We know nationally that 50 percent of people who drive under the influence get that, are drinking at an alcohol establishment before they get in the vehicle, so we're probably not far off from that here, we don't have that statistic and I know Councilmember Hokama asked that but we didn't have that here, I think we should get that and look at that. But these are upstream approaches and so like Ashlee was saying we wanna make sure that people are not getting over served in establishments. We'd like to partner with Liquor Control to do that and to look at a mandatory responsible beverage server training that holds servers more accountable to insuring they don't over serve people. And then I would also say that we would just also like to support what MADD is proposing in terms of a one-drink-at-a-time rule to simply slow down drinking, hopefully that would we believe reduce drunk driving and ultimately reduce the amount of fatalities that we're gonna see on our roads. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Collins. Andrea, do you still have your backpack with your visual? Why don't you put it on the desk, and you and Eric can now maybe share, that's pretty amazing. 32 ounces, okay.

MS. MANIAGO: Hi, I'm Andrea Maniago and we are in support of serving, the serving size to be changed for, to 16 ounces. This is brought out because this is an example if as of right now if anyone is served, has two servings, this is considered two servings of alcohol right here. So, that's why we have this, but I am a volunteer for MADD, I am also a victim, I lost my son in 2009 to a drunk driver, and so I have been trying to do everything that I can to help the community by educating if need be, coming to these things, and hopefully making some kind of change, some kind of difference. Thank you.

MR. CORREA: Aloha and good morning again, my name is Eric Correa, I am also with MADD a volunteer, also a victim of a drunk driving crash. I'm actually a two-time victim of drunk driving crashes. The first time I was hit by a drunk driver was as a police officer, I arrested a guy for DUI, was about to transport him to the station, I was struck by another drunk driver in my police car. So, and I kinda forgot about that till recently, I was like wait a minute this is the second time. My family and I fortunately survived our head-on crash and, you know, every time you read the paper about some other loss in our community, man you just go through that experience to some degree again and you feel for that families and like something needs to be done, so I signed up with MADD and in hopes that there would be no more victims. I think that's something we can look at in the short term to the end of the year with everything going on with the sign waving and awareness and also stepped-up enforcement and cooperation, but the one piece we're concerned about being missing from this, today's meeting is the Liquor Commission and their role in providing the information of, to some of the questions that was asked regarding how many people actually come out of the bars that are arrested. That is, I know that is data they collect and they could

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speaking directly too. There are other questions thrown around that was directly relevant, I mean or relative to what the Liquor Commission does, so they're an essential piece to this conversation. Yes, and we are gonna continue to engage the Liquor Commission on reducing the serving size from 32 ounces to 16 ounces of beer, 1½ ounces of distilled liquors, and 5 ounces of wine. I think it's enough, especially with what our community is suffering right now, so we also come alongside the coalition's recommendations with the trainings for the servers and the upstream approach. I applaud that. I applaud the Prosecuting Attorney's Office, you guys have been impressive the work you're doing alongside the Maui Police Department, thank you so much on behalf of MADD, you know, we can do more together 'cause it would make an awesome team but you guys are doing so great right now and thank you so much for that.

CHAIR SUGIMURA: Thank you. Members, any questions? Mr. Hokama?

VICE-CHAIR HOKAMA: First I just wanna thank all of you for what you're doing in your part of addressing safety in general for our community, so thank you. My question, Chair, is how you wanna approach this, you know, Public Works mentioned the engineering aspect of road safety, police and prosecutors talk about the state laws, Liquor Commission rules, they talk about more the social component of social responsibility within the family and authorities like us on what we should be doing to for prevention, is I think a key component, and then how to adjust our operations to achieve certain goals that we would all agree on. And I think that is maybe one of the things you can convene is what is our short-term priority goals that we wanna reach within two years or something, achievable goals. So, I would say maybe I would look at you 'cause one thing that helped us in the past regarding drugs in the schools was actually go and do a student or teen poll and just ask them, you know, fully confidential so nobody list names and everything and just say, do you have an adult member in your family that drinks at home. How often? Do you know how often the person drinks, oh, almost never, every day? Do you know how much the person drinks, you know, 'cause I had an uncle, he drank one beer a day, that's all my aunty would allow him to drink. Okay. So, pau hana, he had his one beer and he did his chores and everything else, so yeah, he drank every day, one Primo beer. But I would think that use your target group as a vehicle to sell the message and help education because I think parents respond to the safety of their kids. And I think if we use them as part of the vehicle to communicate the message I think we would be a lot sooner in achieving our goals, so that is what I'll be asking if we maybe should be doing, working with the DOE, I know youth groups, Boys and Girls Clubs, you know, we sponsor a lot of youth activities so maybe go through the County network and Human Concerns, in Parks and Recreation, we can reach a lot of young people and just say it's all voluntary, all confidential and just see what kind of good information we can get.

CHAIR SUGIMURA: Good question.

VICE-CHAIR HOKAMA: Thank you.

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CHAIR SUGIMURA: So, James, maybe from the Committee we can find out what existing information is out there from Department of Housing and Human Concerns 'cause I think they do prevention, you know, they receive dollars I think from Department of Health or from the State for this, but let's just find out more information because I think that adds to the discussion. Thank you, Mr. Hokama. Mr. Sinenci, you have a question?

COUNCILMEMBER SINENCI: Thank you, Chair. And thank you all for being here and I also appreciate all of your work in your organization so mahalo for doing that. I just wanted to ask all of you what are some of your, your campaigns especially during the holiday season. I know you get to see, you know, just some basic signs but are there other efforts during the holidays especially to curb drinking and driving, whoever wants to respond?

CHAIR SUGIMURA: Anybody wanna...do you take this on as a organization?

MR. COLLINS: So, we currently really...I would say that the strongest prevention effort, one of the strongest ones that's out there is around DUI checkpoints and I know that the Police Department talked about those. You'll notice that often in the media, they have increased media presence and they'll say be careful, there's a lot of checkpoints out. That does have effectiveness in communities in reducing drunk driving much stronger than some other things, but that's a good recommendation for communities is to make sure that there's ongoing DUI checkpoints, that they happen, because it follows deterrence line of theory that, you know, if I'm drinking, I've now heard some messages, I know that they occur, and there's a chance that I think I might get caught so it actually reduces a lot of people getting in cars and driving, so those are effective. But they have to happen at times and in dense areas where there's lots of alcohol to be effective as well, so you can't have them at 2:00 in the afternoon, they have to be probably be around midnight, times when people are getting in their cars and leaving establishments and things.

COUNCILMEMBER SINENCI: Alright, I think people are kind of aware of the existing checkpoints already and maybe having them kind of change to different locations because a lot of people know where they normally set up checkpoints.

MR. COLLINS: Yeah, and I think that's why too, why our recommendations actually support checkpoints and they support getting upstream so that we can reduce people over consuming in the first place, before they get in their cars. And so, looking at one drink at a time we think will slow down drinking enough to save lives, also over service enforcement in making sure that's routinely happening and servers are educated and know what over service looks like is important, as well as ongoing and mandatory responsible beverage service training for servers. I hope that answers some of your questions.

COUNCILMEMBER SINENCI: Yeah, thank you.

CHAIR SUGIMURA: Thank you.

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MR. CORREA: From MADD we have national, nationwide efforts that come out around the holidays, what you're going to be seeing in the media shortly is Saturation Saturday where we're asking departments nation-wide to saturate their roadways with checkpoints, but it's going to be like a media thing. The important part about Saturation Saturday, it shows a community support for the police officers rather than they always getting like looked at negative, oh they going, you know, arrest people, you know. Hey there's a whole bunch of us out there that support the Police Department and the officers doing these things. And as a police officer, they feel like they have, that people in the community have their back and encouraging them to do their job, you know, and there's not this negative connotation all the time they working under. So, MADD routinely does that and it's primarily centered around checkpoints.

CHAIR SUGIMURA: Thank you.

COUNCILMEMBER SINENCI: One more, one more question, Chair.

CHAIR SUGIMURA: Yes, Mr. Sinenci?

COUNCILMEMBER SINENCI: So, it seems like, you know, listening to testimony from the families of victims is such a powerful testimony, and I know they're ongoing, going through the grieving process but, you know, just having or reminding people, whether it be on social media or just they wanna help, they wanna speak to prevent any more of these accidents for other families, so I mean I don't know if using is, I mean, of course you need their permission, but just having those stories told is really effective when it comes to, you know, just the general public and seeing what causes these types of accidents. And I wanted to thank the Chair because on another note, last week sometime we had the ride shares and the taxis in here and I was just wondering why is it that at these alcohol establishments there's no use of those ride share companies or taxis. I mean can we, I know you have to put it on your app to get them, to call them, but I don't know how we could, you know, somehow extend those services more at those establishments.

CHAIR SUGIMURA: Excellent, that's one of my questions for the taxi and the Uber and Lyft companies.

COUNCILMEMBER SINENCI: Great.

CHAIR SUGIMURA: Could they participate, what is their social justice program, so hopefully.

COUNCILMEMBER SINENCI: Okay, alright thank you.

CHAIR SUGIMURA: Thank you, very good, very good.

COUNCILMEMBER SINENCI: Thank you, Chair.

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CHAIR SUGIMURA: Oh, Tamara Paltin?

COUNCILMEMBER PALTIN: Oh, thank you. I agree with my fellow colleagues, I just was wondering, you know, like are you guys have any PSA plans, you know, for like short clips throughout social media and TV and, you know, how Mr. Hokama was talking about the surveys, maybe can make contest for submissions from the schools and like that to get a more engaged and have age groups and even up to adults, and maybe then the winner of those videos can be the ones on TV or on social media sponsored or something.

CHAIR SUGIMURA: Good idea.

COUNCILMEMBER PALTIN: And like how Mr. Sinenci was saying somehow the teens could be the effect on families that is left behind, both the victim and the driver or, you know, like use Uber and make it be like a cool thing, like I don't have to worry I can drink as much as I want cause I'm doing Uber or whatever, you know, like just raising the education and awareness of those types of alternatives. And 'cause, I think that kind of advertising works and it's little bit more of a peer pressure and, you know, if you give like a \$500 prize, the winners, I'm sure people would get more excited that way.

MS. CHAPMAN: I'll take this one.

CHAIR SUGIMURA: Ashlee?

MS. CHAPMAN: So, thank you for that and we do use PSAs, we have a youth council, the Maui Nui Youth Council and that we've also engaged with other groups like Maui Economic Opportunity and their underage drinking prevention program and their youth services program and other groups like the Maui High School ACOM Class that have helped us develop PSAs. One thing that we learned through prevention science is that PSAs and awareness campaigns don't really create the long-lasting change that we all want to see for our communities, but when they are accompanied with policy change, that is when you really see the strength and that longevity and sustainability so that we actually will see that decrease in DUI rates and fatalities and it actually creates prevention. So, we've talked with Chuck Hirata who's on the DOT State task force and said that there is potential funding available to do some sort of PSA contest, so we will be looking into that, but we wanna make sure that whatever PSAs and awareness campaigns that we're doing are really tied to policy change so that we can create that sustainability.

CHAIR SUGIMURA: Thank you.

MS. CHAPMAN: Oh and also a little bit about ride shares, research shows that ride share programs like promoting Uber and other kinds of things or even designated drivers actually increase consumption rates over time, because exactly as you pointed out, Councilwoman Paltin, there's that misconception that there's that purview of safety and so that they can drink and consume anything they want. And we know that while

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DUI's and fatalities are some of the most severe consequences of drinking, they're not the only consequences, so then we would see ultimately a potential increase in domestic violence rates or interpersonal violence rates, sexual abuse, all of those kinds of things. So, our goal and intention is to really work on reducing the overall consumption rates within our community so that we can see a decrease in all of those consequences.

CHAIR SUGIMURA: Thank you. Anybody else have any questions? Mr. Hokama?

VICE-CHAIR HOKAMA: Maybe, Chair, you can break this, you know, this is a pretty big subject area, so maybe might wanna break it up into a more specific sub groups and work on some specific things.

CHAIR SUGIMURA: Okay.

VICE-CHAIR HOKAMA: Because again, Japan 25, 30 years ago already had what we call buddy cabs, okay, you know, so those business people that drink in Japan, is what you could like you said, you could lose your job. Two, the amount of insurance adjustment is ridiculous, so they have a buddy cab. They jump in the cab, but the cab has two drivers, the second driver drives your vehicle home, so the next day you still have your car to go back to work because the non-drinking cabby, I mean of course, you know, a person drives your vehicle home and you in the cab with your cab driver, so you pay for that service where, I don't know. And again, over there you gotta work with the insurance component, companies yeah, so maybe we need to hear from our insurance sector.

CHAIR SUGIMURA: Yeah, that's huge.

VICE-CHAIR HOKAMA: How they deal with certain safety policies, Chair.

CHAIR SUGIMURA: Okay.

VICE-CHAIR HOKAMA: Thank you.

CHAIR SUGIMURA: This is such a good discussion, so I love hearing from the Department's aspect, I'm thrilled to have Prosecuting Attorneys here to hear what they do, how we can help them, I think that's the, you know, biggest message I'm, I would, I'm really glad to hear about the State DOT task force and I hope that, you know, we can, I'm gonna make it my job to learn more about that, just so that we can figure out if there's a way to reach out to making some legislative changes through this task force, it sounds like that might be a good vehicle. The takeaways from this is I agree with you, Member Hokama, that we need to create some sub groups from this because this is a lot of information from all the different departments as well as the community, and a good one that I heard today is what is the short term priority goals, like what can the Council help the departments with or even the community with in terms of some short-term priorities 'cause a lot was said today, and so how can we kinda condense this and put it out to short term and some longer-term goals. I did hear from the

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testimony and the departments, I think some of the departments liked the idea of having a DUI prosecutor so somebody who specializes in that just to help us get a tighter grip on this problem. I'm not too sure how you get a DUI judge, I thought that that's part of the Drug Court, but I guess it's not, but we can talk about that also outside of this meeting. Look at the ordinance to impound vehicles for drunk driving which is, which was talked about, and the 16 versus 32 ounce, I mean that is a visual that will stay with me, that's a lot of alcohol, 32 ounces for one person to have. Did that pass?

UNIDENTIFIED SPEAKER: Yes, yes.

CHAIR SUGIMURA: It did.

UNIDENTIFIED SPEAKER: That's the state.

CHAIR SUGIMURA: Oh, it's a state ordinance?

UNIDENTIFIED SPEAKER: Yes.

MS. CHAPMAN: So, ultimately what happened during this most recent legislative session is SB772 passed that ultimately changed the individual serving size of alcohol for beer in particular, and the impetus for that legislation was put forward by our local craft breweries with the intention of wanting to sell flights and the coalition in and of itself, we're not against breweries selling flights, but we are, we do have trouble with that concept of allowing for 32 ounces of alcohol ultimately to be served to one individual. And so, our County Liquor Commission decided to do away with our own definitions of a standard drink size and so that's why ultimately it defaults to the State which is where it's at now currently, which is at 32 ounces.

CHAIR SUGIMURA: Oh, I see why that happened, interesting. So, that ties in to revisit some of the rules for the Liquor Commission, DUI classes, and overseeing the rules and doing some training, responsible training for beverage training, 16 ounce versus 32 ounce, and I'm really grateful to hear that Public Works does collection of data, works with MPD and then comes out with, you know, how to, what to do with our roads, I didn't really realize they paid that close attention to it. And I'm grateful to Andrea and Eric cause both of you are speaking before us through your hearts because you both have a loss that you have experienced or tragedy that you have experienced because of the DUI situation, so I apologize for that. Lauren Loor with Vision Zero, I look forward to see what the County does as we as a community and the County pulls forward with trying to get a handle of the Vision Zero. We are responsible to report back to the Legislature before it reconvenes in January so I hope that as a County we can, you know, have a discussion, let me know if you need help with that and so that we can report back to the Legislature. I think that was House Bill 757 that passed that required us to form a, as a County and then to report back to the Legislature and hopefully our voices together could be heard through the Legislature so I think that's super important. Thank you everybody who's been working hard on this and I look forward, I'm going to call another meeting once I put

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together, I'm going to send questions to the departments, try to gather some information, I'm looking at the confiscation law and prosecuting attorney if you would reach out to our, your counterparts in the Big Island to see how that's working, you heard the concern from the Councilmembers that what would we do, what would we do with the cars that we confiscated if a person got stopped for DUI, because we don't have enough space to keep it. I hope we don't have to keep it and maybe the towing company would keep the car and not us, but can you find out those kind of information for us, we'll send you a letter from the Committee and if you would, really appreciate that. Great, great meeting, I'm sorry, Corp. Counsel, you have anything to add to this? You don't? Okay. So, at this time Members, I'm gonna call this meeting, I'm gonna adjourn this meeting and I'm gonna have another meeting in the future. Thank you very much for this discussion, I look forward to helping resolve some of these issues and solving some community problems, thank you.

COUNCILMEMBERS VOICED NO OBJECTIONS. (Excused: AL, TK, KK)

ACTION: DEFER pending further discussion.

CHAIR SUGIMURA: . . . *(gavel)* . . .

ADJOURN: 11:20 a.m.

APPROVED BY:


YURI LEI K. SUGIMURA, Chair
Multimodal Transportation Committee

mt:min:190819:kk

Transcribed by: Kimi Kusumoto

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CERTIFICATE

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

DATED the 9th day of September, 2019, in Wailuku, Hawaii

A handwritten signature in black ink, reading "Kimi Kusumoto", is written over a horizontal line.

Kimi Kusumoto