

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

M I N U T E S

Council Chamber

September 16, 2019

CONVENE: 9:05 a.m.

PRESENT: VOTING MEMBERS:
Councilmember Yuki Lei K. Sugimura, Chair
Councilmember Riki Hokama, Vice-Chair
Councilmember Kelly T. King
Councilmember Alice Lee
Councilmember Tamara Paltin

EXCUSED: Councilmember Tasha Kama
Councilmember Shane M. Sinenci

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

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

ADMIN.: Michael Hopper, Deputy Corporation Counsel, Department of the Corporation Counsel
Lauren Armstrong, Executive Director, Maui Metropolitan Planning Organization
Nolly Yagin, Engineer VI, Department of Public Works
William Hankins, Police Lieutenant, Department of Police
Kenneth Kihata, Police Sergeant, Department of Police
Donald Guzman, Prosecuting Attorney, Department of the Prosecuting Attorney
Byron Fujieda, Deputy Prosecuting Attorney, Department of the Prosecuting Attorney
Sarah Simmons, Deputy Prosecuting Attorney, Department of the Prosecuting Attorney

OTHERS: Rick Collins, Maui Coalition for Drug-Free Youth
Eric-Lee Correa, Mothers Against Drunk Driving
Lauren Loor, Healthy Eating and Active Living

PRESS: Akaku Maui Community Television, Inc.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

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

CHAIR SUGIMURA: . . . *(gavel)* . . . Good morning, everybody. Welcome to the Multimodal Transportation Committee. Today is September 16th, it's now 9:05 a.m. I'd like to welcome all of you and remind you to silence your noisemaking devices. My name is Yuki Lei Sugimura. I am the Chair of this Committee. Thank you, Mr. Hokama, for being here. He's my Vice-Chair. Alice Lee, welcome. Tamara Paltin.

COUNCILMEMBER PALTIN: Aloha kakahiaka, Chair.

CHAIR SUGIMURA: Aloha. And Kelly King.

COUNCILMEMBER KING: Aloha, Chair. Sorry to be late, but ironically it was due to a traffic accident on Honoapiilani.

CHAIR SUGIMURA: Perfect for this Committee discussion. Joining us later will be Tamara, I'm sorry, Tasha Kama, and welcome everybody. Who is not a member of this Committee and may join us is Mike Molina, as well as Keani Rawlins [*sic*]. Thank you, Corporation Counsel, Michael Hopper. And Nolly Yagin, I see him in the audience from Public Works. Thanks for joining this discussion. From Prosecuting Attorney, it's nice to have Mr. Guzman here who is our Prosecuting Attorney and welcome back to the Chambers, sir. We have is, oh there he, is Brian Fujieda, thank you.

MR. FUJIEDA: Thank you.

CHAIR SUGIMURA: Thank you. Also take your, you take care of the felony screening section right?

MR. FUJIEDA: Yes.

CHAIR SUGIMURA: Alright. Okay. Thank you. The supervisor. Sarah Simmons, Prosecuting Attorney, District Court and Administration. Thank you very much for being here. Expected Lauren Armstrong from Maui Metropolitan Planning Organization. I see Lauren Loo in the audience. Thank you, Eric Correa, from Mothers Against Drunk Driving, and Rick Collins is also here. I appreciate all of you for your support. James Krueger my Legislative Analyst, and Stacey Vinoray, I could not do this without you so thank you. District Offices are standing by. Hana Office is closed right? Okay. Thank you. At this, today we only have one item on our agenda. It's a continuation from our earlier meeting in August and this is regarding Roadway Safety MT-10(8). So, at this time I'd like to take public testimony. All of those testifiers who have not signed up yet, please do so in the lobby. The first testifier is Rick Collins and please identify yourself and the organization you're from. Thank you, Rick.

. . . BEGIN PUBLIC TESTIMONY . . .

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

MR. COLLINS: Yep. Good morning Councilmembers and Chair Sugimura. My name is Rick Collins and I am the Director for the Maui Coalition for Drug-Free Youth. We are a community coalition that addresses youth underage drinking and marijuana use, as well as looking at prevention strategies for adult over consumption issues, which is why I'm here today to talk about that. And so, I want to first off lend my support in the discussion here around a DUI prosecutor, as well as looking at impounding vehicles of persons who are stopped at checkpoints or by police officers on the road, that we impound their vehicles, but I also want to help us get upstream a bit more. And so, at the last Committee meeting that we were at that we talked about were three other strategies to help us get upstream to look at the root cause and look at preventing over service and drunk driving from occurring in the first place. And so those three things that we would like your support, I think Councilmembers on, is looking at servings of alcohol at bars and restaurants. We know that nationwide about 50 percent of DUI's occur at restaurant or on-premise settings, as we would call them. So, we would like to advocate and get your support to do a one drink at a time rule within Liquor Commission. The other, the other recommendation we're making is that we create a work committee to look at two strategies implemented by Liquor Commission which is a responsible beverage service program. That we review their current program and that we make recommendations that might strengthen that program. And that program essentially looks at servers of alcohol basically practicing good, good serving techniques that ensure folks don't get over served. And there are some best practices nationally on that. So, one recommendation there is to look at the current rules that Liquor Commission has and make recommendations that maybe strengthen that program. If it can be strengthened. The third one, so the first is one drink at a time rule. The second is a responsible beverage service program that is strong. And the third would be, and probably, probably the most effective would be to ensure that there is an over service enforcement of our Liquor Commission rules. And so, I would recommend that we also review what liquor enforcement currently does around over service enforcement. That is shown to be very effective in communities. So that folks aren't getting on the road intoxicated. So, I would like your support. One of the things that our coalition would like to do is to recommend that the Liquor Commission be at these meetings and so we wanna basically support that. Thank you.

CHAIR SUGIMURA: Thank you, Mr. Collins, for that. Anybody have questions? Kelly King?

COUNCILMEMBER KING: Thank you. Thanks for being here.

MR. COLLINS: Sure.

COUNCILMEMBER KING: And for your advocacy. Could you explain to us what the one drink at a time program is?

MR. COLLINS: Yeah. So, the one drink at a time rule is simply put that a, a patron can only have, be served one drink at a time. It allows, it allows servers and patrons to count the drinks better and it slows down consumption enough to save lives is the idea behind it.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: So, I'm not getting what that means. So, that means if you're in a group of five people you get served one person at a time?

MR. COLLINS: No, you could then have five drinks in front of five people, but you can't, right now you could have essentially ten drinks in front of five people.

COUNCILMEMBER KING: Okay. So, people actually order more than one drink at a time?

MR. COLLINS: Yes. And...yes.

COUNCILMEMBER KING: Okay. That's why I was getting confused, because I've never done that --

MR. COLLINS: Yep, yeah, sorry, yes.

COUNCILMEMBER KING: --and I've never seen it be done, so I didn't realize that was happening. Thank you.

MR. COLLINS: Yeah. You're welcome.

CHAIR SUGIMURA: Thank you for your advocacy. Rick, what organization are you from again, sorry.

MR. COLLINS: Maui Coalition for Drug-Free Use.

CHAIR SUGIMURA: Okay, thank you. Next testifier is Eric Correa from Mothers Against Drunk Driving.

MR. CORREA: Good morning, Chair Sugimura and committee members. Thank you for this opportunity to speak about this issue. It is a very important issue facing our community and your efforts to keep our community safe. Just to reiterate kind of what Rick said, I represent MADD, Mothers Against Drunk Driving this morning and we are interested in seeking the implementation of a Council action to allow officers to tow vehicles at a DUI arrest to prevent an offender from going back to their vehicle and driving after the arrest. Also, as an additional deterrent to driving under the influence, the other thing as Rick had mentioned, the one drink at a time. Right now, the Liquor Control or Liquor Commission rules state 32 ounces of beer in front of any individual and the rest of the rules are kind of unclear. It seems that a person can have 32 ounces of whiskey served at a time as well. The way the wording is, is in that Commission rule which would be a tremendous amount of alcohol in front of a person. And the other thing was a dedicated DUI prosecutor or traffic specialist in the, in the Prosecutor's Office who can handle the complex prosecution, trained to handle the complex prosecution of DUI's. 'Cause impaired driving is a very scientific criminal offense and there is a lot to be shown to the court and presented to the court and without consistent and constant training and updates in the evolution of that field, it's hard to be, it's hard to be effective. Especially with the defense attorneys always coming out with different types of positions to defend their clients. And we, we really would like to have the Liquor Department Director here

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

to answer some of the questions. Because they do collect data on where offenders have been drinking, DUI offenders have been drinking. And that would be helpful in knowing how many people were actually at an on-premise establishment or drinking at home or from a party. And that's our position at this time.

CHAIR SUGIMURA: Thank you, Mr. Correa. Anyone have questions for him? See none, okay. Thank you.

MR. CORREA: Thank you.

CHAIR SUGIMURA: Lauren Loor, thank you for being here.

MS. LOOR: Good morning, Members of the Committee, Councilmember Sugimura, Chair. My name is Lauren Loor. I coordinate the Healthy Eating Active Living Coalition for Maui, Molokai and Lanai. I'm here today to sort of relate the topics of our built environment focus that is one of our focus areas in our committee, which is the environment to promote health, safe roads, you know, providing access to walking, to health, but also with Vision Zero which is one of our priority items for our coalition, which is zero traffic fatalities. And I think that it relates a lot. We do support the Maui Coalition for Drug-Free Youth. We kind of work in tandem together on this issue because we do want the same thing. We want to have, you know, less traffic fatalities, less accidents on the road and I think that just to echo what Rick said, that this is more of an upstream issue, that with Vision Zero, we do want to create safety in an environment that promotes health and safety. However, it doesn't matter how safe we design a road. It doesn't matter, you know, how much effort we put on that level. If we don't move upstream and really figure out where the access to this amount of consumption comes from, then the efforts will be for naught. We will still have DUI's. We will still have traffic fatalities. We will still have accidents and unfortunately victims to, you know, these circumstances. So, I just wanted to offer support and you know we support this coalition. We support the efforts and you know we work, wanna work together, especially with our Vision Zero Task Force, with the Prosecuting Office, with MPD, to really make sure that we're kind of covering all the bases to create safety and health for our community. Thank you.

CHAIR SUGIMURA: Thank you. So, before I turn it over for questions from the Committee, can you explain what access, you want to look at access?

MS. LOOR: So, when you, basically echoing what Rick said, when you look at access on an upstream, you know, where is the consumption happening. How much consumption. Speaking personally, you know, I also have a second job where I am a bartender and, you know, when you go through your own rules, when you go through the rules for the test, you know it's unclear sometimes really how much, when it comes to consumption, how much is over serving, how much, you know, there is not always clear defined numbers so that's kind of aside from my, you know, work as a coalition coordinator. But I think that there is a lot of ambiguity when it comes to the access and not just from you know, bartenders, just from, you know, people who are getting in their cars, just

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

making sure that everyone is safe. And, you know, I think that is really where the access is happening on premises, off premises, stuff like that.

CHAIR SUGIMURA: Okay. Thank you. Any other questions? Ms. King?

COUNCILMEMBER KING: Thank you. Thanks for being here, Lauren. I was, just because you said you were a bartender, I was curious about this one drink at a time. Do you see, and I don't know where you bartend, but I don't, I don't think you should mention the name, but do you see areas where it's potential, where someone could walk up to the bar and get more than one drink and then take it back to somebody who hasn't shown ID? Has that happened?

MS. LOOR: No, you know, so...

COUNCILMEMBER KING: Because I think that happens at concerts. You know I've had my husband go get me a drink and he comes back with two and I, you know, they don't know who it's for.

MS. LOOR: Right, with that current rule, getting two drinks at a time at concerts. Where I work currently it's not possible for that to happen. I don't work at a concert venue, but for the most, you know, for me, I don't, our, our policy within the place where I do bartend is to only serve one drink at a time.

COUNCILMEMBER KING: Okay.

MS. LOOR: That is our personal kind of policy that we have within our organization. Even though that, you know, the Liquor Commission rule is that you could buy two.

COUNCILMEMBER KING: Okay. Alright, thank you.

CHAIR SUGIMURA: Thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Loor, for being here. I also had a question based on your experiences. If someone came up to the bar and maybe asked for a drink, but they had been drinking earlier, or something, and you decided that it wouldn't be a good idea to serve them. What is the protocols, like if they were to want to go drive someplace else? Is there any like intervention?

MS. LOOR: Yeah, so with the organization that I work with, we do, you know, we have a bunch of stuff that we're working together to create a pleasant environment so we talk with one another and for the most part if I see someone, we kind of flag each other and we're like, okay this person probably shouldn't be driven home, please don't serve them anymore and just making sure that the communication between all of us is open so that we know to watch out. And then ask the person like I really don't think you should drive home, is it okay if we call you a cab. Is it okay if we, you know, or if you want to sit here and wait until we close and you can wait to kind of sober up and then, you know, make your

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

way home? But it is kind of a case-by-case basis and I think the first thing that we do is just kind of cut people off and say sorry we just cannot serve you anymore.

COUNCILMEMBER PALTIN: Thank you.

CHAIR SUGIMURA: Thank you. Ms. Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. Good morning, Lauren.

MS. LOOR: Good morning.

COUNCILMEMBER LEE: I don't drink, but I do golf and after golf, well you know the guys, we all go to someplace, a restaurant. And there are times when they will order two beers because, not because they want to get drunk or anything, but a lot of times the restaurant is crowded. So, you know, to speed things up they order two at a time and so I'm just wondering that, you know, I hate to make rules that make things more difficult for people. Even the establishment, and at the same time, we still, you know, are concerned about safety after they leave the place. So, do you run into that situation where people do order two at a time for a good reason?

MS. LOOR: So, here's the thing. Like I said before the organization that I work for, it's not, we don't really come into those situations. It's not really possible because of our own policy. But I do think that there really isn't a good reason to have more than one at a time. I think it just is one of those interventions and is preventative. It really does prevent sort of any accidents happening. It also creates accountability and I think when people do have the option to consume more than one at a time, it is, there's a lot of variables. There are a lot of factors. People could be drinking those very fast or even if they're sharing with other people, you know, there are a lot of things that kind of come into play. So, I think it's, it's playing it safe and probably the most effective to just have one at a time. But I understand that, you know, it's one of those things where, oh it might be difficult, it's gonna be a lot of changes, but from the other side, from the person who is providing, you know, we would, I think that you would never want to put anyone in harm's way. So, if this is something that helps to create more of a safe environment, then that works as well.

CHAIR SUGIMURA: Okay. So, that's interesting. I didn't know you had, that was your other job.

MS. LOOR: Yeah.

CHAIR SUGIMURA: But all right, thank you very much Lauren. I appreciate it very much. So, District Offices. Hana District Office is closed and I wonder if we have...everybody else is on the line. So, Mavis Oliveira-Medeiros is not here. Zhanell Lindo from Molokai office, you have any testifiers?

MS. LINDO-DUDOIT: Good morning, Chair. This is Zhan at the Molokai District office and there are no testifiers.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: Denise Fernandez from Lanai, are there any testifiers?

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

CHAIR SUGIMURA: Thank you. So, at this time I'm gonna take up the item, any other testifiers in the audience? None. I'm gonna close public testimony, Members, with your permission.

COUNCILMEMBERS: No objections.

CHAIR SUGIMURA: Thank you. Thank you, testimony is now closed.

. . . END OF PUBLIC TESTIMONY . . .

(Note: Public testimony closed at 9:23 a.m.)

CHAIR SUGIMURA: I am, I just wanted to, we are taking one item up which is MT-10(8), Roadway Safety, and I just wanted to let the Members know, give you a little bit of history as to why we are doing this. As you know in the audience, we've had some accidents that have happened in the community and many of them have been heart-wrenching stories which kind of led us down this path, so let's look at what we have control over as the County, which is roadway safety. Oh, I'm sorry, Nolly, you want to come down and, Lauren Armstrong, you want to come down? Thank you. So, today we have with us a follow-up from a previous committee that we had. I took, I took up on August 19th this item and we opened up discussions. In the audience from the community we had MADD. We had Lauren Loo. Rick Collins and from the community side. I really appreciate Eric-Lee Correa for being here as he has a personal experience and a strong advocate for MADD. He was also at our last Committee meeting. We had prosecuting attorneys here. Don Guzman tried to be here, but another meeting took him away, but he was trying to also be here. Sergeant Kihata was here. Public Works, we had Rowena, as well as Nolly Yagin. Liquor was not available at that time. And we really appreciate the discussion. So, from that, we sent out letters and got back responses, but I wanted to just take you to what happened during that meeting and to take us forward to today. So, some of the expressed concerns from the community were that no more victims from traffic fatalities, which is Vision Zero. So, we have Lauren Armstrong here today to give us an update of that. Prosecuting attorneys, they wanted, the community wanted specialized staff, which is something that Mr. Guzman will be talking about today. He also has mentioned a DUI judge, as well as DUI prosecuting attorney so that's something that's kind of interesting. To implement ordinances, like what the Big Island have, which is called the Confiscation Ordinance which is to take away a vehicle for a drunk driving or unsafe situation. So, that came up. And then to also look at Liquor rules and that last meeting for August 19th, Liquor wasn't available. I didn't invite them to this meeting because I thought that's a whole other discussion. So, I'm going to take this up again and defer this and ask Liquor to come so that we can ask them the questions that you're asking in your testimony and maybe even some of

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

us that were asking questions of Lauren, there's probably clarity that we need for what is allowed and what is not allowed for liquor consumption. And maybe the stats that the Liquor Department does have on whether it comes from their licensees, or maybe from other private parties or what their experience has been. Because I think that's the total picture, right? It's not only what they have control over. So today, I would like to take up Vision Zero, just to give an overview of what's happening. Public Works has some updates of what has happened in terms of road safety from a meeting that they had last week Friday which could add to this conversation. Earlier when I introduced the participating members, I'm sorry I forgot to introduce police, so Lieutenant, Lieutenant William Hankins is the expert I think in this area. So, thank you for being here, and Sergeant Kenneth Kihata again for being with us today. So, at this time I wonder if we can have an update from Lauren Loo, and then, I'm sorry, Lauren Armstrong about Vision Zero, because this is in the making. So, if you could give us an overview, 'cause I think it touches upon the subject area.

MS. ARMSTRONG: Alright. Good morning, Chair. Good morning, Committee Members. I want to thank you for keeping this topic open as it's a very important one for our community. As you know we've had 16 fatalities already this year compared to 12 at the same time last year. Based on a rolling 5-year average, our typical total number of fatalities is 18 per year. So, I'm concerned, we're already, we have three months left in this year. And it's a trend that we don't want to see continue to increase. So, as you know Vision Zero is a goal to eliminate traffic deaths through education, enforcement and engineering. We had a session last week at the Hawaii Congress of Planning Officials and I'm happy to see that Councilmember Sugimura and many of you attended. We had representation from each of the counties on this panel to discuss Vision Zero efforts. We also had the State Department of Health Trauma Specialist in attendance and she provided a lot of great data about, you know, not only the human costs of the 108 deaths that we have Statewide every year through traffic fatalities, but also the financial costs to our hospitals. It's in the millions and billions of dollars. So, this is something that really from a Statewide perspective, the Legislature enacted legislation last year asking the counties to address this. And the County of Hawaii, the Big Island Planning Director participated in the panel and they've actually convened their Vision Zero Task Force. They've had several meetings and created subcommittees for each of the topical areas. So, enforcement, education and engineering. In Honolulu, the representative from the Department of Transportation Services raised a lot of great points about the importance of messaging in the media coverage of crashes. How oftentimes when a crash is involving a pedestrian or a bicyclist, it doesn't mention the vehicle or the vehicle operator until very late in the article. And so that can lead to some policies that perhaps don't address the root of the problem. You know, there are many approaches to eliminating fatalities and I'm very encouraged to hear the testimony today about addressing the upstream issues. Looking at liquor consumption. But I can say from working through the Metropolitan Planning Organization with our Public Works and Planning Departments, that there is a lot of progress to be made on the built environment side. So, really designing our communities in a way that accounts for human error. We know that people make mistakes. Maybe have too much to drink. Get out on the road. And as much as we want to eliminate that, we also have to work from the other side where people have separate spaces to walk and bike so that if a

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

driver makes a bad decision, they don't pay for it with their life. So, we are looking at a number of complete streets projects and roadway safety improvements that can be funded through Federal-Aid or just through the County or State. And this is in our MPO Long Range Plan, Hele Mai Maui. And I will just give a brief update on the Vision Zero Action Plan, so the MPO released an RFP in early September. We expect to have a number of proposals submitted by the end of this month. And really the goal of this action plan is to bring together different stakeholders, many of whom are in this room today and so I want to thank Councilmember Sugimura for starting the conversation. But really pulling it together in a cohesive effort at, you know, bringing solutions back to the Council, to the Mayor about how we can all work together to address this. And really doing some deeper listening out in the community. So, using our public outreach techniques, you know, doing walk audits with community members to understand what safety issues they're concerned about. With the advocates to understand which policies would be most impactful. So, we will be starting that later this fall. We have the Mayor's Vision Zero proclamation to form the Vision Zero Advisory Group. That's coming up on October 26th. I've provided a flier for Members. So, this is a combination of a complete street demonstration. So, showing examples of what types of safety interventions our County is planning to move forward with. A chance to get community input. What do they think about the proposed changes before they are permanently made? And also, a chance for them to, you know, the students to come out, participate in making their neighborhood safer. So, I would invite all of you to join. It's on October 26th at 9:00 a.m., at the Kahului Community Center park and I look forward to working with many of you on the Vision Zero effort. Thank you.

CHAIR SUGIMURA: Thank you, Lauren. So, before I turn it over to the Members for questions, I wonder if from today's conversation, when Vision Zero takes out, whoever gets selected from the RFP, but I wonder if Vision Zero can take some of these concepts that will be talked about today or ideas talked about today from the departments, along with the Vision Zero message, that you could get some community input for us?

MS. ARMSTRONG: Yeah, I think that would be important to start with the information gathered through this Committee. I think then we would want to meet individually with the stakeholders to really understand the policies and then wrap it into the larger group effort.

CHAIR SUGIMURA: Okay thank you. Anybody have questions for Lauren. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. Thanks for being here, Lauren. So, I had a couple of questions. One you said the MPO released an RFP. What was that for?

MS. ARMSTRONG: So, that's for consultant support to convene the Vision Zero Advisory Group so preparing all of the agendas, materials, convening all of those people and also preparing, you know, kinda connecting our data to policies and projects. So, we've kind of initiated this work through the MPO Long Range Plan. We've created crash hotspot maps that were shared with this Committee in February when you considered, or the Vision Zero resolution. So, it's really taking that crash mapping data and connecting it to projects and policies that we can recommend.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: Okay. So, the person that you're, it's a consultant RFP?

MS. ARMSTRONG: Correct.

COUNCILMEMBER KING: And be a consultant to the MPO?

MS. ARMSTRONG: Yes.

COUNCILMEMBER KING: Okay. What's the period of...

MS. ARMSTRONG: I believe the project completion is next December.

COUNCILMEMBER KING: Okay.

MS. ARMSTRONG: And ideally, we'll be presenting updates to Council.

COUNCILMEMBER KING: Okay. So, that's somebody who will be on a contract?

MS. ARMSTRONG: Yes. It's a consultant contract to support the MPO and the project team. So, someone from the Managing Director's Office and Public Works and myself will be the project team working directly with the consultant.

COUNCILMEMBER KING: Okay. And then what is the event on October 26th?

MS. ARMSTRONG: It's a chance to showcase the complete street improvements.

COUNCILMEMBER KING: So, these will be done by October 26th?

MS. ARMSTRONG: Yeah, so we would be working with students from the neighborhood throughout that week prior to the event to actually paint the bulb-outs, make the improvements and then invite Mayor Victorino on that morning. Because they have soccer games at the park, we'll be having volunteers assisting with the reverse angle parking which is a safety, safety approach that when drivers are then pulling out later, they can see bicyclists approaching.

COUNCILMEMBER KING: Okay. So, that's all this reverse angle parking is meant to be pointed out?

MS. ARMSTRONG: Yes, it's for safety. You back into it.

COUNCILMEMBER KING: You back into it. Okay. And then, the last question I had was if you do this buffered bike lane, which I think is great, but how does that work? Are you making the street more narrow?

MS. ARMSTRONG: Yes, and that actually helps slow cars down. When drivers perceive that the road is narrower, it is a visual cue that you need to drive slower, which has...

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: Okay. So, this is something that probably wouldn't work on every street because I'm just thinking South Maui, you know we have pretty, if we try to do this on the North South Collector Road, we really wouldn't have much room left for even a car on each direction if we tried to do a buffer like this.

MS. ARMSTRONG: Yeah. So, fortunately we have engineers like Nolly at the County that look at the context-specific solution. So, you're right this would not work on every street, but you know, a lot of these collector roads in Kahului, they have a 80-plus foot right-of-way. It's a lot of space that could be better organized for safety and health.

COUNCILMEMBER KING: Okay. Well, I have a lot of confidence in Nolly Yagin so I'm, it's good to have an engineer at the head of the department. Thank you.

CHAIR SUGIMURA: Thank you. Ms. Paltin?

COUNCILMEMBER PALTIN: Thank you, Chair. I just was wondering about this at the planning conference, I don't know if you were there when Mr. Speck was speaking. Has any thought been given to making the bike lane inside of the parking? Because he showed like one picture with all the parking and then a little girl with like between the cars and the driving. And he also said that you could make the parking act as the buffer for the walkers and the bikers so they're not right next to the traffic. So, I just was wondering if that is also a possibility?

MS. ARMSTRONG: Yeah, I think that's another thing to consider for this area. We know that Hale Makua will be expanding. Depends on what kind of parking they would need for their future facilities. I think the intention behind reverse angle parking was to keep quite a large number of parking spaces available for the park users. But you're correct. That having parallel parking as a buffer and then the bike lane towards the park from that would be a good option. So, the good thing with this is it's temporary, right. They're planning to reconstruct Onehee Avenue in two years. So, this is really a first effort at getting community input and just trying it out. You know, see how it goes.

COUNCILMEMBER PALTIN: Could you also do the reverse angle parking as the buffer and have the bike lane on the inside of the reverse angle parking? Or would there be a physical barrier like where it has those two dash lines next to each other? Would there be like a hump or something so that cars wouldn't swerve into kids riding bikes?

CHAIR SUGIMURA: Mr. Yagin?

MR. YAGIN: Thanks for the question. That, that, those different configurations are something that can be looked at. I guess some of the things that we would need to look at is, we, we do have a good size right-of-way, but we just need to make sure that we can fit all the different uses in the right-of-way. So, it can be, it can be evaluated and considered.

COUNCILMEMBER PALTIN: 'Cause it to me it seems a little safer for, like if there's kids going to the park, or riding that bike lane, for them to be inside of the parked cars, so having

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

the parked cars and the traffic right next to each other and then the walkers or the bikers inside of the parked cars so they have that much more of a buffer from the traffic.

MR. YAGIN: Yeah, we agree. Using the parking as kind of a protection. So, it'll be something that we look at with our future project. Thank you.

UNIDENTIFIED SPEAKER: Thank you.

CHAIR SUGIMURA: Thank you. Lauren, I just wonder if maybe, could you redo the flier so you could see the date and time better and maybe we could distribute that, you know, to locations just so that people know?

MS. ARMSTRONG: Yes, we can do that.

CHAIR SUGIMURA: Okay, thank you. Mr. Hokama?

VICE-CHAIR HOKAMA: I'm trying to understand yeah, my understanding is we're trying to find out areas under the County's jurisdiction for roadway safety.

CHAIR SUGIMURA: Right.

VICE-CHAIR HOKAMA: Yeah, and I was wondering which County department is our lead. Is it DOT? Is it Public Works? Okay, because I don't consider MPO part of the County departments. Okay.

CHAIR SUGIMURA: Well, they have the...

VICE-CHAIR HOKAMA: I see their role is, I see their role in totally a different manner. More for planning and getting those Federally-funded projects built. Okay. Operations or what not. I expect that to come from our Departments.

CHAIR SUGIMURA: Okay. So, I will answer you in what, what, how this fits in. So, Vision Zero is mandated to all the counties from the State of Hawaii. It was House Bill 757. And it is something we have to do and the steps that are being shared is really talking about what this Committee is about because we're talking about road safety. So, I wanted her to give us an update as a body as to where this is because it's gonna affect all the discussion today in terms of our final outcome. So, MPO has, was selected to be the lead for Vision Zero. So, I just thought it would be...

VICE-CHAIR HOKAMA: Does Kauai have an MPO? Does the Big Island have an MPO?

CHAIR SUGIMURA: Only City and County of Honolulu and us.

VICE-CHAIR HOKAMA: Correct.

CHAIR SUGIMURA: So those department...

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

VICE-CHAIR HOKAMA: So, what is the other two counties doing then? They don't have MPO's.

CHAIR SUGIMURA: They don't.

VICE-CHAIR HOKAMA: That's right.

CHAIR SUGIMURA: But they have whoever the Mayor selected.

VICE-CHAIR HOKAMA: Just like we do.

CHAIR SUGIMURA: Yeah. So, the Mayor has selected MPO to be the lead and...

VICE-CHAIR HOKAMA: So, what the hell is our DOT and Public Works for?

CHAIR SUGIMURA: They're part of it. They're part of the policy board and they're part of the decision making.

VICE-CHAIR HOKAMA: We should have oversight over those we have authority over. Okay.

CHAIR SUGIMURA: And, and I believe that the Council has authority over what MPO does in terms of its funding and its vision as we can have input for a long-range vision. So, okay, anybody else? Ms. Lee?

COUNCILMEMBER LEE: Are you wanting us to ask questions only to Ms. Armstrong?

CHAIR SUGIMURA: Yeah, I'm just gonna, I'm gonna go to the prosecuting attorneys next.

COUNCILMEMBER LEE: Okay, let me ask you a question in advance of the prosecuting attorneys.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER LEE: We received statistics at our August meeting --

CHAIR SUGIMURA: Yes.

COUNCILMEMBER LEE: --and it, it has a breakdown of fatalities and accidents and what types of causes. So, I was wondering, I don't see on this list the outcome of these cases. How many were prosecuted successfully, et cetera, and, so it's, it's important to us. And then, why the odd number in 2017? Was the department shorthanded? It went from 27 near crashes to 18 in 2017 and back up to 28 last year. Also, I'm looking at, Lauren, at this handout you gave us? I guess it's from you. And I'm looking at all of these road markings and I'm thinking that's really distracting, but, but I suppose because it's distracting it makes people slow down.

MS. ARMSTRONG: That's right.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER LEE: Yeah. Okay. And I think that's the key, you know. You probably could achieve the very same thing by having one police patrol car parked on the side of the road just by St. Anthony's and other places on Waiale. To me that's very effective too, yeah? Because some of these markings are so, you know, you've got the white circles on the blue background and the green blocks, and then and the double, you know, white things, I don't know, I would think older people wouldn't even want to travel on that road, yeah? So, you know, some markings, but all of this seems a little almost like overkill, to me.

MS. ARMSTRONG: So, the flier is conceptual. The design is going to be driven by the community. This is just the first iteration.

COUNCILMEMBER LEE: Okay. Thank you.

MS. ARMSTRONG: Thank you.

CHAIR SUGIMURA: Thank you. Okay, thank you very much, Lauren. So, I wonder if, Nolly, you just had a meeting last week Friday regarding roadway safety. If you can give an update then we'll go to prosecuting attorneys.

MR. YAGIN: Okay, so the meeting I believe you're referring to is probably the red-light running meeting. So, on Friday, we were, we, MPD, Prosecutor's Office and Public Works was invited to take part in a discussion regarding, I guess it's a recent legislation passed to, to kind of initiate a red-light running camera pilot program. And essentially at that meeting what was discussed was if the counties could bring in, bring forth their concerns with doing a program like this, everything from manpower to any, any ordinance changes that the counties would need to do, right down to the technical aspects of how do we go ahead and implement this. At this point, that's, that's where the meeting left off requesting comments from the different agencies and there's another meeting set to kind of go over all those concerns once they, once it's all brought together.

CHAIR SUGIMURA: Oh, very good.

MR. YAGIN: Thank you.

CHAIR SUGIMURA: Mr. Hokama?

VICE-CHAIR HOKAMA: If I may ask our, one of our more, our professional personnel, Mr. Guzman, in the legal side, would it not make better sense to have a State statute that applied Statewide regarding this, the legal requirements instead of have each county come up with their own ordinance?

CHAIR SUGIMURA: Mr. Guzman.

VICE-CHAIR HOKAMA: For enforcement and consistency purposes?

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

MR. GUZMAN: Yeah. Thank you, Chair. Thank you, Mr. Hokama. Yeah, I, I believe yes, in, in terms of if you want an overall general sense of passing Statewide legislation, but as you know, as well as I do, we do have the power. You have the power to enact ordinances for traffic as well. So, either way, I mean I always feel that being on the Council, as you, Mr. Hokama, it's a lot faster, we've been able to do it, I mean, you guys have been able to do a lot of ordinances a lot faster than the State. So, you're correct.

VICE-CHAIR HOKAMA: So, for Public Works, you're more concerned about the State roads with stoplights and intersections? Only County roads with stoplights and intersections?

CHAIR SUGIMURA: Good question.

VICE-CHAIR HOKAMA: Or both State and County roads with stoplights and intersections?

MR. YAGIN: Chair, well for the County we would be concerned. If a County intersection was identified, then that would be our jurisdiction. As far as how the State, if, if the County, if the Committee decides that it's a State intersection that would need to be looked at, then the State would jump in.

VICE-CHAIR HOKAMA: So, Kaahumanu, you need the State right?

MR. YAGIN: Yes.

VICE-CHAIR HOKAMA: Kane Street is just the County.

MR. YAGIN: Yes.

VICE-CHAIR HOKAMA: Okay. And, for the County ones, what, we need to specify the locations for this test purpose? Or we can just say up to "X" amount of intersections to be selected by Police, Fire and Public Works and DOT?

MR. YAGIN: As from the meeting I could get the feeling that basically we would identify one intersection as a start. They, they may be looking at more than one, but it, it just sounded like they wanted to test this as a pilot project.

VICE-CHAIR HOKAMA: How many cameras do we already have at County intersections, would you know?

MR. YAGIN: You mean like traffic?

VICE-CHAIR HOKAMA: Traffic cameras.

MR. YAGIN: Traffic monitoring type. We, we don't have any cameras on County intersections. I believe the State has perhaps eight or nine State intersections with live traffic cameras.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

VICE-CHAIR HOKAMA: Is that something you wanted us to consider to support the Department greater with, whether be for security, police requirements, or what that we have more cameras?

MR. YAGIN: It is something the County is looking into. More so because we'd like to be able to monitor certain intersections and adjust the signals in real time. I can only perhaps name a few intersections, but that is something that we are looking at.

VICE-CHAIR HOKAMA: Okay. I would agree. We have bad drivers in this County. Bad drivers. Okay. From parents, mothers, everybody. We got bad drivers, Chair. So, my recommendation is shorten yellow light and tag everybody that goes through a red light.

CHAIR SUGIMURA: That's dangerous.

VICE-CHAIR HOKAMA: Because license is not a right, it's a privilege.

CHAIR SUGIMURA: Mr. Guzman, you wanted to add to the conversation?

MR. GUZMAN: Thank you, Chair. I believe Lieutenant Hankins wanted to add in regards to the MPD's position on the red light running for the cameras.

CHAIR SUGIMURA: Okay.

MR. HANKINS: Right now, this whole thing that he's talking about is very early in its stages. We're doing a, it's basically they're asking who's interested in this. There's a committee that's exploring the option of a red-light camera. That's not saying we're going to have red light cameras. There's State Act, I think it's 134, that came out and we're looking into it right now. There's a lot of logistics that come about this. The biggest hurdle is if you guys remember the van cams? Van cam citations were issued by a private vendor. The way they're kind of proposing the red light cameras is that police will be issuing the citations, but that means we have to have somebody dedicated to looking at the pictures, going through all of this again, and that defeats the purpose as far as what we're looking at, to the red-light cameras. The red-light cameras is an alternative to having a police officer out there, at that spot. The red-light cameras that are gonna have police officers looking at them, is again, something that we are considering for a pilot project. There's gonna be manpower. There's gonna be cost constraints. Some of the other things they were talking about is the citations have to be issued by certified mail. So, you're talking about maybe 6, \$7 per citation that is gonna go out. There's a lot logistics behind this and, and what he's talking about the light is, it's very, very early in the, in the planning stages for this. This is not something that is gonna be coming out in, in the near three or four months.

CHAIR SUGIMURA: Thank you for that overview.

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: Yes, Ms. King?

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: Thank you. Yeah, I just wanted to point out on that red-light issue, the cam issue, is I believe that the City and County of Honolulu tried this, I don't know, eight or ten years ago, had a public outcry, had to take 'em all down. So, yeah, just like keep that top of mind and maybe find out the reasons. I think part of it was a privacy issue that cameras were looking into the cars and you know. So, you know, I'm just, I'd be a little bit hesitant to go there just because I know it's been tried before and unsuccessfully. But, yeah, I appreciate the fact that you're looking at all of the ramifications because it's not just as simple as putting a camera up and someone gets a ticket. There's all this other peripheral costs and if somebody has to sit there and go through all those videos anyway, then, and then send out a certified letter for each one, that may defeat the purpose all together. So, thank you for looking at it holistically. But I would also in that report, maybe urge you to put in something about the reasons why Honolulu pulled it back.

MR. HANKINS: I can tell you why it got pulled back. It got pulled back because of the van cams. They were ready to go with the red-light cameras in Honolulu. We talked about this even at our first Committee meeting and because of the problems that they were having with the van cameras and in the private vendors, and there was exactly what you said, such a public outcry, they pulled back on the whole program and that's why there's no longer van cams and that's why they don't have red-light cameras. Again, moving forward, that's why the State Legislature made this act so that we can discuss the possibility of doing this. Everything that you're talking about is things that we're gonna be discussing and make a decision as to if this is something we're gonna move forward to, or if it's something we have to go back to State Legislature and propose changes for.

COUNCILMEMBER KING: Okay, thank you. I mean, I'm all for, you know, experimenting and trying new things like the MPO is doing with the Vision Zero, Complete Streets, but I also think we need to learn from those who have already tried it. So, thank you. Thank you, Chair.

CHAIR SUGIMURA: It's just a clarification then what the red-light running camera project and then what you're talking about, Lieutenant Hankins, is different than the van, van cameras, van cam. It was, the van cam was the actual camera looking at people and then the red-light is a, a segment of that program, or why is it different or similar?

MR. HANKINS: The old van cams, the way that worked, is they had white vans that were all of the H-1 freeways and anytime there was a white van, everybody knew that there was a speeding van camera out there, and they were doing laser, or laser citations. So, if someone was speeding, you'd get a citation in the mail through them that caused all kinds of problems over on Oahu. Now, I'm not completely accurate with the technology behind the new van, or the new traffic lights, red-light cameras, but I believe there is something within the ground work there, the electronics, there's a sensor that takes a picture of the license plate and of the drivers that go through, and again, this is all early talk, so I can't tell you definitively what I'm gonna see on the camera as a violation occurs until we get to that point in the Committee.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: Okay. So, it's years ahead, or are we, how, how long before we see something like this happening, since this is...

MR. HANKINS: I, I couldn't give you an honest answer on that, because we're so early in the talking stages of this.

CHAIR SUGIMURA: Okay.

MR. HANKINS: You know, this is something that's brand new that just came about and we're bringing all of our interested partners in to discuss all of this and a final decision is gonna be made through the partners here on Maui County as to what we're gonna do if we're gonna proceed with this or not.

CHAIR SUGIMURA: Okay. Thank you. Thanks for letting us in on the discussion. Anything else, Mr. Yagin?

MR. YAGIN: Yeah, let me just add a comment. So, just to be clear, the camera system that I discussed just a few minutes ago. It's mainly for operations. As far as a red-light running camera, that's a totally different system. Strictly for enforcement purposes. The camera system that I was describing is mainly for operational purposes. So, they wouldn't be used together.

CHAIR SUGIMURA: Okay.

MR. YAGIN: Thanks.

CHAIR SUGIMURA: Thank you. Mr. Hokama?

VICE-CHAIR HOKAMA: So, Mr. Guzman, those cameras, I mean, we see a lot on TV now yeah? Oahu has a lot of accidents. I mean we saw a last one on Kalaniana'ole Highway. It's on top of the dividing property wall. The two vehicles. Okay, So, whether that was drug-related, alcohol-related, I don't know, but things happen. And I'm just wondering is there an issue regarding the admissibility in court because of the camera? Is there a concern about the ability of that evidence to be utilized in court for prosecution purposes?

MR. GUZMAN: Is, excuse me. Thank you, Chair. Just in reference to your question, that if the picture is taken in a public area, which is basically the roadway, then it basically is admissible. We're not violating anyone's privacy. But if we're angling the cameras to a position where there could be reasonable expectation of privacy, then we've got issues. So, there's only so much we can do in terms of zeroing in or not zeroing in to make sure that we are within the bounds of our Constitutional Amendments. So, yeah, just a short, short answer, yes. We can use those pictures as evidence. It's just we will have, you know, there's always an illegal argument on the defense side. You're gonna always bring something up and as well as you know in exec sessions, there's always the other side. But, yes, we can use those as admissible evidence.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

VICE-CHAIR HOKAMA: No, I'm just wondering if it's a procedural issue that we gotta overcome? Is it a legal technicality issue we need to overcome to have enforcement? Because --

MR. GUZMAN: As far as I see there's...

VICE-CHAIR HOKAMA: --I need bad drivers off the road.

MR. GUZMAN: I mean I don't see any technical issues as far as I can see on its face. I could ask our felony screener, Mr. Fujieda, if he see or perceives of any legal constitutional issues as to the cameras being on highways or intersections.

MR. FUJIEDA: Are we talking about the red-lights or, like, I heard you mention the accidents or collisions.

VICE-CHAIR HOKAMA: Like I said, we see a lot yeah, so you watch yeah, how, you know, that truck, drunk driver goes down the street in Kakaako, runs over people, people die. Cameras was used as part of the I guess evidence to show that the guy really when run through all these people and run whatever red-light, hit the stop sign, whatever it be, but they had visual evidence...

MR. FUJIEDA: Yeah, visual, in regard to those types of videos, I believe that we would be able to overcome any type of barriers or legal arguments. Notwithstanding the investigation that the Police Department does as well, so that would act as a cooperative type of evidence as to their determination as to what had occurred at that time. As long as we need some foundational requirements that the cameras were working properly at that time and what we do see in the video is in fact what happened, and, you know...

VICE-CHAIR HOKAMA: Okay, which would be different from the Lieutenant and the Sergeant with their body cam dealing with a driver or a vehicle and people. There would be a difference because they're there because of probable cause so that camera is not an issue?

MR. FUJIEDA: No, that camera is really not an issue because we actually have a live witness to testify that they actually corroborate and state that this is in fact what happened. This is in fact what this person did say, or you know, in regards to non-verbal type of actions, the stumbling, and things of that nature.

VICE-CHAIR HOKAMA: Well, I was trying to link it to, take it to the next step, why, you know. I support the use of the body cam, so I don't have a problem with intersection cameras either.

MR. FUJIEDA: There shouldn't be any problems with the intersection cameras. It's just whether or not we do get any type of viable evidence to substantiate the charges is what we're looking at that point. Some of the issues that were discussed at the red-light camera, we don't really know what type of technologies are out there and whether or

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

not...it's, it's a whole slew of issues that come into mind and play when dealing with these type of offenses. Who's gonna pay for this? The State says the counties' gotta front all the money to initiate this.

VICE-CHAIR HOKAMA: Get ready to pay a lot for licenses, driver's testing --

MR. FUJIEDA: Right.

VICE-CHAIR HOKAMA: --insurance, well get ready to pay a lot, because...

MR. FUJIEDA: And, and that's part of the issues that we're looking at. What type of, you know, cameras do we get? Do we actually cite the individual by taking the picture of the individual driving the car? Or do we as Lieutenant Hankins stated, do we move towards more a civil type of liability where the car itself is the...like parking tickets? If the car is caught driving a red-light, the registered owner perhaps is the responsible, instead of getting people's faces in there. And the large part of the issue with the van cams was the private party for profit outcry that was going on at that time. And so, as the Police Department did state earlier, that their resources are gonna be strapped trying to enforce these. So, we gotta kinda look at every angle while we're looking at the red-light cameras, notwithstanding the, as Mr. Hokama, you brought up the issue of whether or not this evidence will be viable in court as well.

VICE-CHAIR HOKAMA: Okay. Currently Hawaii doesn't recognize driverless vehicles as a legal option at this time? Is that a good understanding on our part? If somebody says, Mr. Guzman, I'm buying one driverless vehicle so I can be drunk in my car, but I'm not driving my car.

CHAIR SUGIMURA: Mr. Guzman, do you have any...

MR. GUZMAN: Thank you, Chair. I didn't quite understand the question. There was...

VICE-CHAIR HOKAMA: Is that something Hawaii already...

MR. GUZMAN: Well, we do have like the no-fault insurance, like for instance if you were getting tagged for the vehicle not having insurance, well, they're tagging the registered owner, regardless of who is driving.

VICE-CHAIR HOKAMA: Right, right, right.

MR. GUZMAN: So, we could, it's basically the concept would be the same. It's like, okay, you see a vehicle, it's got pictures taken, now, it doesn't matter who is driving it, we don't have to ID that person, we just have a license plate and we can ID the license plate and who is the registered owner. You're guilty of the driving offense, the speeding. So, I mean there are some hurdles that we probably have to overcome in our own HRS's to kinda avoid that or overcome that ID issue and that would probably be changing legislation.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

VICE-CHAIR HOKAMA: Yeah, yeah. Chair, I have one side question for police please?

CHAIR SUGIMURA: Yes.

VICE-CHAIR HOKAMA: Okay. We talk a lot about the drugs yeah, the alcohol, Lieutenant or Sergeant, but I noticed we have just a lot of speeders. What is your recommendations for us to deal with roadway safety as it relates to just speeding and reckless driving?

CHAIR SUGIMURA: Lieutenant?

MR. HANKINS: Speeding and reckless driving are also two big factors that, you know equate to fatalities. The combination of alcohol, drugs, speed, everything is just a perfect mix for disaster. Now, to address your question of what do we do alone for speeding? We have speeding campaigns. In fact, these guys are actually they're doing right now these last two weeks they've been out at nighttime and if you've been on any of the major thoroughfares you've probably seen the motorcycle guys out there, as well as some of the unmarked cars and they are addressing the speeding. A lot of it is driver education and exactly what they were talking about, engineering. You know, there is three prongs to the attack: education, engineering and enforcement. And the engineering needs to be done on their level by making the roadways appear a little bit shorter. Exactly what she said, you know. When it's more narrow, people will slow down. The easiest way I can think of it is remember Old Puunene Ave, you know, tied up with the monkey pod trees. And it was tight and you didn't go through there too quick. And then now you look at Veterans Highway, it's wide open and it's pedal to the medal. So, you know, there are some engineering things that can be done. What they are, I don't know. I'm not an engineer. The enforcement side of it is where we get into it, as well as with the education. There's public service announcements that we make. We do media press releases on all the operations that's going out there. We share the numbers with people as to what's going on, not for revenue, but to let people know that there is a problem and it needs to be corrected.

CHAIR SUGIMURA: Thank you. Mr. Guzman?

MR. GUZMAN: Thank you. Thank you for the question, Mr. Hokama. One of the issues that we're apparently here today is for the driving under the influence of intoxicants or drugs. So, I know that when I was a line deputy more than a decade and a half ago, the, Mr. Hankins was on the OUI Task Force. And at the time, we had at the Prosecutor's Office, a designated grant-funded prosecutor. And that would be specifically assigned for all DUI cases or OUI cases and that was a specialist. That person is no longer with the office. That grant expired a few years back and in order for us to start getting back on track and I thank the Chair for having this Committee and bringing attention, is breaking down the silos because I see that we've all gone back into our silos and doing our own separate thing. MPD's doing their separate thing. Prosecutors are doing their separate thing. MADD is doing their separate thing. And, Vision Zero is doing theirs. So, I thank the Chair for bringing this, this issue upfront so that we can all start communicating, you know, I've been on the job 5.3 weeks, I mean five months and three weeks accordingly. So, this is something that's important. I met with Mr. Hankins and

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

he said, hey, we should bring back that specialist. And I said, well I need the foundation. We need to be able to see why do we need this? And how do we then operate this special OUI or DUI prosecutor? And so, I was asked by the Chair to put forth a summary of the job description and I did, I did so, and provided it to this Committee and broke down the different various duties. What is important to note in the last meeting, is that you did, you did hear from one of my deputies, Brandon Segal about some of the technicalities of prosecuting an OUI case and how difficult it is. And so, what we have here is that we've got in my office, most of the OUI cases are handled by very new prosecutors. It's a training ground at District Court. And so, what you have is a lot of new neophyte prosecutors handling the heavy-duty serious, more serious OUI cases. And so, what Hankins was trying to describe with me, and I agree, is that you need an expert. You need a specialist. And anytime you get a specialist that is gonna stay on board and be that specialist, that person could be that guide and also to handle the heavy-duty homicide fatality cases and get those convictions. And so, that is one of the reasons why I'm here and was able to put forth that resume. I have some stats to give you as well. The stats that Councilwoman Lee was talking about was stats that were provided by MPD. And I can provide you with our conviction stats as of January 1st of this year up to this date. So, we've received approximately 378 cases from MPD and out of that 378 case we've convicted...I believe 236 cases were closed and 15 of those cases were non-convictions. That means, we basically lost. So, a closed meaning, pau, the case is sent, you know, we're finished with the case. So, 236 cases, pau, closed. Fifteen of those were non-convictions and we currently have 142 cases still pending trial or pretrial. So, these numbers are significantly more than what we've seen in the past. As you've heard on the floor, we've had 16 fatalities in less than a year. That's high. I believe 11 of those were drug and alcohol related. So, we do have an epidemic. What's going on is that in the past, I'd say a decade and a half ago, MADD was strong. There was this open campaign out there. People were, there was a cultural sense of, let me have your keys. People were grabbing people's keys and I have this sense that it's deteriorated a little bit, and, and, more so. Because I believe that we're doing our job, it's just that there's not a coordinated effort. We don't have the person that is an expert that is gonna be that one person to lead, to lead the charge. The champion. The advocate. And with all the different cases that we're handling at the Prosecutor's Office, you really do need a specialist. I mean, that's why we created a sexual assault unit and that's why our Sexual Assault Unit has done great. Especially on Molokai, because we've designated specialists in those units. What I'm seeing on, since I've been in the office is that there is a need for a succession plan for County attorneys. Meaning that since I've been in office, when I started, we were six prosecutors down and in five months I hired five. The last three months, I lost three to Corporation Counsel and one of them was a Sexual Assault Unit, a specialist going into an entry level Corp. Counsel position. So, that does us no good. It actually, the people that are being hurt the most are the victims. And so, we need to have a succession plan. If you're gonna be a prosecutor, you're gonna be a corporation counsel, we need to be able to say, look, you're gonna be the specialist, that's what you're gonna do. And what I have currently now in office, I have 31 prosecutors and 3 vacancies. So, a total of 34. And moving forward, that's one of the issues that we would have to overcome a succession plan, maybe agreeable with the Mayor to make sure that if we're gonna put investment into a specialist, we better make sure we keep that specialist.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: Chair?

MR. GUZMAN: Number two would be...I'm sorry.

CHAIR SUGIMURA: Mr. Guzman, can you finish.

COUNCILMEMBER KING: I just wanted to bring us back to the traffic issues.

MR. GUZMAN: Yes, yes, that's part of it, that's why I'm trying to say is that if we're gonna move forward with a specialist, a Deputy Prosecuting Attorney Specialist, then we need to have some provisions to make sure that whatever training we put that person through, we're gonna be able to keep that person. So, you know, there needs to be the succession plan agreeable with the Mayor and the Administration. Number two is the statutory's. We need stronger statutory provisions. If we're looking at Big Island's, which thank you, Chair, for providing, I was able to reach out to the head prosecutor on the Big Island, and Mitch Roth has indicated that there is significant difference in the way that their numbers have gone down by utilizing this, Aliyah's Ordinance, which is basically County ordinance that says if you commit an OUI or they've actually named six different traffic violations, then via enabling HRS, it will allow the County to basically tow away and confiscate those vehicles and within 30 days, this is HRS enabling the County, within 30 days, if they are not recovered, then the towing company can sell or junk it. So, these are enabling legislation from HRS to the County. So, if we were to enact something like that, yes, that would be, I believe it would serve as a deterrent, as well as you might be asking, well, how, some of the issues that Big Island is raising is finance. How do you get the towing companies to go along with it? Because some of the towing companies are saying, hey look, we're losing money on this. Well, here's where we gotta get a little creative. So if we can create an RFP and bid out some of these towing companies that would be willing to tow, and, and under the HRS and under the County Code, what you would legislate, is basically the, the registered owner or the owner of the vehicle has to pay the towing costs, has to pay the impoundment costs. So, we RFP that and then if they agree, the towing companies, a percentage and it would be built in the RFP, a percentage of that could be placed into a revolving fund similar to what we've created in the past, Mr. Hokama. A revolving fund based off of ordinance for a specific purpose. That money can then go to a non-profit to start the campaign. A media campaign which I believe Councilmember Lee mentioned at the last meeting. We should be blitzing. We should be blitzing the community about media and get this whole driving under the influence back on, back in the minds, and set forth in the culture to change things. So, that money could be used, like similar, like what we're using for the tobacco stuff. We're making the same people who are committing the crimes, we're making the tobacco pay for the advertising. So, we could do that. I mean we just have to be a little creative and buffer that into an ordinance such as this. Because all of as you can read on the second, I believe on the third page--

COUNCILMEMBER KING: Is that, Chair, did you provide, I don't...

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

MR. GUZMAN: --of that ordinance, it's actually showing you the enabling legislation from the State that will allow the County to do it.

CHAIR SUGIMURA: Hawaii Revised Statutes.

COUNCILMEMBER KING: Chair, did you provide that? I don't see it.

CHAIR SUGIMURA: So, did we pass out, Mister...

MR. GUZMAN: Yeah. You said it was attached to your last agenda, Chair, at your last meeting?

CHAIR SUGIMURA: Members, do you have it?

MR. GUZMAN: This is Ordinance 11 dash --

CHAIR SUGIMURA: It actually Ordinance 11-102 from...

MR. GUZMAN: --102 of Big Island?

CHAIR SUGIMURA: Big Island as a sample.

MR. GUZMAN: As a yeah, sample. So, this is great foundation, but I think, we could, you folks can do better.

COUNCILMEMBER KING: I don't see it.

MR. GUZMAN: And create, where a revolving fund within an RFP for towing and a percentage of that money that comes in for pound, for the registered owners to release those vehicles, that money goes to campaign purposes for let's say MADD or Vision Zero. You know, it can be done.

CHAIR SUGIMURA: Okay, Mr. Hokama?

VICE-CHAIR HOKAMA: I like your ideas, Mr. Prosecutor. I like the police is being, participating. But we're a unique County. I don't know what is the capacity of just the department on this island for compound vehicles and other equipment. I definitely know Lanai has no space for impounding. I'd say Molokai doesn't have space for impounding. So, I guess the third party might be the, a good option for us, Mr. Guzman.

CHAIR SUGIMURA: So, that's a...

MR. GUZMAN: And, and, I think, I think what we need to also recognize is that maybe, maybe not apply this to a first- or second-time offense, but for the habituals. A third and fourth offense, that wow, this is your third and fourth offense driving under the influence? Come on, I mean, that's no difference than a drug dealer buying a house and using the house as a drug, drug house and this person using a vehicle while he's intoxicated on his third or fourth offense. I mean, that property should be confiscated and, and those

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

monies for impoundment and all that should go to a campaign process. But I, I believe the Lieutenant has a response as well.

MR. HANKINS: Yeah, as far as the towing, if this is something that we should do, which I strongly believe it is, the initial tow is gonna go to the tow baseyard. So, the tow company is gonna take the tow just the same way we do motor vehicle crashes and it'll be their responsibility. There are two sides to this from what the prosecutor is talking about is if you have a felony DUI and it's your third one now within ten years, they just changed the law. If you have your third offense it's a felony. What's gonna happen is we're gonna try and take your car in a forfeiture and that's when the car would come to the Police Department and that's when it would come into our impound lot when we do the forfeiture proceedings. Working with the prosecutors on that. But as far as now this ordinance, this ordinance basically, is, it's pretty cut and dry. If you drink and drive, you're gonna get arrested and your car is gonna get taken. Plain and simple. And I'm telling you, it's gonna save lives. As soon as we can get this message out and tell people we're not playing around as a law enforcement, as a County, as a community. The message will get sent. I guarantee you. A first couple of times when people start seeing tows taking their vehicles away for DUI, it's gonna spread like wildfire when they go up to court. I promise you that.

CHAIR SUGIMURA: Thank you. Go ahead. Mr. Fujieda, yeah.

MR. FUJIEDA: I think we gotta look at the background to of this Aliyah's Law and why it was enacted on the Big Island. When you look at it, and we don't see it too often, but we do see it, where someone is arrested for an OUI, they bail out, they go back to their car, and they start driving again and Aliyah's Law was contemplated for this type of situation because somebody actually died through a traffic fatality on that second time that person went in the vehicle. So, so we're covering a lot of bases with this.

VICE-CHAIR HOKAMA: But don't we have, hasn't a law been revised whereby now if with the DUI or substance thing and there's a fatality, that driver goes automatic to jail or prison now?

CHAIR SUGIMURA: Mr. Guzman?

VICE-CHAIR HOKAMA: We don't have that automatic sentencing because our sister states and counties have that on the mainland? You get one fatality, you going straight to jail.

MR. GUZMAN: We don't have that in place.

VICE-CHAIR HOKAMA: Is that something we should consider?

MR. GUZMAN: Well, definitely at the State Leg. But this if we narrow what we can do in the County, and you have the jurisdiction to create this, and that could be a deterrent, you know, and it's working, I believe it's working well on Big Island. I would have to have a designated prosecutor to make sure that if it we go into civil forfeiture, we have the means to do it, and be able to take the vehicle, via civil forfeiture proceedings. I wouldn't

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

want to recommend that to assign it to Dep. Corp. Counsel, because I think what we need is basically a designated specialist that will work with all, all agencies and be that helm to get these different cases--

VICE-CHAIR HOKAMA: You're talking about Deputy Prosecutor?

MR. GUZMAN: Yeah, Deputy Prosecutor. A designated specialist that would work with the DUI Task Force, would work with the Liquor Commission. Although we can't do anything with promulgating their laws, because as you know, Mr. Hokama --

VICE-CHAIR HOKAMA: Yeah, yeah.

MR. GUZMAN: --HRS allows them to create their --

VICE-CHAIR HOKAMA: Right.

MR. GUZMAN: --own rules and regulations --

VICE-CHAIR HOKAMA: Yeah.

MR. GUZMAN: --and we have no control over it, but we could lobby them. We could try.

VICE-CHAIR HOKAMA: We could lobby Leg to adjust the use of their funds --

MR. GUZMAN: Yes.

VICE-CHAIR HOKAMA: --but I think they have a lot of excess every year with their budgeting process.

MR. GUZMAN: That's great.

VICE-CHAIR HOKAMA: But I don't understand why then we can't use some of that surplus to fund a designated deputy prosecutor within the Department of Liquor for DUI cases.

MR. GUZMAN: That's, that's, that's a great idea. Because in our Charter, we're designated, the Prosecutor's Office is designated to adjudicate Liquor Commission cases. So, I do send a prosecutor to their Adjudication Board, but, but like, like again, it's their rules. They're jury, judge, and --

VICE-CHAIR HOKAMA: Right.

MR. GUZMAN: --legislators at the same time. I think they're the most powerful commission there is.

VICE-CHAIR HOKAMA: So, Chair, I would ask that you take it under your leadership to consider drafting a bill for an act to adjust the statute to allow us to use --

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: Okay.

VICE-CHAIR HOKAMA: --Liquor Department funds to pay for a designated prosecutor regarding --

CHAIR SUGIMURA: I like that idea.

VICE-CHAIR HOKAMA: --substance and driving under the influence --

CHAIR SUGIMURA: Then we can lobby. Yeah.

VICE-CHAIR HOKAMA: --violations.

CHAIR SUGIMURA: Mr. Guzman, can I look at you to assist me with that thought process?

MR. GUZMAN: Absolutely, Chair. I can even assist you in drafting this type of forfeiture bill that is, that will emulate Big Island's, but be better. If in fact you guys want to try to get a revolving fund in there --

CHAIR SUGIMURA: I like that idea.

MR. GUZMAN: --I think that would be awesome, because then we're charging the people who are committing the crimes and we're taking their money and we're using it for advertising for a campaign. You know to kind of say, look, more awareness, you know. I don't...

CHAIR SUGIMURA: Okay. Good job, Mr. Guzman. Ms. Lee?

COUNCILMEMBER LEE: Thank you, Madam Chair. I have some reservations about that idea, mainly because it's not only alcohol that's involved. Yeah. So, you know when you have drugs, you certainly can't charge the Liquor Commission, you know, or the Liquor Department. So, on the surface it appears that this person, this specialized person may belong in your department. Yeah. May belong in your department. But anyway, I think warrants further discussion. In which case I think we need more information. Mainly in terms of the overall view of what should be done, 'cause they're so many aspects to this issue. For instance, I would really appreciate more information on statistics from the police on number one, where the locations of these accidents, yeah and violations. Because to me, we have to whittle down prioritizing, which roadways and which streets and so forth, yeah. And then, secondly, who's committing these violations. Are they primarily residents? Or is there an increasing number of visitors causing these accidents?

CHAIR SUGIMURA: Either police or Prosecuting Attorney, do you gather that data?

MR. HANKINS: Yes. Let me put it to you in simple terms. If I could put my finger on exactly who, where and when the problem is occurring, we wouldn't have a problem. Okay. It's happening everywhere, Councilmember. It's happening on every street within this

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

County. Okay. Is where we're having crashes. Is where we're having alcohol-related arrests. It's not one specific person. DUI is an offense that is committed from people who are dead broke to people who have millions. Okay. It's all across the board. It could be anybody. It's not one specific demographic. To try and whittle it down to identify a problem area, or a problem street, is like trying to hold all the water in your hands and it's gonna start spilling over at the top and you're gonna miss the important stuff. We need to be everywhere is where we need to be. We need exactly what the prosecutor is talking about. We need help in getting these cases to go through prosecution, because we have very young prosecutors, who are good, but they're going up against 15 and 20-year veterans. Some of which were prosecutors who we've trained to handle these cases. Right now, the problem isn't who, what and where. The problem is there's no fear of prosecution. There is no fear of consequence. That's the problem.

CHAIR SUGIMURA: I wonder if you could also comment about the, the liquor level, that .05, or we had an earlier discussion from one of your letters or correspondence to the Committee.

MR. HANKINS: Recently I came back from a conference in Pennsylvania and we met with agencies from across the nation and the State of Utah recently enacted a .050, a legal per se law. Right now, the State of Hawaii has a .080. Think of it as 80 cents. If you have a blood alcohol rating of 80 cents or more, you're considered intoxicated by State statute. The State of Utah recently is the first state to drop it down to a .050 and this is after a NHTSA recommendation. The Highway Transportation Safety has sent out information saying, this is something that the states at the legislative level should seriously consider because at a .050 you're impaired. Okay. Bunch of numbers have come out. I know you guys have seen numbers all throughout these meetings. The one number that you need to understand is in 2018, from the first three months of Utah, to 2019, they dropped alcohol-related fatalities 40 percent.

CHAIR SUGIMURA: Wow.

MR. HANKINS: Just by changing the number of the illegal per se law, 40 percent. Now, that's something that needs to be changed in Honolulu at our State legislative level, but if we can get the County Council to come up with a resolution supporting that, again, tying into the prosecutor, tying into the towing of these vehicles, it's gonna send a message that we're serious about attacking the problem. Of all the numbers that you guys have heard today, I want you to remember one number. Okay? Sixty-six percent. That's our alcohol-related fatalities in Maui County. Right now.

CHAIR SUGIMURA: Wow. Thank you. Ms. Lee?

COUNCILMEMBER LEE: Thank you for that information. It's very helpful. But we are looking at this issue from a variety of angles and one of 'em is the, you know, complete streets and the markings on the streets and how to, as Lauren said, distract people into --

CHAIR SUGIMURA: Safety.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER LEE: --into safety and being attentive so that you don't go over the line. So, that's the reason why I wanted to know, well she gave us an example of Onehee Street, you know. There's gotta be, there's gotta be more accidents in one particular place than others. I can't imagine, in other words, Papa Avenue, I see people go flying down Papa Avenue. Not so much Onehee, but even Kaahumanu. Anywhere there's a long stretch, you know. So, I can see that the value of having extra safety precautions on those types of streets and because, because they're heavily traveled, people see people getting arrested. So, it's not just the person getting arrested, it's the value of the other people wanting to avoid that, right? But I strongly support what you're trying to do and I believe in enforcement. I'm not a real strong advocate of more and more and more stringent rules, but sometimes we have to do what it takes. But again, I think investing in enforcement is very important and we certainly support you on that. Thank you.

CHAIR SUGIMURA: Very good. Ms. King?

COUNCILMEMBER KING: Thank you, Chair. So, I'm happy where this conversation is going because I was reading through the report that Mr. Guzman gave us and there were a lot of suggestion about, you know, more, more staffing for courts to get people through there, but I'd rather if we're talking about prevention, rather put it up front and not just worry about getting people through the courts faster, because ultimately we want less people going to court because we want less people violating. And I think, you know, we're trying this on the short-term rental side, and Mr. Guzman, you were on the Council when we passed the Charter amendment for the \$20,000 fine, we just, we're working on aligning the ordinance with that now. And, I think, it might take one or two of those fines, and then everyone else gets on board, so I'm all for stricter enforcement. Stricter consequences, because when you have that, it's when people will start thinking about that ahead of time and don't violate. And then I also wanted to say I agree with your idea about having a succession plan for attorneys, but I also wanted to remind you that you took one of our attorneys from OCS. So, it's happening from agency to agency and, you know, maybe we all need to coordinate better, you know, our legal help, our legal staff from one agency to another. But I, but I do think we need a pool, and maybe an ongoing list for all of our agencies for Corp. Counsel for attorney, you know, for the Prosecuting Attorney, for OCS, everywhere we use attorneys, you know, just if we have an ongoing list of people, we want to put their names on various, up for various agencies that would help. I think that's...what I want, what I really wanted to say is, I, what I would like to see is have these bills proposed and then bring them to Committee, I don't think we're gonna be able to hash it all out now, but personally I am in favor of more enforcement and stronger, because I think that that's going to lead to alleviating more pain and suffering and possibly more expense later on. So, if there is a way we could develop, you know, to fund that, if there's a way we could develop a revolving fund that, you know, as Ms. Lee says, encompasses fees and fines from various pots of money, not just the alcohol because, you know, there is the drug aspect, there is, you know, there are people driving without licenses, you know. So, I don't know what that would come under, but there are various reasons why people get into accidents and are breaking the law and so we should look at, you know, possibly where we can get this fund to grow from. Thank you.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: You know one of the things that I need to do, Chair, is I'm operating this meeting on Rule 7B, so I need to put this item into this Committee --

COUNCILMEMBER KING: Right.

CHAIR SUGIMURA: --which is road safety so that we can introduce legislation. So, that's gonna be, James is going to be submitting something further next Council agenda.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: And I am working on legislation based upon the confiscation and having discussions with Mr. Guzman and I hear the concerns of police and the discussions that we're hearing today and so, bear with me, Chair, it's going to be an item that you will receive.

COUNCILMEMBER KING: Okay. So, are you talking about doing an umbrella, umbrella issue so that you can, because you said these are gonna come, these various types, so then I think it needs, but I think that needs to be worked out between your committee and GET, which one has it, because of legal, a lot of the legal stuff goes through GET, so --

CHAIR SUGIMURA: Yes, I'll propose it...

COUNCILMEMBER KING: --if you could make an umbrella then you don't have to go through Council every time you want to propose...

CHAIR SUGIMURA: So, on this particular item that I wanted to have this Committee discuss the legislation, get your input since this is a subject matter item of interest, and then if we need to, we can send it to Mr. Molina's Committee for enactment.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: For further discussion.

COUNCILMEMBER KING: Okay. Yeah, I mean it doesn't matter to me, it could go, it could go under this one, it just needs to be worked out which one you want to do it under.

CHAIR SUGIMURA: Yeah, okay.

COUNCILMEMBER KING: Okay. Thank you.

CHAIR SUGIMURA: I would like it to stay in this Committee 'cause we're having this discussion, but whatever the Council needs to do, you know. We just want to make it happen. I like the idea also of getting input from Lieutenant Hankins, who's been at the frontline for years to help us with this, and today I'm really glad because we think about the three E's, right? Enforcement, education and engineering. So, everything that all of you do for the County and our citizens and residents is important for this discussion.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

I'm so impressed with Prosecuting Attorney and thank you, Mr. Guzman, for coming forward and being with us today. I didn't hear anything and I wonder if you have anything to tell us Sarah Simmons? Do you want to add to this discussion?

MS. SIMMONS: Thank you, Madam Chair. Hi, everyone. Sarah Simmons, Deputy Prosecuting Attorney in our District Court. I do have a few things to add. Because I'm down in District Court, so I do a lot of these OUI trials and deal with them on a regular basis and I'd say most of my trials are DUI...DUI, OUI, OVUII, all same thing. And I am going up against attorneys that are, you know, much more experienced than I am, so I think having a designated specialist would be a fantastic idea. As much as learning on these cases is, you know, taught me quite a bit about how to be a trial attorney. Having a specialist take care of the really difficult cases I think is a good idea. And just to give you kind of an understanding of how it works down there with the judges because it's not up to us what punishment they get right? It's the judges. For your run-of-the-mill first OUI, you're looking at a \$250 fine. And that's it. The court fees are \$437 and your license is taken away for one year to two years. On your first OUI you can get something called a breathalyzer in your car. Everybody kind of hears about that. That costs about \$80 a month. And that's really what you're looking at for punishment. Do I think that's enough? Absolutely not. I've had some really difficult cases that the facts warrant difficult, or more stringent punishments, but we don't usually, we don't get them, unless they're either arrested after being pulled over and they're already in custody. So, they've had two, two days, two to five days in jail and that's it. This idea of towing their cars is an additional, I see it as a civil penalty in addition to the license revocation. Because if you're taking away people's cars and making them pay for it, even in the end if they don't get convicted, they still had to pay to go get their car back. And sometimes people see that as man, I don't ever want to go through this again. Even if I didn't get convicted. So, any help that you folks can give us would really be appreciated. And if you have any questions, I'm happy to answer them.

CHAIR SUGIMURA: How interesting. Ms. Paltin? Thank you.

MS. SIMMONS: Yes.

COUNCILMEMBER PALTIN: Thank you, Chair. Thank you, Ms. Simmons. I was wondering one of the other things that it said if they didn't in that correspondence I think, from Mr. Guzman maybe, was if they didn't get that breathalyzer in the car, maybe on Big Island, that they would have to turn in their license plates and then get issued license plates that identify them as repeat offenders?

MR. GUZMAN: Okay.

CHAIR SUGIMURA: Mr. Guzman?

MR. GUZMAN: Thank you, Chair. Thank you, Councilmember Paltin, for the question. Those were ideas. Like for instance, if so happen that you guys, you also have the jurisdiction to impose like identifiable license plate numbers that say, okay, 041. All the license numbers that start, all the license plate numbers that start with 041 are habitual. I

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

mean they've been driving. It's sort of like marking them. I don't know, it's just an idea, you know. So therefore, the police officers...

COUNCILMEMBER PALTIN: So, it hasn't been in place on the Big Island.

MR. GUZMAN: It's not, it's just a pie in the sky, I'm just trying to think of other ways that you guys, that the Council would have that type of authority. I was looking for solutions. So, that could be one. I mean it's one of just thinking outside the box.

COUNCILMEMBER PALTIN: Or if we're not able to find or work with companies to tow because of lack of space or something, what about just taking their license plates away from them?

MR. GUZMAN: Yeah, yeah, you guys have that as well. I mean that's why I put that in my letter. I mean that's just another alternative to passing, well you would have to pass legislation for that. A County ordinance for that too.

COUNCILMEMBER PALTIN: And if possible, Mr. Hankins, if you could weigh in on, if you think that's even a worthwhile type of thing to do?

MR. HANKINS: As far as taking away their license plates, no. It's been done before. Administrative driver's license revocation when I was in years ago doing this, we used to take your license plates away. Our evidence room was ready to kill us with all these license plates and the administrative driver's license basically said we don't want them. So, now what do we do with them? We have a room full of license plates. You know, it's, it's kinda hard to drive when your car is being towed away. But if I take your license plates away, anybody can still come pick that car up and they'll drive it. So, you're sort of solving the problem on a small scale, but you're not eliminating the problem. By having these vehicles towed exactly what Sarah was talking about, is it's a wakeup call to people to say, look, I don't wanna go through this again. Not only did I have to go to court. Not only did I have to spend "X" thousands of dollars to pay for a private attorney. Now, I gotta pay towing fees and storage fees, and then I gotta go down take time off, all because of one bad decision. Don't make the bad decision is the message that we're trying to send out. We're trying to train the public to voluntarily comply with the impaired driving laws, by not doing it.

COUNCILMEMBER PALTIN: So, even the 014 identifying marker, not...

MR. HANKINS: You know that's, that's something we've been talking about in the traffic commander's meetings. It's, it's something we can do, but now you're talking about who's gonna make these plates? Now, we're gonna have to get DMV involved and you're gonna have other agencies, you know, compounding into this. So, who's gonna issue the plates? How are they gonna get the plates? It's yeah, it's an identifier, I mean, it's as simple as...

COUNCILMEMBER PALTIN: Slapping a sticker on the back.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

MR. HANKINS: Yeah. I mean, and what's that gonna do, you know. Does it help? Sure. You know, it'll definitely help the guys out there when they see these plates or they see these cars, you know. Okay, this guy, he's been around before. But again, I would kinda be a little bit leery about maybe profiling people.

UNIDENTIFIED SPEAKER: Yeah.

MR. HANKINS: The law enforcement has had their issues in the past with profiling, so we don't need to get into that.

COUNCILMEMBER PALTIN: Okay. Thank you.

CHAIR SUGIMURA: Mr. Guzman?

MR. GUZMAN: Oh yeah, thank you. Chair, if you don't mind, Mr. Hokama did bring up a very good topic where in if you could look at legislation to grab some of that funding from the Liquor Commission, that would be awesome. Just because of the fact that under our Charter in black and white, Prosecutor's Office is mandated to do Liquor Board adjudication. So, if they're gonna operate as an independent-type agency, then maybe we should be charging them for our services. I mean, we basically don't have any say with the Liquor Commission Board and adjudication. They promulgate their own rules and regulations. So, and we do have control over the funding, so a little bit of the funding. But, hey, look at our Charter. We're mandated. The Prosecutor's Office is mandated. So, where's the quid pro...you know what I'm saying.

CHAIR SUGIMURA: Yeah.

MR. GUZMAN: Thank you.

COUNCILMEMBER KING: Chair, can I please follow up?

CHAIR SUGIMURA: Ms. King?

COUNCILMEMBER KING: Yeah, so with that, Mr. Guzman, would that be, would that require a Charter amendment or would that require an ordinance to create that revolving fund? We could just create the revolving fund and require those funds to go there through an ordinance?

CHAIR SUGIMURA: So, we'd...

COUNCILMEMBER KING: I think all the Charter amendments...

VICE-CHAIR HOKAMA: We would need one statutory --

CHAIR SUGIMURA: Yeah.

VICE-CHAIR HOKAMA: --authorization from the Legislature first as the vehicle.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

COUNCILMEMBER KING: Okay. And the other thing, you know, I wanted to go back, going back to your suggestion about the .050, that would be, that would need the State statute or is that something that we could do as a County?

CHAIR SUGIMURA: Mr. Hankins?

MR. HANKINS: It's a State statute. I wish it was something we could do here. But it has to be done through our State Legislature. Like I said, right now, there's only one state out of all 50 and they're seeing incredible results. When they told us that, you know, looking at the numbers we have here, I'll take a 40 percent reduction. Forty percent of the time, we don't have to go knock on people's doors and tell them that a loved one is never coming home again. I'll take those numbers.

COUNCILMEMBER KING: Can, so, do you know if there's legislation gonna be introduced this year on that?

MR. HANKINS: I'm not sure. It's, it's something that we're just starting. It's actually starting with, with the Maui Police Traffic Division. We're pushing this. We just talked about it at the traffic commander's meeting last week. Everybody's on board with it. It's, we know it's gonna be an uphill battle, but if we can get the County Council and our local representatives here to support this, I think it's gonna go a long way with our State representatives. And, also was discussed at the traffic commander's meeting, that our Lieutenant Governor actually years ago, proposed a .050.

COUNCILMEMBER KING: Our current Lieutenant Governor?

MR. HANKINS: Yes.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: He's a physician yeah?

MR. HANKINS: Yes.

COUNCILMEMBER KING: That's great, and I, I really wanna thank you both for, you know, bringing these ideas forward and thinking outside the box. When I understand some of the issues with the license plate idea, when you were talking about it, I was thinking maybe we should start with 050, but the thing I really liked about it, was the fact that you're also telling other drivers on the road, watch out for that guy in front of you because he's been, he's a habitual, you know, drunk driver, so maybe you back up or get in a different lane or something. But, you know, I think that's the kind of thinking we need to have is, you know, how are we going to, you know, what we're doing is not working, so we have to start thinking of something else. But, I would, you know, if I can help in any way, maybe with HSAC, with the Hawaii State Association of Counties, with, looking at that 050 law, I'm happy to propose that at our, at our State County level, you know, the association of counties. Thank you.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: Mr. Hokama?

VICE-CHAIR HOKAMA: Two things, Chair. One, I think we need some of Judge Mossman's --

CHAIR SUGIMURA: Yes. I was gonna say that.

VICE-CHAIR HOKAMA: --justice back. I don't have a problem with an ordinance that says the convicted guy for five days must pay for a full page ad with his picture. Tell them where he works and that I screwed up and that I'm a drunk driver. I've been convicted of drunk driving and the plaster the person's face, I cannot say his face, because it's not a male thing. And then, that might be a deterrence, 'cause I thought Judge Mossman had a unique way of addressing certain type of crimes. The second one I agree with my colleague Ms. Lee. We cannot only talk about the alcohol component. I think we have enough indicators and news that like her I'm concerned about the vaping issue and how those are maybe with on the younger age bracket will use vaping equipment to hide the drugs and then still drive vehicles and be impacted, with drug influences. So, I would agree with her that there's other issues and that maybe we should use tobacco money, since it's part of the vaping seems to be connected to the tobacco issue. That maybe tobacco money can be utilized to assist some of the areas that Ms. Lee and I have concerns about as well. Chair.

CHAIR SUGIMURA: So before I call you, Mr. Guzman. Yeah, and the whole vaping and e-cigarette issue is coming to national attention, which is so important and...

VICE-CHAIR HOKAMA: Because police got with the black tar heroin and other things they can add to the vaping additive that they can smoke, okay and that's part of our concerns. Also, is what else are they adding to the vaping liquid to create a higher more lethal potency that we know people dying already, Chair.

CHAIR SUGIMURA: So, I hope that, you know, there's information coming out slowly about the impacts and the deaths nationally, but we did have a situation here on Maui and so sad for, you know, a young person to die and suspected to be from the e-cigarette. So, I really get that. The one thing I liked about Judge Mossman, is that he used to convict people and have them stand on the side of Hana Highway with a sign that says I was, whatever they did, and that seemed to be a deterrent for them ever doing it again. But that was my memory of Judge Mossman. I didn't realize they did that one-page ads.

VICE-CHAIR HOKAMA: You're shaming the whole family now. Not just the culprit.

CHAIR SUGIMURA: Yeah, it's a bad thing.

VICE-CHAIR HOKAMA: You're shaming the whole family publicly.

CHAIR SUGIMURA: Yeah. So, Mr. Guzman?

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

MR. GUZMAN: I just, I wanted to just address a little bit of Mr. Hokama's concerns and Councilmember Lee. On the job description that I've provided and also under the statute under OUI, Operating a Vehicle Under the Influence of Intoxicants, it covers all the substance schedules, substance schedules as well. So, not only would this specialized deputy prosecutor be specialized in alcohol, I would like to send that person to what you call, DRE Training, Drug Recognition Training, alongside the task force. So, those are specialized trainings that are provided on the mainland and they become very cognizant and well informed on the various type of other substances that could actually cause impairment. So, we're not just focusing on just the alcohol-related incidences. So, it's...

VICE-CHAIR HOKAMA: Yeah, so I would hope you would also go follow our County leaders in New York and Wisconsin. We should be able to get a portion of the opioid settlement monies also for Hawaii's counties, Mr. Guzman. So, I would hope you would also see if Maui County can get its fair share of the settlement on the opioid litigation with the tobacco money, with some potential liquor license fees, I think, we'll be happy for a total comprehensive approach to this issue with driving and safety. Thank you.

CHAIR SUGIMURA: Mr. Guzman?

MR. GUZMAN: ...*(inaudible)*... Hello? Okay. Yeah, thank you, Mr. Hokama. I will follow up. I like the connection, the nexus with the opioid, as well as the nationally funding. I recently went with Chief Tivo to a meeting that the Attorney General had called last week with all the prosecutors and all the Chief of Police and it was about the vaping. And so, it is on Council, I mean not Council, Attorney General Connors' radar right now because of the fact they're using the THC now as the liquid form and high concentrates of that, as well as the I believe it's like 60 percent to 70 percent more nicotine in those little vapes --

CHAIR SUGIMURA: Wow.

MR. GUZMAN: --as opposed to the smoking the stick. So, there are people, kids od'ing on that stuff. So, the next wave is the THC and that was clearly mandated from our Attorney General be on the lookout, this is happening. So, you're correct. Thank you.

CHAIR SUGIMURA: Thank you. So, do you know if Maui, Maui County or is it just State in general, I've been hearing about that lawsuit. The class action for the opioid addiction. Are we part of it?

VICE-CHAIR HOKAMA: We're part of it in a sense from national as a member of NACo. NACo is a party involved and that we have our two key states, Wisconsin and New York leading the efforts for all 3,000 counties nationally regarding --

CHAIR SUGIMURA: So, we are.

VICE-CHAIR HOKAMA: --the opioid crisis and we are a party to the settlement.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CHAIR SUGIMURA: So, we will get our --

VICE-CHAIR HOKAMA: We need to go and make sure --

CHAIR SUGIMURA: --fair share --

VICE-CHAIR HOKAMA: --yeah, we get our portion of the settlement.

CHAIR SUGIMURA: Okay. So, we don't have to enter it from the State of Hawaii, or individually?

VICE-CHAIR HOKAMA: Well, I would hope our Health Department and our State would do its part too.

CHAIR SUGIMURA: Okay, well good.

COUNCILMEMBER KING: Chair, I think that also, I just heard today that the Governor of New York is making all flavored vaping illegal --

CHAIR SUGIMURA: That's good.

COUNCILMEMBER KING: --and apparently can do that unilaterally without going through State legislation. But I wanted to ask you, I don't know if it's a police thing or prosecuting attorneys, but how big an issue is cell phone distraction? I mean is that growing? Because I know people that have gotten in some minor accidents from having cell phones, so I don't know where we would get, how we would pull money in off of there, but you know, if you, if someone gets in an accident with a cell phone, if it's a growing issue, you know, that needs to be part of the discussion as well.

CHAIR SUGIMURA: Lieutenant Hankins or Mr. Guzman, do you have any...

MR. HANKINS: Cell phones are definitely part of the problem. I mean if, if you say that there is not cell phone use while driving, you're blind. We see it all the time. We're constantly stopping people for it all the time. It's, it's a pretty expensive citation. This is just citations. For 2018, we issued 2,946 cell phone violations alone and as of July, 2019 we're at 1,228.

COUNCILMEMBER KING: Twelve thousand?

MR. HANKINS: One thousand two hundred twenty-eight. But that doesn't include the numbers that have been coming in over the last couple of weeks with these guys going out and doing it.

COUNCILMEMBER KING: Okay.

MR. HANKINS: There are grant funds available for guys to go do enforcement. It's something that we're always looking for. And again, when we do our fatal crash investigations and

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

near-fatal crash investigations, we are looking into cell phone usage and things like that. So, it is part of the grand picture of things.

COUNCILMEMBER KING: I can't tell you how many times I've been at a stoplight or you're driving down you look over and someone's on their cell phone and I think I'd report this, but then I'd have to get on my cell phone to do it.

MR. HANKINS: You're actually allowed by law to call 911 and do that, so.

COUNCILMEMBER KING: You are? And while you're driving?

CHAIR SUGIMURA: That's good to know.

MR. HANKINS: But you're right. There is a problem out there and there's probably a vast number of minor crashes that have been involved with cell phone use. It's just unreported.

COUNCILMEMBER KING: And I think that's another thing that needs to get out in the vernacular of the message. You know those numbers.

MR. HANKINS: We put in our...

COUNCILMEMBER KING: As we're resurrecting the whole, the MADD message...

MR. HANKINS: Yeah, I mean, we put the numbers out all over and you know, there's, there's all different things along the way. Whether it's speeding. Whether it's drugs and alcohol. Whether it's cell phone. Whether it's seatbelts. I mean, we can have this discussion all day long on what's, what's the contributing factors. The thing here today that, like I said, I really want to push home, is we are at 66 percent alcohol-related fatalities in Maui County. That is unacceptable and we need to do something different.

CHAIR SUGIMURA: And we will.

MR. HANKINS: And by doing this today and talking about these things. This is what needs to get pushed through. I, I really believe that.

COUNCILMEMBER KING: Thank you.

CHAIR SUGIMURA: Thank you for your passion. Mr. Hokama?

VICE-CHAIR HOKAMA: Do you believe that the State allowing us to have a license for eight years is a smart length of time? Or should we consider adjusting that license so that drivers need to come for more periodically to one, test their skills. Because our skills do change over time. And I know what 72 years old, the magic number of not getting an 8-year license, 'cause I know my reaction time at 72 is not what it was at 22. So, I, you know, you guys know the road better than we do yeah, but I just found it kinda interesting that they allow people like me to get eight-year licenses without going back,

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

redetermining my vision, my hearing, my ability of seeing peripherally, am I aware of new technology, because one thing about the new trucks and the new cars, they have so much toys to distract you from driving just to play with the toys in the vehicle. Whether it's the screen, the map, the sound system, I mean, whatever it is. There's so much distractions that you buy with your toy. Is that something you guys have issues with?

CHAIR SUGIMURA: Mr. Hankins?

MR. HANKINS: You know, as far as the length of time a license needs to be issued, I'm in that group that wants the eight-year license, because I don't wanna go sit around at DMV for two hours and wait every other year, but that's a personal opinion. But going back on what you're saying, you're right, you know. I mean my Dad's 88 years old and he still thinks he's still got it and we just tell him, you know, no Dad, you just went through that stop sign. So, I understand what you're saying and yeah, you know, the older you get, your response time is diminished. Ironically, we have the ability and we've done this in the past where we've had crashes with specific individuals and it's, it's a repeat customer so to speak. And we'll take your license. We have the ability today, right now, if there is a reckless driver or a reason to take your license, we will take your license from you, make the criminal case, send it up to the prosecutors, and send the letter through the Chief to the DMV requesting that they reconsider this person's license and then they have to go through the process of what you're talking about. Right. It's not revocation. It's getting their license back. So, we'll take it and their license is basically under review. The revocation comes with the ADLRO. But the license review, we request a license review. So, their license is still valid, but we're taking it from them physically and sending it through, back to the DMV and then they will call in and have to get their license. Now, whether they have to get a doctor's note, or whatever the case may be. So, we're doing things like that now.

CHAIR SUGIMURA: Thank you. Members, I am, I didn't take the break, 'cause I thought we were gonna end our meeting, so I'm gonna ask. Anybody else have any questions for anybody? Or, anybody? Mr. Guzman, you wanna make a statement, closing statement? So, I'm gonna close my meeting and just know that our Staff are gonna follow up and schedule this again. I wanna have Liquor come and maybe talk to us about what they're doing, 'cause they're part of the problem as we heard, it's not the only, they're not 100 percent, so I wanna hear what their rules are and answer some of the questions that the community had which we heard in public testimony. I like this discussion. I would like us to come up with a draft resolution, Chair, and introduce it and see if we can look at the alcohol, legal alcohol level and send that to Legislature and look at proposing also a legislation like what Big Island has done with Bill No. 11-02, which is what they call the confiscation or Elijah [sic] Bill and do something like that with enhancements of, 'cause I think Mr. Guzman knew that we like to figure out how to get things paid and so to look at other funding sources. I'm glad to hear that Maui County is included in this opioid discussion or the class action lawsuit 'cause we've been hearing it every day and reading about it every day in the news and maybe that could be one of the funding sources we could look at for some solutions that we're experiencing for this problem. Members, thank you very much for this discussion. I will defer today's meeting and

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

continue it on another day once we can figure out how to get, or get Liquor to also come and have a discussion and I'll have some proposed legislation and a resolution looking at --

COUNCILMEMBER KING: Chair?

CHAIR SUGIMURA: --alcohol level. Yes.

COUNCILMEMBER KING: Just on the alcohol level thing, my office is checking, you might want to send a letter to Lieutenant Governor's Office to find out if he's proposed something. So, if he's already got a bill, let's just, you know, we can, we can do, we can pass a resolution to support his bill.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: I think the Lieutenant has a comment.

CHAIR SUGIMURA: Okay we got that. Alright, Members, at this time...

COUNCILMEMBER KING: Lieutenant has a...

CHAIR SUGIMURA: Mr. Hankins.

MR. HANKINS: Yeah. The Lieutenant Governor, when he was a Senator, is when he proposed it. He hasn't proposed anything as of yet.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: Okay.

MR. HANKINS: Just so we're clear on that. He's done something in the past which did not go through. But he has not submitted something for this legislative session.

COUNCILMEMBER KING: Okay.

MR. HANKINS: We're gonna need to push forward.

COUNCILMEMBER KING: Okay.

CHAIR SUGIMURA: Okay.

COUNCILMEMBER KING: Okay. Great. Thank you.

CHAIR SUGIMURA: So, we can still work on that.

COUNCILMEMBER KING: Yeah, it's worth it.

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

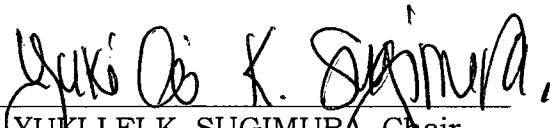
September 16, 2019

ACTION: DEFER pending further discussion.

CHAIR SUGIMURA: Alright, Members, meeting is now adjourned and I really appreciate this discussion. Thank you everybody for giving us your morning. Thank you. . . . *(gavel)* . . .

ADJOURN: 11:03 a.m.

APPROVED BY:



YUKI LEI K. SUGIMURA, Chair
Multimodal Transportation Committee

mt:min:190916:ta

Transcribed by: Terianne Arreola

MULTIMODAL TRANSPORTATION COMMITTEE

Council of the County of Maui

September 16, 2019

CERTIFICATE

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

DATED the 8th day of October, 2019, in Makawao, Hawaii

A handwritten signature in black ink, appearing to read 'Terianne Arreola', written over a horizontal line.

Terianne Arreola