



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON TRANSPORTATION

Voting Members:

Joey Manahan, Chair
Ann H. Kobayashi, Vice Chair
Brandon J.C. Elefante
Ron Menor
Kymberly Marcos Pine

MINUTES

REGULAR MEETING
THURSDAY, FEBRUARY 11, 2016

COUNCIL COMMITTEE MEETING ROOM
2ND FLOOR, HONOLULU HALE
HONOLULU, HAWAII 96813

Note: A copy of the video of the full proceedings of this meeting may be requested by calling the City Clerk's Office at 768-5822.

CALL TO ORDER

The regular meeting of the Committee on Transportation was called to order by Committee Chair Joey Manahan at 1:02 p.m. Voting Members Elefante, Kobayashi, Menor and Pine were present at the meeting. Nonvoting Members Councilmembers Fukunaga and Ozawa also attended the meeting.

STAFF PRESENT

Valerie Sadural, Legislative Aide to Committee Chair Manahan
Lori Hiraoka, Attorney, Office of Council Services
Randy Ishikawa, Deputy, Department of the Corporation Counsel, assigned to the Committee
Joanne Tachibana, Council Committee Aide, Office of the City Clerk

At this juncture Committee Chair Manahan announced that at the request of Senator Michele Kidani, he would take up Item #3, Resolution 16-22, relating to the County Van Pool Program, first to accommodate her schedule at the Legislature.

ORDER OF BUSINESS

APPROVAL OF MINUTES

The minutes of the Committee on Transportation meeting of January 14, 2016 were approved as circulated.

AYES: ELEFANTE, KOBAYASHI, MENOR, MANAHAN – 4.
NOES: None.
EXCUSED: PINE – 1.

FOR ACTION

3. RESOLUTION 16-22 – COMMITTEE REPORT 55

RELATING TO A COUNTY-LEVEL VANPOOL PROGRAM. Authorizing the City and County of Honolulu to accept and expend funds appropriated by the State Legislature for a County-level vanpool program through the Director of the Department of Transportation Services or designee.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 16-22 (Submitted by Councilmember Manahan) The proposed CD1 (OCS2016-0116/2/3/2016 1:16 PM) makes the following changes:

- A. Deletes the first WHEREAS clause.
- B. Deletes the third BE IT FURTHER RESOLVED clause.
- C. Makes miscellaneous technical and non-substantive amendments.

Administration/Others

Michael D. Formby, Director, Department of Transportation Services (DTS)

Director Formby testified in support of the Resolution.

The following individuals testified:

- 1. Senator Michele Kidani (support) (M-299)
- 2. Kanani Iaea, Enterprise Holdings, LLC (support) (M-300)

Ms. Iaea responded to Committee Chair Manahan stating that the program is open to all citizens of the City and County of Honolulu. It will take vehicles off the road as well as reduce congestion and demands for parking spaces.

Resolution 16-22 amended to the posted CD1 (OCS2016-0116/2/3/2016 1:16 PM) and reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Committee on Transportation Minutes
Thursday, February 11, 2016

Related communications:

D-55 Department of Transportation Services, transmitting
Resolution 16-22
M-299 Senator Michele Kidani (support)
M-300 Kanani Iaea, Enterprise Holdings, LLC (support)

Committee Chair Manahan returned to the regular agenda order and took items 1 and 2 up together:

1. RESOLUTION 16-16 – COMMITTEE REPORT 53

REQUESTING NATIONAL CRIMINAL BACKGROUND CHECK FOR TAXICAB DRIVERS. Urging the Hawaii State Legislature to enact legislation that would authorize the counties to request national criminal background checks from the Federal Bureau of Investigation for taxicab drivers and applicants for taxicab drivers' certificates.

2. RESOLUTION 16-17 – COMMITTEE REPORT 54

IMPROVE PROCEDURES IN MONITORING TAXICAB DRIVERS. Requesting the Department of Customer Services to improve its procedures in monitoring taxicab drivers.

Administration/Others

Sherilyn Kajiwara, Director, Department of Customer Services (CSD)
Galen Onouye, Licensing Administrator, CSD

The following individual testified:

Dale Evans, Charley's Taxi (support) (M-293)

Committee Member Menor stated that he introduced Resolution 16-16 together with Resolution 16-17 in response to news reports about assaults on passengers in taxicabs. The intent of the Resolutions are to regulate taxicab drivers for the safety and protection of the public and to address a loophole in the law that impedes regulation of cab drivers. He further suggested that improvements can be made by computerizing records and implementing random drug testing to increase public safety.

Committee on Transportation Minutes
Thursday, February 11, 2016

Committee Member Menor further noted that the Resolutions are timely because there are two measures at the Legislature regarding authorizing the counties to utilize national background checks.

Director Kajiwara informed the Committee that CSD does not have the authority to do background checks because current administrative rules state that the Honolulu Police Department (HPD) is the designated agency. The Director stated that applicants for taxicab driver's certificates now file their traffic abstracts with the CSD. To assist HPD, the Department is considering requiring applicants to obtain a certified copy of their personal criminal records to be filed with their applications and traffic abstracts.

The Director stated that the CSD:

- Favors increasing the background check at the local level from 2 years to 10 years
- Supports national and international background checks
- Is rewriting test questions and procedures
- Is printing documents on certified paper for safety reasons
- Is scanning all of the driver licenses to a data base to create a better updating system with the DIT (Department of Information and Technology)
- Does spot checks where taxicabs queue and issues citations when necessary
- Does not have authority over Transportation Network Companies drivers

Licensing Administrator Onouye stated that the CSD met with the criminal justice data system staff to institute initiatives to improve their processes. Data of complaints received is not yet available to the public. He continued stating that the Resolution would aid CSD initiatives to address the issues of drivers who obtain multiple certificates and drive for multiple companies.

Committee Chair Manahan proposed amendments to Resolution 16-16.

Resolution 16-16 amended to a CD1 and reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.

NOES: None.

The CD1 (OCS2016-0158/2/12/2016 4:49 PM) makes the following amendments:

- A. In the title and text of the Resolution, refers to access to the FBI's criminal database for drivers of "privately-operated public passenger vehicle services."

Committee on Transportation Minutes
Thursday, February 11, 2016

- B. Adds a new seventh WHEREAS clause.
- C. Makes miscellaneous technical and non-substantive amendments.

Related communication:

M-293 Dale Evans, Charley's Taxi (support)

Resolution 16-17 reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Related communication:

M-293 Dale Evans, Charley's Taxi (support)

4. RESOLUTION 16-23 – COMMITTEE REPORT 56

RELATING TO FISCAL YEAR 2015 OVERALL WORK PROGRAM. Approving a new city involved work element for inclusion in the Fiscal Year 2015 Overall Work Program.

The following amendment was posted on the agenda:

PROPOSED CD1 TO RESOLUTION 16-23 (Submitted by Councilmember Manahan) The proposed CD1 (OCS2016-0119/2/4/2016 1:38 PM) makes the following changes:

- A. Clarifies that the Council is ratifying a work element that is already included in the Federal Fiscal Year 2015 Overall Work Program.
- B. Makes miscellaneous technical and non-substantive amendments.

Administration/Others

Michael D. Formby, Director, Department of Transportation Services

There was no public testimony.

Committee Chair Manahan explained the CD1 posted on the agenda.

Committee on Transportation Minutes
Thursday, February 11, 2016

Director Formby testified in support of the Resolution and the proposed CD1. The Kapalama Sub-area Multi-modal Circulation and Mobility Study is a meritorious project and worthy of study. It will cost \$400,000 in federal funds and \$100,000 in matching local funds. The study will look at the mobility and circulation patterns to accommodate pedestrians, bicycles and buses and make recommendations for implementation.

In response to Committee Member Pine, the Director stated that project delays may be caused because OMPO (Oahu Metropolitan Planning Organization) is short-staffed.

Resolution 16-23 amended to the posted CD1 (OCS2016-0119/2/4/2016 1:38 PM) and reported out for adoption.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Related communication:

D-58 Department of Transportation Services, transmitting Resolution 16-23.

At this juncture, Committee Chair Manahan announced that he would take up Item 6 [Bill 85 (2015)] and Item 8 [Bill 7 (2016)] together for public testimony and decision-making.

6. BILL 85 (2015) – COMMITTEE REPORT 57

RELATING TO TAXICABS. Amending the regulation of taxicabs within the City and County of Honolulu and addressing recent developments in the industry and strengthening consumer protections and expanding the definitions of “taxicabs” and “taxicab companies”.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 85 (2015) (Submitted by Councilmember Manahan)
The proposed CD1 (OCS2016-0117/2/3/2016 3:30 PM) makes the following changes:

- A. Adds uncodified language to specify that the Revisor of Ordinances shall give maximum effect to all amendments made in all bills when more than one bill amends the same ordinance provision, and the absence of an

amendment made in one bill is not to be construed as a repeal of that amendment made in another bill.

B. Makes miscellaneous technical and non-substantive changes.

8. BILL 7 (2016)

RELATING TO TAXICABS. Amending the regulations relating to taxicab driver's certificates.

The following amendment was posted on the agenda:

PROPOSED CD1 TO BILL 7 (2016) (Submitted by Councilmember Manahan)
The proposed CD1 (OCS2016-0118/2/3/2016 4:03 PM) makes the following changes:

- A. Adds uncodified language to specify that the Revisor of Ordinances shall give maximum effect to all amendments made in all bills when more than one bill amends the same ordinance provision, and the absence of an amendment made in one bill is not to be construed as a repeal of that amendment made in another bill.
- B. Makes miscellaneous technical and non-substantive changes.

Administration/Others

Sherilyn Kajiwara, Director, Department of Customer Services (CSD)
Galen Onouye, Licensing Administrator, CSD
Steven Wong, Motor Vehicle Section, CSD

Committee Member Kobayashi who co-introduced Bill 85 (2015) with Chair Martin explained that the measure was written to create a level playing field between taxicab drivers and the TNC (Transportation Network Companies) so that all drivers could be successful without being competitive.

Councilmember Ozawa, introducer, stated that Bill 7 (2016) was to address public safety of passengers and to increase criminal background checks from 2 to 10 years. He stated that he wanted to hear from the public to see what they wanted with regard to taxicab drivers and Uber drivers. The TNC's are a new business model that the entire country is struggling with. He also commended the authors of Bill 85 (2015) for their efforts.

Committee on Transportation Minutes
Thursday, February 11, 2016

Director Kajiwara clarified that the State PUC (Public Utilities Commission) regulates companies and years ago, the City, although not mandated, voluntarily assumed responsibility to certify taxicab drivers and to license taxi vehicles. It is not the CSD's role to regulate TNC companies like Lyft and Uber nor companies like Charley's Taxi, TheCab for public health and safety. It is CSD's responsibility to certify drivers and license taxi vehicles for the sake of public health, safety and welfare.

The Director stated that the CSD would:

- Examine reforming taxi laws and update definitions to meet the current demands of the public
- Examine where de-regulation of the taxi industry can be made to allow companies to thrive
- Examine those parts of rules and regulations that may be outdated and work with the taxi industry
- Review rules to ascertain that they are logical, current and address what the city is responsible for
- Review current taxicab business models to see what works well and incorporate new and improved technologies to assist businesses to grow and thrive
- Redefine hardware meters

The Director requested holding Bill 85 (2015) in Committee while the CSD continues to work with the industry to come up with suggestions for revised ordinances and rules to meet current needs.

In response to Committee Member Elefante, Mr. Wong stated that the Motor Vehicle Control Section works with the State Department of Agriculture to do taxi-meter measurements. After a meter is checked and approved, the driver is issued a one-year decal and a taxi-meter license.

Committee Member Menor commented that he agreed with the Director that there needs to be a level playing field in the industry, but does not want regulations to become burdensome and result in unintended consequences and possibly drive TNC's out of business. He also requested that CSD check with other municipalities about how they address TNC concerns and work with the Council on how to proceed.

Committee Member Kobayashi commented that the taxi industry is highly regulated but the main concern is the protection of the consumer.

The following individuals provided testimony:

1. Howard Higa (support)

In response to Councilmember Ozawa, Mr. Higa stated that it is not about competition, but the fact that TNC's are hurting the licensed taxi drivers who are fighting for the same dollars from the ridership.

2. Tabatha Chow, Uber (oppose) (M-308)

3. Terry Patterson (Uber) (oppose)

Ms. Patterson responded to questions by stating that Uber operates in 60 countries and 350 cities and work with appropriate regulators. It is a technology company with phone apps making it convenient for potential customers. The drivers are independent contractors and report their incomes on 1099 forms to the IRS (Internal Revenue Service).

4. David Jung, Eco Cab (support) (M-309)

Mr. Jung stated that taxicab drivers are professionals who go through special training and are properly licensed. Fares charged reflect the difference between an independent Uber driver who charges \$2.00 per mile, to the professional taxi driver whose standard fare is \$3.60 per mile.

5. Dale Evans, Charley's Taxi (support) (M-293)

Ms. Evans referred to her written comments in Communication M-293 and pointed out that taxicab insurance costs five times more than for a regular licensed Uber driver. Another difference is that taxicabs serve the public at all hours with no "surge" charges for off hours.

6. Aileen Vasques, Uber (oppose)
7. Darwin Abenoja, Vice President, The CAB (support) (M-310)
8. Dorothy Torres Requiman, Manager, The CAB (support) (M-312)
9. David Stevens, Uber (oppose)
10. Brian Good (support)
11. Ashley Parker, Uber (oppose)
12. Susan Bowman, Uber (oppose)
13. Carol Jenkins, Uber (oppose)
14. Adam Rogers, Uber (oppose)
15. Marcus Chapman, Uber (oppose)

Committee on Transportation Minutes
Thursday, February 11, 2016

16. Ryan Matsumoto, Operations Manager, The CAB (support) (M-306)
17. Daniel Alexander, The Hawaii Bicycle League (comments)

Committee Chair Manahan stated that he would be amending Bill 85 (2015) to the posted CD1 and deferring action on Bill 7 (2016). He would like to consider both Bill 10 (2016) which is scheduled for first reading on February 17, 2016, together with Bill 7 (2016) at a future meeting.

Committee Member Kobayashi commented that protecting customers in whatever vehicle they choose to ride in is the most important point of the legislation.

Bill 85 (2015) amended to the posted CD1:

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Bill 85 (2015) CD1 (OCS2016-0117/2/3/2016 3:30 PM) reported out for passage on second reading and scheduling of a public hearing.

AYES: ELEFANTE*, KOBAYASHI, MENOR*, PINE, MANAHAN – 5.
NOES: None.

*Committee Members Elefante and Menor voted aye with reservations.

Related communications:

- | | |
|-------|--|
| M-293 | Dale Evans, Charley's Taxi (support) |
| M-304 | Jai Cheon (oppose) |
| M-305 | Ben Robinson (oppose) |
| M-306 | Ryan Matsumoto, Operations Manager, TheCAB (support) |
| M-308 | Tabatha Chow, Uber Technologies (oppose) |
| M-309 | David Jung, Eco Cab (support) |
| M-310 | Darwin Abenoja, Vice President, TheCAB (support) |
| M-311 | Annabel Chang, Director of Public Policy, Lyft, (oppose) |
| M-312 | Dorothy Torres Requiman, Manager, TheCAB (support) |

The following communications were received after the Committee meeting:

- | | |
|-------|-------------------------|
| M-313 | James Jensen (oppose) |
| M-314 | Ricky Li (oppose) |
| M-362 | Laura J King (comments) |

Committee on Transportation Minutes
Thursday, February 11, 2016

M-363 Cody F (oppose)
M-364 Lavin Brandon, Director, Outdoor Recreation (oppose)
M-365 Paul Goodwin II (oppose)

Action on Bill 7 (2016) deferred.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Related communication:

M-293 Dale Evans, Charley Taxi (support)

7. BILL 4 (2016) – COMMITTEE REPORT 58

RELATING TO PARKING. Permitting on-street parking in certain areas.

Administration/Others

Michael D. Formby, Director, Department of Transportation Services (DTS)
Major Darren Izumo, Honolulu Police Department (HPD)

Committee Member Menor, introducer, stated that the Bill was intended to address parking problems in his Council district in Ewa Villages at Haolani and Maliko Streets. The area contains a compact city affordable housing project and the developer was exempted from certain requirements such as sidewalks, distance between units and narrow driveways.

Committee Member Menor informed the Committee that over the years, a number of residents have brought to his attention that when they park in front of their own driveway, HPD issues citation because the law prohibits parking four feet on either side of a public or private driveway.

The residents are requesting an exemption to that law which the Bill proposes by exempting Haolani and Maliko Streets in Ewa Villages to allow those homeowners to park in their own driveways. The Bill proposes the exemption as a pilot program with a drop-dead date of December 2018. Because it would be a limited program, if passed, would not be codified in the ROH (Revised Ordinances of Hawaii).

The following individuals provided testimony in support:

1. Representative Matthew LoPresti, State Legislature, District 41

In response to Committee Member Pine, Representative LoPresti stated that the Ewa Villages community is very densely populated with 300 to 500 people and represents multiple generations of families who need parking. Often, the residents are forced to park in neighboring communities.

2. Davina Elgarico (support) (M-294)

In response to questions, Ms. Elgarico stated that she is one of the original homeowners and residents there look after one another. The growth of her family and other families in the area have increased parking demands in the neighborhood. One major reason for supporting the Bill, is that there is one resident who calls HPD nearly every day reporting the illegal parking in driveways. The Bill would help remedy that situation and eliminate the need for HPD to cite the residents.

Major Izumo testified in opposition to the Bill as stated in his written testimony (D-87).

Councilmember Fukunaga commented that when a subdivision is declared fully private and follows the rules and regulations for private roads, HPD would not have jurisdiction there except for criminal activities.

Major Izumo responded that with proper signage for private property, the HPD would not have jurisdiction. He did point out that should the Bill be adopted, other areas on the island with similar situations would request relief for parking in their neighborhoods.

Bill 4 (2016) reported out for second reading and scheduling of a public hearing.

VOTES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.

NOES: None.

Related communications:

D-87	Major Darren Izumo, Honolulu Police Department (oppose)
M-294	Davina Elgarico (support)
M-295	Jerome Cabales (support)
M-296	Lydia Bisquera (support)

Committee on Transportation Minutes
Thursday, February 11, 2016

M-297 E. Kalani (support)
M-298 Randy Ramelb (support)

5. BILL 83 (2015)

RELATING TO THE INSPECTION OF MOTOR VEHICLES AND MOPEDS.
Implementing the requirement in state law for the annual safety inspection of mopeds.

Administration/Others

Randy Leong, Deputy Director, Department of Customer Services (CSD)
Galen Onouye, Licensing Administrator, CSD

The following individual provided testimony:

Natalie Iwasa (comments)

Councilmember Fukunaga, co-introducer, explained that the Bill is a companion to State legislation as part of the HSAC (Hawaii Association of Association of Counties) package and is a two-pronged approach by the County and State.

Committee Chair Manahan agreed that State and County endorsements are a good approach to address the problem.

Deputy Director Leong stated that the CSD supports noise abatement for public safety but would like to do further work on the Bill.

Major Izumo stated that HPD is not in opposition to the Bill and would enforce any law that the City Council passes.

Councilmember Ozawa stated that he would like to find a creative solution to address the problem.

Committee Member Kobayashi suggested deferring action on the Bill until the legislature takes action. A solution to the situation needs to be found to address public concerns.

Action on Bill 83 (2015) deferred.

AYES: ELEFANTE, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

Committee on Transportation Minutes
Thursday, February 11, 2016

Related communications in support:

D-96 George West, Chair Diamond Head Neighborhood Board No. 5
D-97 Chuck Prentiss, Chair, Kailua Neighborhood Board No. 31

Communications in support received after the Committee meeting:

D-89 Liliha/Puunui/Alewa/Kamehameha Heights Neighborhood Board
No. 14
D-91 McCully/Moiliili Neighborhood Board No. 8
D-92 Palolo Neighborhood Board No. 6
M-302 Michael McDonald, Kalihi Neighborhood Board No. 16

9. BILL 8 (2016) – COMMITTEE REPORT 59

RELATING TO COMPLETE STREETS. Amending Chapter 14, Article 33 of the Revised Ordinances of Honolulu, 1990.

Administration/Others

Michael D. Formby, Director, Department of Transportation Services (DTS)

Councilmember Ozawa, introducer, stated that the Bill requests that the DTS Director submit a Complete Street checklist for Council approval prior to funding of projects. It would provide the Council the opportunity to have citizen input on projects such as cycle tracks prior to implementation.

Councilmember Fukunaga suggested that adopting a Resolution to approve a project within the 45-day timeframe as required in the Bill may be too short and suggested extending the deadline to 90 days.

Director Formby stated that his goal is to work collaboratively with the Council especially about improving the public process and discussion, but DTS has some serious concerns about the Bill and he would be submitting written comments.

When creating checklists, the Department has listened to the community. The checklists are worked on outside of the budget cycle and the requirement to present the checklist to the Council before funding, affects not only DTS, but the Departments of Facility Maintenance, Design and Construction and Planning and Permitting. He foresees logistical issues with the Bill's proposals and wants the

Committee on Transportation Minutes
Thursday, February 11, 2016

opportunity to work together with Councilmembers Ozawa, Fukunaga and Manahan to ensure public engagement.

In response to Committee Member Elefante, about the year-long process involving public meetings about "Cycle Track", he stated that DTS conducted 15 public meetings.

The Federal and State governments give DTS guidelines for Complete Street projects. An important element is the incorporation of a community involvement process so that no one is left out of the process.

Director Formby informed the Committee that after a year-long process the Administration has come up with a Draft Honolulu Complete Street Manual based on best practices as required in the Ordinance. He would like to share that with the Council at an upcoming meeting.

Councilmember Ozawa stated that the original Complete Streets Ordinance was adopted by previous councilmembers. Although the Ordinance is a good one, in his opinion, it goes too far and Bill 83 (2015) brings back balance

Committee Chair Manahan stated that he wanted to work with Councilmember Ozawa and the DTS Director to create a better process.

Councilmember Fukunaga stated that legislators in the area raised concerns about the King Street project because of the public responses they received from surrounding businesses and neighbors. The goal is to assure that potential problems are addressed upfront before completion.

Committee Member Kobayashi stated that an important element in the process is to inform the Council before implementation of a Complete Street project in the community.

The following individual provided testimony:

Daniel Alexander (comments)

Councilmember Ozawa requested that the Committee report the Bill out for action.

Committee Member Elefante stated that he has concerns about the impact the Bill would have on the Complete Street process as described by Director Formby and would be voting aye with reservations.

Committee on Transportation Minutes
Thursday, February 11, 2016

Committee Chair Manahan recommended reporting Bill 8 (2016) out for passage on second reading and scheduling of a public hearing.

AYES: ELEFANTE*, KOBAYASHI, MENOR, PINE, MANAHAN – 5.
NOES: None.

*Councilmember Elefante voted aye with reservations.

Related communication:

M-315 Chad Taniguchi, Executive Director, Hawaii Bicycle League
(comments)

ADJOURNMENT

There being no further business, the meeting adjourned at 4:55 p.m.

Respectfully submitted,



GLEN I. TAKAHASHI
City Clerk

jft

DATE APPROVED

~~March 3, 2016~~_____