

HAWAII COUNTY TRANSPORTATION COMMISSION
DECEMBER 4, 2003
KONA INTERNATIONAL AIRPORT
CONFERENCE ROOM
KAILUA-KONA, HAWAII

CALL TO ORDER

Chairman Paul T. Matsumoto called the meeting to order at 10:00 a.m. at the Kona International Airport Conference Room.

ROLL CALL

Present: Paul T. Matsumoto, Chairman
Peter Hoffmann
Robert Kawakone
Gretchen Lawson
Merle Martin
Sue Ota
Michael Williams

Staff: Bobbie-Jean Leithead-Todd, Corporation Counsel
Thomas Brown, Mass Transit
Tiffany Kai, Mass Transit

APPROVAL OF AGENDA

Commissioner S. Ota made a motion to approve the agenda as distributed. It was seconded by Commissioner Williams.

APPROVAL OF MINUTES

It was moved by Commissioner Williams and seconded by Commissioner S. Ota to approve the minutes of the September 4, 2003, Transportation Commission meeting.

PUBLIC STATEMENTS

There were no public statements.

COMMITTEE REPORT

Commissioner Martin gave a report on a sub-committee meeting that was held on October 7, 2003, in Kealahou. Present were Thomas Brown, Peter Hoffmann, and himself. Commissioner Kawakone also submitted comments and suggestions. Commissioner Martin reviewed the committee's recommendations.

1. Proposed Hawaii County Transportation Commission change of agenda.
2. Development of operating rules and practices, orderly procedures, or changes within the Transportation Commission.
3. Determine Sunshine Law for Committees.
4. Obtain a report from Corporation Counsel and the Administrator on the retention of fares for a proposal to the Mayor and County Council with supporting economic data.
5. Obtain a report from Corporation Counsel regarding ADA Federal register requiring taxis to be ADA accessible.
6. Establishing additional meetings providing time for committees.
7. Review handi-van services and para-transit system.
8. Review enforcement of regulations.

Chairman Matsumoto felt that the meeting was not properly procedured. The committee had no rights to call a meeting without approval of the Chairman and all commission members. He stated that no meeting date was approved and if any issues were passed, it was not effective.

Commissioner Martin had a point of order. He told Chairman Matsumoto that the Commission approved the Planning Committee at a previous commission meeting. He also stated that he did not intend to break any rules, and if he did, he apologizes. Commissioner Martin requested a ruling from Corporation Counsel.

Ms. Leithead-Todd recalled that the Commission had set up a planning committee.

Mr. Brown clarified that the Commission at the previous transportation commission meeting approved the Planning Committee. When Commissioner Martin held the meeting, he wanted to get everyone's opinion on some of the items that were of concern to him. Because he invited everyone, they had to make it an official meeting. His whole intention was to get everyone's input and comments.

Commissioner Martin stated that they did not pass anything, there were only recommendations.

Ms. Leithead-Todd stated that even if all the members had shown at the planning committee meeting and voted on recommendations, they are not effective because they did not meet as the Transportation Commission. But a committee, as long as it is properly noticed under the Sunshine Law, can meet and make recommendations.

Chairman Matsumoto reiterated that the meeting could not be held without the approval of the Chairman or the whole commission.

Ms. Leithead-Todd clarified that once you set up a committee, they could meet at any time, as long as they followed the Sunshine Law.

As conversation continued, Commissioner S. Ota requested to move to the next item on the agenda.

ELECTION OF OFFICERS FOR TRANSPORTATION COMMISSION

Commissioner S. Ota made a motion to elect Commissioner Robert Kawakone as Chairman for the Transportation Commission. Commissioner Martin seconded it. Motion carried.

Commissioner Martin made a Point of Order. He questioned when Commissioner Kawakone would begin his duties as Chairman.

Chairman Matsumoto stated that it would be next year. He then asked Commissioner Kawakone to say a few words.

Commissioner Kawakone thanked his fellow commissioners for their vote of confidence. He hoped that they could continue to accomplish their responsibilities as a commission. Commissioner Kawakone acknowledged Chairman Matsumoto for his services as Chairman of the commission.

TRANSIT ADMINISTRATOR'S REPORT

1. Mr. Brown discussed a request from Commissioner Martin regarding taxi vans required to be wheel chair accessible. He checked with the head of Easter Seals for ADA requirements and the Federal Transit Administration. Private entities primarily engaged in demand responsive transportation services are not required to be wheel chair accessible if their vehicle has a capacity of eight passengers or less.
2. The Mass Transit Agency will submit a letter to the administration regarding retention of the fare box fees. If it is approved to keep the fare box fees in the transit budget, it is going to use for bus services only.

Commissioner Martin asked Mr. Brown if it would be helpful to have the commission's support in writing the letter.

Mr. Brown said yes. Chairman Kawakone would sign the letter.

Ms. Leithead-Todd stated that it would be a request from the Commission.

3. New routes and services were effective November 3, 2003 for the Pahoehoe route, including Saturdays.
4. The Mass Transit Agency has acquired additional funding from the Federal government.

Commissioner Lawson asked what the funding would be used for.

Mr. explained that services are to provide para-transit in Kona, Puna, and Hamakua. Additional bus service for the Kona/Hilo route and more services for the rural areas.

Chairman Matsumoto felt that if they improve the bus system, the ridership would increase.

5. Establish a para-transit plan for Kona & Puna. They would select a consultant for this program. This would be a district specific plan. However, the State along with the Mass Transit Agency is doing an island-wide transportation plan. The consultant will hold various meetings around the island including Hilo, Kohala, Waikoloa, Kona, and Honokaa. These meetings will be open to the public to get input from people around the island.

Chairman Matsumoto suggested building more bus shelters around the island.

Mr. Brown stated that they have a bus shelter program. Various organizations from around the island like the Rotary and Lions club often participate in these projects. The Mass Transit Agency provides the materials and they do the labor.

Commissioner Martin asked Mr. Brown about a complaint that was submitted regarding Laura's Taxi. How would he handle a situation when a taxi driver mistreats a public consumer?

Mr. Brown stated that it was a good question and was going to turn the complaint over to the commission at one of their meetings. Mr. Brown was scheduled to meet with the driver the following day in the afternoon.

Chairman Matsumoto asked what did the driver do.

Ms. Leithead-Todd explained to the commission that if it was going to be a subject matter at a subsequent meeting and agendaized, she preferred that the commission not discuss the matter because they do not want to get into something where someone does not have an opportunity to defend or respond.

Mr. Brown agreed.

6. A taxicab dispatcher has been at the Hilo Harbor effective November 27, 2003 and everything is working out well.

Commissioner Hoffmann asked Mr. Brown if there were some way of having an evaluation from those on the ship to monitor if it is working.

Mr. Brown stated he would figure something out and establish a short survey form.

Commissioner Hoffmann stated that the County has been receiving some comments from the ships stating the situation was chaos. He wanted Mr. Brown to follow up with customers to see if it was working or not.

Mr. Brown stated that it could be done and would have a report at the next transportation commission meeting. He also told the commission that he met with the taxi operators twice before implementing a dispatcher. He felt that it would not be fair to them if they showed up for work and they suddenly have a taxicab dispatcher. Things are more orderly at the pier and one of the main problems were taxicab operators passing the shorter runs to the next cab. Mr. Brown also stated that he will be meeting with the taxi operators again to see how things are working for them.

Mr. Brown stated that the County Council had passed an ordinance to create a taxi stand at the Kailua pier. There will be parking for two taxis on ship days.

Ms. Priscilla Sibayton of Percy's Taxi asked Mr. Brown about pre-arranged pickups at the Hilo Pier.

Mr. Brown stated that she would have to give the name of the party to the dispatcher.

Commissioner Kawakone asked Mr. Brown if having a dispatcher was a trial period or permanent.

Mr. Brown stated that they were going to try it out for a couple of months. The optimum solution to this was to have the taxicab operators monitor themselves. If there are any problems, hopefully they can work it out between each other.

Commissioner S. Ota asked Mr. Brown how long has this problem been going on.

Mr. Brown replied that it has been going on for several years. The Harbor Master has total authority of the pier and there was no enforcement.

Chairman Matsumoto felt there were differences in opinion because the County administered the taxicab operators and the State administered the airport and the pier.

NEW BUSINESS

A. Review Taxicab Applications for New Certificate of Public Convenience & Necessity to operate in the County of Hawaii.

1. Alvin & Beth Apostadiro dba Al's requested to have their application approved.

Mr. Apostadiro stated that their company has been moving in the right direction. They just obtained an opportunity with the Outrigger Marriott in Waikoloa and did not expect for things to move this fast.

Commissioner Williams asked Mr. Apostadiro how many drivers he had.

Mr. Apostadiro stated that they had six drivers.

Commissioner made a motion to approve the Apostadiro's application. It was seconded by Commissioner Williams. Motion carried.

2. Mr. Ronald Carver dba Percy's II requested to have his application approved.

Commissioner S. Ota asked Mr. Carver if his vehicle was going to be pending approval of his license.

Mr. Carver stated that he had purchased a vehicle the day before. It was a 1999 Crown Victoria.

Commissioner Lawson asked Mr. Carver if he was going to be operating under Percy's II, and is the current owner of Percy's III.

Ms. Joy Carver explained to the Commission that an operator of Percy's Taxi had left the company to go on his own a few months back. Therefore, they are requesting another taxicab license because they are unable to handle the overload. They often turn their calls over to other companies and at times the waiting time can be long. They are also participants of the Shared Ride Taxi program.

Commissioner Kawakone asked all applicants to submit a written request for taxicab licenses stating justification and purposes.

Ms. Carver stated that they did not have a written request, but did have a copy of their daily logs.

Commissioner S. Ota made a to approve the application. Commissioner Lawson second the motion.

3. Ms. Estrelita Rafol dba Hazel Taxi applied for a Certificate of Public Convenience & Necessity but was not present.

Ms. Kai stated that she did receive a return receipt for the notice of the meeting and left two messages on her cell phone.

Commissioner Hoffmann asked how it was done in the past and if the Commission could approve or disapprove the application without her present.

Commissioner Lawson then asked if it was a requirement for the application to be present.

Ms. Kai explained that it was not a requirement, but in the written notice of the meeting, it states that if you are unable to appear, you should send a representative.

Commissioner Hoffmann asked Ms. Kai if she or Mr. Brown had any reasons not to approve her application.

Commissioner Lawson felt that the application was in order; there were no specific reasons to table it, and wait another three months to allow the vendor to go into business. She would move to approve the application although the applicant was not present.

Commissioner Kawakone commented that as a courtesy, all applicants should appear or send a representative. The Commission may have questions regarding justification. It was hard to make a decision without the applicant.

Commissioner Hoffmann agreed with Commissioner Kawakone but if there were no problems they should go ahead and approve the application. There were no reasons why the Commission should hold off the application.

Commissioner S. Ota felt uncomfortable with approving an application without meeting the applicant first.

Commissioner Kawakone's main concern was that if the word got out that the application was approved without the applicant, everyone's going to feel like they do not need to show up for the meetings anymore.

Commissioner Hoffmann stated that this was more of an administrative problem.

Commissioner S. Ota asked Mr. Brown his opinion.

Mr. Brown explained that by experience, when he submitted a request of any kind to the County Council it was important that he attend in case they had any questions. He actually had items deferred, even if he thought it was a simple procedure.

Commissioner Lawson stated that taxicab drivers make a living while they are operating. When they are not on the road, they are denying themselves an

opportunity to earn that revenue. She stated that she had a motion on the floor and would either withdraw her motion or someone should second it.

Commissioner Hoffmann second the motion.

Mr. Brown told the Commission that everyone is properly notified. Usually, if they were unable to attend, they would call the Transit Agency.

Commissioner S. Ota felt it was one of two things. The applicant either ignored the notice or forgot.

Commissioner Williams agreed that they should wait because they did not know the exact reason why the applicant did not attend the meeting.

Ms. Beth Apostadiro of Al's Taxi told the Commission that Ms. Rafol was the sole driver of her company. There could be a possibility that she could not attend the meeting because she did not have a replacement driver.

Commissioner Martin asked Ms. Apostadiro if she would recommend Ms. Rafol.

Ms. Apostadiro stated that Ms. Rafol was a nice lady and had no problems with her.

The Commission spoke among themselves discussing Ms. Rafol's application.

Mr. Brown stated that he did not recall the Commission approving any application when the applicant or a representative was not present.

Commissioner Lawson reiterated her motion to approve Ms. Rafol's application. It was seconded by Commissioner Martin and he requested a roll call vote.

There were two ayes (P. Hoffmann & G. Lawson), 3 nays (R. Kawakone, S. Ota, & M. Williams), and two abstains (M. Martin & P. Matsumoto). Motion failed to pass.

A motion was made by Commissioner Lawson to defer the matter to the next transportation commission meeting. It was seconded by Commissioner Martin. Motion carried.

B. Revocation of the following Certificate of Public Conveniences due to the discontinuance by the carrier of the business of transporting passengers as a common carrier of passengers operating upon and using the public highways for a period of thirty consecutive days or more or failure to renew his/her taxicab license for the year.

Commissioner Martin made a motion to revoke the following taxicab licenses. It was seconded by Commissioner Williams. Motion carried.

1. CH044 George Spalding dba Adolfo's Taxi
2. CH151 Brian Carter dba A.I. Taxi
3. CH118 Resty Galvez dba Ilima's Taxi
4. CH176 Resty Galvez dba Ilima's Taxi

Ms. Kai then acknowledged and thanked Chairman Matsumoto, Commissioner Lawson and Commissioner M. Ota for their services on the transportation commission.

NEXT MEETING

The next Transportation Commission was scheduled for March 4, 2004 at the Hawaii County Council Room.

ADJOURNMENT

Chairman Matsumoto adjourned the meeting at 11:12 a.m.

Thomas Brown, Transit Administrator

Paul T. Matsumoto, Chairman

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Ms. Kai then acknowledged and thanked Chairman Matsumoto, Commissioner Lawson and Commissioner M. Ota for their services on the transportation commission.


NEXT MEETING

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Thomas Brown, Transit Administrator



Robert Kawakone, Chairman