

KULA COMMUNITY ASSOCIATION
P.O. Box 417 - Kula, HI 96790 - <http://kulamaui.com>

*The vision of the Kula Community Association is to preserve open space, support agriculture, maintain a rural residential atmosphere, and to work together as a community.
The specific purpose of this association is to improve the quality of life for the residents of Kula, to promote civic welfare, and generally to benefit the community of Kula.*

WORKING DRAFT

3/2/07

Bicycle Tour and Rental Safety Position Statement

The Kula Community Association Board supports measures that will improve the safety of downhill bicycle tours and rentals and address the concerns of Kula's residents and visitors, Upcountry motorists, and others while maintaining the quality of this visitor industry activity. The Association is interested in a solution that applies to all commercial bicycle activities, [and is well thought-out, through] resulting from [public study and] discussion [involving] of all stakeholders.

[In recent years] Over time there has been a proliferation of escorted bicycle tours and unescorted bicycle rental companies, along with a large growth in resident and tourist populations. Concerns over these commercial activities include:

- Large number of escorted tours and unescorted tours using roadways;
- The proximity of such tours to another;
- Blockage of the road by tour vans traveling behind tour groups creating a negative impact on traffic, especially early morning during the work and school commuting hours;
- Danger created by unescorted bicyclists traveling slower than traffic flow in the middle of the road [under the speed limit], contrary to state law;
- [Young age and] inexperience of some riders;
- Bicycle rentals or short-term sales to visitors unfamiliar with roads and lack of supervision or assistance with these activities by some companies;
- Lack of rest room facilities;
- Roadside litter; [has litter specific to the riders been identified?]
- Lack of county-approved safety information for participants; [Should county provide—may create county liability. Isn't this the jurisdiction of the bike companies to provide?]
- Lack of [standard minimum] standardized training for all tour guides;
- Lack of mandatory safety checks for all bicycles; [Do all the companies check their equipment routinely before and after rides? Would seem to be enlightened self interest to do so]

- Lack of permitting requirements to establish and enforce uniform, safe operating procedures; [Possibility of self regulated industry with review by non-affiliated body?]
- Current permit fees that do not cover the actual cost of issuing the permit and a lack of enforcement and penalty fees to insure that all companies have mandatory permits and insurance.
- Liability for the county and state as a result of accidents and as a result of a lack of county or state oversight and safety regulations;
- Lack of information on the bicycle accidents;
- Condition of state and county roads being used for this activity;
- Need for better pull-out areas and rest stops;

The Kula Community Association Board supports measures including, but not limited to:

- Fund a Department of Public Works Proposed Downhill Bicycling Tour Study which will include input from all stakeholders;
- [Limit] Determining the number of tours and riders [on each tour;] that our roads can safely accommodate.
- Tour group cooperation to safely space groups of riders [Create methods to keep groups from traveling together or in close proximity];
- Modify permit process to include a safety plan with minimum [age] mandatory rider skills [restrictions], and [establish a means of] effectively monitor[ing] the use of these plans;
- [Require annual submission of] Track, record and submit all bicycle accidents [reports] as part of the permitting process;
- Set permit fees to cover costs of monitoring and enforcing safety plans and the actual cost of issuing [the] permits;
- Require companies to indemnify the county on their insurance plans and set adequate liability coverage amounts;
- Include penalties and revocation of permit for failing to meet permit requirements or for failing to obtain a permit and proper insurance;
- Require commercial bike rentals/short-term sales companies to meet permit and insurance requirements;
- [Provide county approved] Review industry generated safety information for all participants;
- Identify and require the use of pull-out areas for tour vans to allow motorists to pass;
- Improve pull-out areas with funds generated by commercial activity users;
- Provide portable rest rooms not visible from the road, with funds generated by commercial activity users.
- Establish a county hotline number for reporting of problems; [Is a separate # needed?]
- Work with medical providers and bicycle companies to [establish public information about] track the number and nature of bicycle accidents with the goal of using information gathered to reduce accidents in the future;

- Construct the proposed separated bike path for Baldwin Avenue and manage commercial activity so that residents may safely use the path as cyclists, walkers, or runners;
- Establish state legislation to enable the County of Maui to regulate commercial groups on state roads if they desire to do so.

The Association Board does not support any measures that would also apply to recreational biking. The Association Board recognizes that all bicycle tour and rental companies operate differently and that some may have excellent risk management programs that could serve as models for the industry. The Proposed Downhill Bicycle Tour Study by the Department of Works is strongly supported as the best method of studying the issue by collecting data, analyzing the issue, interviewing all stakeholders, and making recommendations. We encourage Maui County to address this issue to better protect itself, its residents, and its visitors.