

TITLE 23

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

CHAPTER 3

BUS ADVERTISING ON CITY TRANSPORTATION VEHICLES (*TheBus*)

Subchapter 1 General Provisions

§23-3-01 Purpose
§23-3-02 to §23-3-10 (Reserved)

Subchapter 2 Bus Advertising on City Transportation Vehicles (*TheBus*)

§23-3-11 Advertising on city transit buses
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SUBCHAPTER 1

GENERAL PROVISIONS

§23-3-01 Purpose. The purpose of this chapter is to establish and promulgate rules pertaining to interior advertising on City and County of Honolulu transit buses. [Eff: OCT 11 2015] (Auth: RCH §4-105(4), ROH §13-6.9(c), HRS §91-2) (Imp: RCH §4-105(4), ROH §13-6.9(c), HRS §91-2)

§23-3-02 to §23-3-10 (Reserved).

SUBCHAPTER 2

ADVERTISING ON CITY TRANSIT BUSES

§23-3-11 Advertising on city transit buses. (a) The Department of Transportation Services (DTS), through the Department of Budget and Fiscal Services, may rent or let advertising spaces on city transit buses.

§23-3-11

(b) DTS may engage a contractor to carry out all aspects of advertising on city transit buses.

(c) The contractor shall submit all proposed advertisements to DTS in paper and/or electronic format for approval of subject and content consistent with subsection (i) below, prior to installation. Advertisements which contain foreign languages must provide an English translation with their proof from a certified translator.

(d) The minimum price acceptable to DTS for advertising shall be based on the area of the standard 11" X 28" card at the current \$13.00 per space (card) per month. The minimum size acceptable to DTS is no less than ½ the area of a standard 11" X 28" card.

Pricing for the standard or any alternate size or shape advertising display shall be determined by calculating the price per square inch of a standard 11" X 28" card.

The contractor may set a market-based standard price which is higher than the minimum and offer market-based incentive pricing to prospective customers such as seasonal pricing, bulk discounts, premium positioning of advertising and other offerings which encourage demand for and sale of advertising on city transit buses.

The contractor shall submit rate schedules to DTS for approval before implementation.

(e) All bus card displays including Oahu Transit Services, Inc. (OTS) and DTS cards shall conform to printing specifications and sizes as provided by contractor.

(f) All display locations other than overhead card displays shall be approved by DTS prior to advertisement installation and shall not interfere with any safety or operational elements of the bus.

(g) Tear off or "take one" attachments and messages that encourage writing on cards such as "word find" games will not be allowed on interior advertising displays.

(h) Reasonable charges for the printing, materials and installation of interior bus advertisements shall be separate from the advertising rates specified in subsection (d) above.

(i) All advertising content shall be consistent with Sec. 13-6.9 (a) of the Revised Ordinances of Honolulu 1990, as amended (ROH), as determined by the DTS Director.

(j) The advertiser shall indemnify, save and hold harmless the city and all of its officers, agents, employees, and contractors from any and all claims for losses, injuries, damages and liabilities to persons or property occasioned wholly or in part by the acts or omissions of advertiser, its agents, officers, employees, or any person or persons under the control of the advertiser.

The advertiser shall further indemnify and save and hold harmless the city and all of its officers, agents, employees, and contractors from any and all losses, costs and/or damages arising out of or in connection with any claim or suit by any person, firm or corporation claiming injury, defamation, or libel resulting from any advertising material placed on city transit buses by the advertiser.

(k) Three (3) standard advertising spaces shall be made available for announcements of a public service, civic or charitable nature. These shall be made available free of charge for thirty (30) days, one (1) time per year, per organization to organizations exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code. The free advertising will be on a space available basis and posted in the order received. The organization will be required to provide current tax exempt status documentation from the Internal Revenue Service. Corporate and/or business sponsors' names or logos are limited to five percent (5%) of the total space of the advertisement during the free month for a public service announcement.

(l) Eight (8) additional advertising spaces shall be reserved for required information and other announcements of public service or civic nature. Three (3) will be reserved for signs required by federal law and city ordinance (which will be located at the front of each bus); three (3) will be reserved for city agency use; and two (2) will be reserved for TheBus service contractor.

(m) Sale of bus advertising and media rates will be under authorization of the DTS Director. [Eff: 2/5/07; am OCT 1 1 2015] (Auth: RCH §4-105(4), ROH §13-6.9(c); renum _____)

§23-3-12 to §23-3-20 (Reserved)

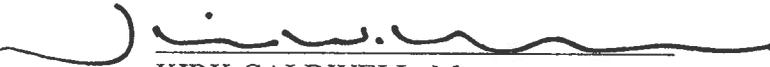
DEPARTMENT OF TRANSPORTATION SERVICES

Chapter 23-3, Rules and Regulations relating to Bus Advertising On City Transportation Vehicles (*TheBus*) for the Department of Transportation Services, City and County of Honolulu, was adopted on June 23, 2014, ~~2015~~, following a public hearing held on June 23, 2014, at the Mission Memorial Building Hearing Room, 550 South King Street, Honolulu, after public notice was given in the Honolulu Star-Advertiser on May 24, 2014 and June 16, 2014.

These rules shall take effect ten (10) days after filing with the Office of the City Clerk.


MICHAEL D. FORMBY, Director
Department of Transportation Services

APPROVED this 30th day of
September 2015.


KIRK CALDWELL, Mayor
City and County of Honolulu

APPROVED AS TO FORM
AND LEGALITY:


DEPUTY CORPORATION
COUNSEL
PAUL K. HOSHINO

Received this 1st day of October, 2015


GLEN TAKAHASHI
Acting City Clerk

Effective Date of these Rules:

October 11, 2015

CERTIFICATION

I, MICHAEL D. FORMBY, in my capacity as Director of the Department of Transportation Services, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules and Regulations relating to Bus Advertising On City Transportation Vehicles (*TheBus*) for the Department of Transportation Services, City and County of Honolulu, which were adopted on June 23, 2014, ~~2015~~ following a public hearing held on June 23, 2014, at the Mission Memorial Building Hearing Room, 550 South King Street, Honolulu, after public notice was given in the Honolulu Star-Advertiser on May 24, 2014 and June 16, 2014.


MICHAEL D. FORMBY, Director,
Department of Transportation Services

Received this 1st day of
October, 2015



GLEN TAKAHASHI
Acting City Clerk