

Chapter 13**PUBLIC TRANSIT****Articles:**

- 1. Definitions**
- 2. Island-Wide Fare Structure**
- 3. Activities Prohibited on Public Conveyances**
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- (5. Public Transit Authority. Repealed by Ord. 97-02)**
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Article 1. Definitions**Sections:****13-1.1 Definitions.****Sec. 13-1.1 Definitions.**

Except as otherwise provided, for the purposes of this chapter:

“Bus” means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons. The term shall not include a vehicle designed for operation on a fixed rail guideway.

“Bus management services contractor” means the private, nonprofit corporation which, on March 31, 1997, held the contract to manage the city bus system.

“Bus pass” means a card, ticket or similar document distributed as approved by the department that entitles the holder to unlimited rides on the city transit bus and city ferry system for the duration specified on the pass.

“Bus personnel” means personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the city bus system.

“Bus stop” means the same as defined in Section 41-21.1.

“Bus stop area” means the area at a bus stop occupying the entire width of the sidewalk that extends 20 feet before a bus stop sign or bus stop route sign or, for bus stops furnished with a shelter or shelters, the footprint of the shelters, and the entire width of the sidewalk that extends 10 feet before and 10 feet after the footprint of the shelter. The footprint of a shelter is defined by vertical planes, perpendicular to the ground, extending down from the outermost edges of the shelter overhang or roof.

“Child” means any person five years of age or younger.

“City bus system” means the public mass transit service provided by the city through the use of buses. The term includes:

- (1) Regularly scheduled public mass transit service provided through the use of buses operating over fixed routes; or
- (2) Periodic or specially scheduled public mass transit service provided through the use of buses for special events.

“City ferry” means a ferry used in the city ferry system.

“City ferry system” means ferry service provided by the city through the use of ferries. The term includes:

- (1) Regularly scheduled ferry service provided through the use of ferries operated over state waterways in accord with the state boating law, and federal statutes and regulations governing vessel navigation.
- (2) Periodic or specially scheduled ferry service provided through the use of ferries for special events.

“City transit bus” means a bus used in the city bus system and owned by:

- (1) The city; or
- (2) A contractor with the city.

“Department” means the department of transportation services.

“Designated bus stop area” means a bus stop area at which a sign has been posted as provided in Section 13-12.4.

“Director” means the director of transportation services or designated representative. As appropriate to the circumstances, approval by the director shall include approval by designated representatives.

“Expressive activity” means the same as defined in Section 29-15A.2(d).

“Ferry” means a marine vessel designed for carrying passengers and used for their transportation across water.

“Ferry management services contractor” means the private entity hired by the city to provide ferry services.

“Ferry personnel” means persons employed by the ferry management services contractor for operations and maintenance of city ferries.

“Health care professional” includes a clinical social worker, occupational therapist, psychiatrist, physical therapist, rehabilitation specialist, medical physician, registered nurse, psychologist or similar professional duly licensed to practice in the State of Hawaii.

“Identification card” includes the following:

- (1) Paratransit eligibility identification cards distributed as approved by the department for the duration as indicated on the card;
- (2) Employee identification cards distributed and approved by the transit management services contractor for the duration indicated on the card;
- (3) Student, Honolulu police department officers, and generally accepted photo identification cards issued by respective agencies and schools as indicated on the card;
- (4) Identification cards for persons with a permanent or temporary disability under Section 13-2.2; or
- (5) Identification cards for senior citizens.

“Personal care attendant” means a person designated or employed specifically to help a person with a disability meet his or her personal needs and without whom the person with a disability would not be able to ride.

“Senior citizen” means a person 65 years of age or older.

“Sidewalk” means the same as defined in Section 29-1.1.

“Special transit service” means the public transit service which supplements the city bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 or persons certified as eligible by the department.

“Special transit service personnel” means personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the special transit service.

“Special transit service vehicle” means a vehicle owned by the city and used in the special transit service.

“Supplemental bus service” means the public mass transit service provided by the city to supplement the city bus system.

“Supplemental special transit service” means the public transit service provided by the city to supplement the special transit service.

“Transit management services contractor” means the private, nonprofit corporation contracted in accordance with this chapter to manage, operate, and maintain the city bus system and special transit service, except where the city otherwise provides supplemental bus service or supplemental special transit service.

(Added by Ord. 91-27; Am. Ord. 93-90, 96-30, 97-02, 07-13, 08-20, 18-5)

Article 2. Island-Wide Fare Structure

Sections:

- 13-2.1 Fare structure.**
- 13-2.2 Person with a disability.**
- 13-2.3 Senior citizens.**
- 13-2.4 Baggage.**

- 13-2.5 Special instructions.**
- 13-2.6 Suspension of fares for promotional and demonstration purposes.**
- 13-2.7 Nontransference of bus pass and identification card—Penalty.**
- 13-2.8 Penalty for counterfeiting or using counterfeit tokens, coupons or approved cards.**
- 13-2.9 Police officers.**
- 13-2.10 Bus passes for those with extremely low incomes.**

Sec. 13-2.1 Fare structure.

(a) For the purposes of this section:

“Adult” means any person over the age of 17 years who does not qualify as a “youth.”

“Annual bus pass” means a bus pass that is valid for a one-year period.

“Approved card” means a debit card or any other city-established form of electronic bus fare and ferry fare payment approved by the director.

“Biennial bus pass” means a bus pass that is valid for a two-year period.

“Child” means any person five years of age or younger accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor. If not so accompanied, any person five years of age or younger is deemed a “youth” for purposes of this section.

“Medicare cardholder” means any person to whom a Medicare card has been issued, pursuant to Title II or Title XVIII of the Social Security Act, 42 U.S.C. 401, et seq. and 42 U.S.C. 1395, et seq.

“Monthly bus pass” means a bus pass that is valid for a one-month period.

“One-day bus pass” means a bus pass that is valid for an unlimited number of bus rides from 12:01 a.m. to 2:59 a.m. the following day and has a minimum fare of two times the single cash fare-standard for each passenger category.

“Person with a permanent disability under ROH Section 13-2.2” means a person with a permanent disability qualified for a bus pass fare plan under ROH Section 13-2.2.

“Person with a temporary disability under ROH Section 13-2.2” means a person with a temporary disability qualified for a bus pass fare plan under ROH Section 13-2.2.

“Person with a paratransit eligibility identification card under Section 13-4.3” means a person with a card issued under Section 13-4.3.

“Senior citizen” means a person 65 years of age or older with an identification card issued under Section 13-2.3.

“Single cash fare-standard” means the required payment for a ride on the city bus system or the city ferry system.

“Single cash fare-special event” means the required payment for a ride on the city bus system or the city ferry system for a special event as designated by the director.

“Youth” means a person six through 17 years of age, subject to the presentation of a valid identification card establishing the age of the person. The term includes high school students 18 and 19 years of age with a valid high school identification card establishing the age of the student and the student’s current enrollment, but excludes college, university, and vocational training students if over the age of 17.

(b) Except as otherwise provided in this article, the following fares apply to every person using the city bus system, and every person riding the city bus system shall pay the applicable fare.

FARE STRUCTURE TABLE

Passenger Category (date effective)	Identification (ID) Card (New or Renewal)	Single Cash Fare – Standard	One-Day Pass Fare	Monthly Bus Pass Fare	Annual Bus Pass Fare	Biennial Bus Pass Fare	Single Cash Fare – Special Event
Adult (effective until December 31, 2017)	Not applicable	\$2.50	\$5.00	\$60.00	\$660.00	Not applicable	\$6.25
Youth (effective until December 31, 2017)	Not applicable	\$1.25	\$2.50	\$30.00	\$330.00	Not applicable	\$6.25
Child (effective until December 31, 2017)	Not applicable	\$0.00	Not applicable	Not applicable	Not applicable	Not applicable	\$6.25
Person with a Temporary Disability under ROH Section 13-2.2 (effective until December 31, 2017)	\$10.00 for two years or duration of temporary disability specified by a healthcare professional, whichever is less (only needed for single cash fare or monthly pass)	\$1.00 w/valid temporary disability ID card	\$2.00 w/valid temporary disability ID card	\$5.00 w/valid temporary disability ID card	\$30.00	\$60.00	\$6.25
Person with a Permanent Disability under ROH Section 13-2.2 (effective until December 31, 2017)	\$10.00 for four years (only needed for single cash fare or monthly pass)	\$1.00 w/valid permanent disability ID card	\$2.00 w/valid permanent disability ID card	\$5.00 w/valid permanent disability ID card	\$30.00	\$60.00	\$6.25
Person with a Paratransit Eligibility ID Card Under ROH Section 13-4.3 (effective until December 31, 2017)	\$0.00	\$1.00 w/valid paratransit eligibility ID card	\$2.00 w/valid paratransit eligibility ID card	\$5.00 w/valid paratransit eligibility ID card	\$30.00 w/valid paratransit eligibility ID card	\$60.00 w/valid paratransit eligibility ID card	\$6.25
Personal Care Attendant (PCA) (effective until December 31, 2017)	Not applicable	\$0.00 when performing PCA service	Not applicable	Not applicable	Not applicable	Not applicable	\$0.00 when performing PCA service
Senior Citizen (effective until December 31, 2017)	\$10.00 for four years (only needed for single cash fare or monthly pass)	\$1.00 w/valid senior citizen ID card	\$2.00 w/valid senior citizen ID card	\$5.00 w/valid senior citizen ID card	\$30.00	\$60.00	\$6.25
Medicare Cardholders (effective until December 31, 2017)	Not applicable	\$1.00	\$2.00	Not applicable	Not applicable	Not applicable	\$6.25

Passenger Category (Date Effective)	Identification (ID) Card (New or Renewal)	Single Cash Fare-Standard	One-Day Pass Fare	Monthly Bus Pass Fare	Annual Bus Pass Fare	Biennial Bus Pass Fare	Single Cash Fare-Special Event
Adult (January 1, 2018)	Not applicable	\$2.75	\$5.50	\$70.00	\$770.00	Not applicable	\$6.25
Youth (January 1, 2018)	Not applicable	\$1.25	\$2.50	\$35.00	\$385.00	Not applicable	\$6.25
Child (January 1, 2018)	Not applicable	\$0.00	Not applicable	Not applicable	Not applicable	Not applicable	\$6.25
Person with a Temporary Disability Under ROH Section 13-2.2 (January 1, 2018)	\$10.00 for two years or duration of temporary disability specified by a healthcare professional, whichever is less (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00 w/valid temporary disability ID card	\$2.00 w/valid temporary disability ID card	\$6.00 w/valid temporary disability ID card	\$35.00	\$70.00	\$6.25
Person with a Permanent Disability Under ROH Section 13-2.2 (January 1, 2018)	\$10.00 for four years (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00 w/valid permanent disability ID card	\$2.00 w/valid permanent disability ID card	\$6.00 w/valid permanent disability ID card	\$35.00	\$70.00	\$6.25
Person with a Paratransit Eligibility ID Card Under ROH Section 13-4.3 (January 1, 2018)	\$0.00	\$1.00 w/valid paratransit eligibility ID card	\$2.00 w/valid paratransit eligibility ID card	\$6.00 w/valid paratransit eligibility ID card	\$35.00 w/valid paratransit eligibility ID card	\$70.00 w/valid paratransit eligibility ID card	\$6.25
Personal Care Attendant (PCA) (January 1, 2018)	Not applicable	\$0.00 when performing PCA service	Not applicable	Not applicable	Not applicable	Not applicable	\$0.00 when performing PCA service
Senior Citizen (January 1, 2018)	\$10.00 for four years (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00 w/valid senior citizen ID card	\$2.00 w/valid senior citizen ID card	\$6.00 w/valid senior citizen ID card	\$35.00	\$70.00	\$6.25
Medicare Cardholders (January 1, 2018)	Not applicable	\$1.00	\$2.00	Not applicable	Not applicable	Not applicable	\$6.25

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- (c) The department may establish a program for the use of bus passes issued to individuals upon payment of the designated bus fare and which may be used for the duration specified on the pass. The passes will be issued at various locations to be selected and advertised by the department. The department, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when such arrangements are deemed to be in the best public interest for the sale and issuance of bus passes. The council must be informed within 30 days of the city's entering into any such arrangement.
 - (d) The department may allow a person to board a city transit bus, city ferry and/or a special transit service vehicle without being charged a cash fare as part of a promotional offer or package made available by the city.
 - (e) The department may adopt rules in accordance with HRS Chapter 91 which will have the force and effect of law in the implementation of this section.
 - (f) In the event of a strike or work stoppage which shuts down the city bus system, city ferry system and/or special transit service, the department may make such bus pass fare adjustments as in the judgment of the department are warranted by the particular circumstances.
 - (g) The department may establish a program for the issuance of college and university student, faculty and staff bus passes. Such passes may be issued to students, faculty and staff by a college or university and will be subject to terms to be agreed upon between the college or university and the department in consultation with the transit management services contractor. Students, faculty and staff to whom such passes are issued shall pay the fare negotiated rather than a fare established under subsection (b).
 - (h) The department may establish a program for the issuance of free bus passes for city employees and employees of the transit management services contractor and ferry management services contractor. Such passes may permit unrestricted use of the bus and city ferry by the employee to whom the passes are issued.
 - (i) A child riding a city transit bus or city ferry for free shall not occupy a seat to the exclusion of another passenger.
 - (j) The department may establish a trainer bus pass program for persons who train persons with disabilities to use the city's transit bus on fixed bus routes.
 - (k) A personal care attendant accompanying a person with a valid paratransit eligibility identification card shall pay no fare when performing the service.
 - (l) The department may develop, market and sell distinctive souvenir bus passes that include Hawaiian places, art or other graphics that portray a Hawaiian sense of place as part of its bus pass designs.
- (Sec. 28-2.1, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 89-56, 91-27, 91-70, 93-56, 93-89, 95-22, 96-55, 97-02, 01-20, 02-18, 02-67, 03-19, 03-27, 07-13, 08-20, 09-17, 09-28, 13-31, 17-1, 17-27)

Sec. 13-2.2 Person with a disability.

- (a) **Single Fare.** A person with a disability with a valid person with a disability identification card issued by the department shall pay a single cash fare in accordance with Section 13-2.1 to ride a city transit bus and city ferry

upon display to the bus operator or ferry operator of the card; except when a fare for special services is charged under Section 13-2.1. Any person with a disability who applies for a person with a disability identification card from the department and is certified to have a permanent or temporary disability shall be issued the same upon payment of a processing fee in accordance with Section 13-2.1. It may be renewed thereafter upon the expiration of the prior term upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for a processing fee in accordance with Section 13-2.1.

- (1) The identification card for a person with a temporary disability shall be valid for either two years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued two years ago, or the duration specified by a health care professional, whichever is less. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a disability as defined in this section and upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for the processing fee in accordance with Section 13-2.1.
 - (2) The identification card for a person with a permanent disability shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago.
- (b) Person with a Disability Bus Pass. There is established a bus pass fare plan for persons with disabilities. Under the plan, a person with a disability, as defined in subsection (c), with a valid person with a disability bus pass issued pursuant to this section:
- (1) Shall not be required to pay the single cash fare at any time when using the regular city bus service and city ferry system, except where a fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus and city ferry without payment of the single cash fare, the person with a disability shall display the valid person with a disability bus pass to the bus operator or ferry operator; and
 - (2) Shall be entitled to an unlimited number of rides on the regular city bus service and city ferry service for the duration specified on the person with a disability bus pass.
- (c) Definition. For the purpose of this section, a person with a disability who qualifies for the person with a disability bus pass fare plan shall include any individual who, by reason of illness, injury, advanced age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize the city bus system and city ferry system as effectively as a person who is not so affected. The term includes physical or mental disability which clearly demonstrates that the person experiencing such disability is unable, without difficulty or assistance, to utilize the city bus system and the city ferry system.
- A person with a disability shall also be deemed to include a person with any incapacity or disability which results in the inability of a person to perform one or more of the following functions necessary for the effective use of the city bus system's facilities or the city ferry system's facilities without significant difficulty:
- (1) Negotiating a flight of stairs, escalator or ramp;
 - (2) Boarding or alighting from a city transit bus or city ferry;
 - (3) Reading informational signs; or
 - (4) Walking more than 200 feet.
- (d) Supporting Evidence of Disability. Applicants for a person with a disability identification card or a person with a disability bus pass shall be required to submit proof of such disability by a health care professional or any governmental agency involved in a physical or mental disability program and recognized by the department.
- (e) Issuance of Bus Passes. Any person with supporting evidence of disability pursuant to subsection (d) and who applies for a person with a disability bus pass from the department shall be issued the person with a disability bus pass upon the appropriate payment in accordance with Section 13-2.1.
- (f) Effective Date.

(1) Permanent Disability. The person with a permanent disability bus pass shall be effective for the duration specified on the pass. It may be renewed thereafter upon the expiration of the prior term upon appropriate payment as provided in Section 13-2.1.

(2) Temporary Disability. A person with a temporary disability bus pass may be issued for a period of either two years, commencing from the date of issuance and expiring at the end of the month that such bus pass was issued two years ago, or the duration specified by a health care professional, whichever is less, to a person whose disabling condition is deemed to be temporary and who submits supporting evidence of disability in accordance with subsection (d). Such person with a temporary disability bus pass shall be issued for a fare which may be calculated on a monthly pro rata basis. Such bus pass may be renewed, if warranted, for any additional period equal to the expected duration of a person's disabling condition and the fare calculated on a monthly pro rata basis, provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a temporary disability, as defined in this section, and upon payment of the processing fee in accordance with Section 13-2.1.

(g) Person with a Disability Bus Pass Renewal. An application for a renewal of a bus pass issued to a person with a permanent disability under subsection (f)(1) may be made up to 60 days prior to the date of expiration. An application for a renewal of a bus pass issued to a person with a temporary disability under subsection (f)(2) may be made up to 30 days prior to the date of expiration.

(h) Person with a Disability Bus Pass Recall. Bus passes issued for periods in excess of one month may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the person with a disability bus pass when the person with a disability bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in bus pass renewals in future years.

Person with a disability bus passes issued after a recall may have physical characteristics different from those issued before the recall.

(i) Person with a Disability Bus Pass Forfeiture. Any person holding a bus pass issued under this section shall relinquish such bus pass if such person is issued a paratransit eligibility identification card under Section 13-4.3.

(j) Appeal. A person denied a bus pass under this section or a paratransit eligibility identification card under Section 13-4.3 shall receive a notice in writing stating the reasons for denial. Within 30 days of receipt of such notice or such additional time as may be permitted by the director, such person may appeal the decision to the director or a hearings officer appointed by the director. The appeal shall be effected by filling out the notice of appeal in a form prescribed by the department and filing the same with the department.

(k) Hearing. Within 20 working days from the date of mailing or personal service of such notice of appeal, the director or the appointed hearings officer shall schedule a hearing at which the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing the reason why the denial was in error.

The director or the appointed hearings officer may affirm, reverse or modify the decision under appeal based upon findings of facts which justify the decision. The decision shall be the final decision of the city.

The notice and hearing requirements shall conform to the applicable provisions of HRS Chapter 91.

All findings of fact, conclusions of law and decisions and orders of the director or the appointed hearings officer shall be in written form, kept on file and open to public inspection.

(l) Rules. The department may adopt rules in accordance with HRS Chapter 91 to implement this section.

(Sec. 28-2.2, R.O. 1978 (1987 Supp. to 1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 93-89, 95-22, 97-02, 01-20, 03-27, 07-13, 08-20)

Sec. 13-2.3 Senior citizens.

(a) Single Fare. A senior citizen shall pay a single cash fare in accordance with Section 13 2.1 to ride a city transit bus and city ferry upon display to the bus operator and/or ferry operator of a valid senior citizen

identification card issued to that person by the department, except when a fare for a special service is charged under Section 13 2.1. Any senior citizen who applies for a senior citizen identification card with the department shall be issued the same upon provision of acceptable supporting evidence of age and payment of a processing fee in accordance with Section 13-2.1. The card shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago. It may be renewed thereafter upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a senior citizen may obtain a replacement identification card for a processing fee in accordance with Section 13-2.1.

(b) Senior Citizen Bus Pass. There is established a senior citizen bus pass fare plan. Under the plan, a senior citizen with a valid bus pass issued pursuant to this section:

(1) Shall not be required to pay the single cash fare at any time when using the regular city transit bus service and/or city ferry service, except when a fare for a special service is charged under Section 13 2.1. To be entitled to ride a city transit bus and/or city ferry without payment of the single cash fare, the senior citizen shall display the valid senior citizen bus pass to the bus operator; and

(2) Shall be entitled to an unlimited number of rides on the regular city transit bus service and/or city ferry service for the duration specified on the senior citizen bus pass.

(c) Issuance and Effective Date. Upon application, showing of a valid identification card issued to that person pursuant to subsection (a), and payment of the designated bus fare in accordance with Section 13-2.1, the department shall issue a senior citizen bus pass for the duration specified on the senior citizen bus pass.

If, not more than 60 days prior to the expiration of the validity of a senior citizen bus pass, the senior citizen applies for and is issued a new senior citizen bus pass, the date of issuance shall be deemed to be the first day following the expiration of the prior senior citizen bus pass. The term of validity of the new senior citizen bus pass shall commence from that date.

(d) Expired Senior Citizen Bus Pass. The department may:

(1) Require a senior citizen with an expired senior citizen bus pass to return the senior citizen bus pass to the department; and

(2) Authorize any officer or employee of the city, transit management services contractor or ferry management services contractor to confiscate a senior citizen bus pass, the validity of which has expired, when the bus pass is displayed by the holder to the officer or employee.

(e) Senior Citizen Bus Pass Forfeiture. A senior citizen shall relinquish the senior citizen bus pass to the department upon receiving a paratransit eligibility identification card under Section 13 4.3.

(f) Senior Citizen Bus Pass Recall. Senior citizen bus passes may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the senior citizen bus pass when the senior citizen bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in senior citizen bus pass renewals in future years.

Senior citizen bus passes issued after a recall may have physical characteristics different from those issued before the recall.

(g) Rules. The department may adopt rules in accordance with HRS Chapter 91 to implement this section.

(Sec. 28-2.3, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 95-22, 96-30, 96-58, 97-02, 01-20, 03-27, 07-13, 08-20)

Sec. 13 2.4 Baggage.

Baggage that can be stored under a passenger's seat or on a passenger's lap, that will not protrude to another seat or otherwise interfere with other passengers, will be admitted at no charge. Baggage that will not be admitted on board shall include any large, bulky, dangerous or offensive article that may cause harm or discomfort to any passenger. No baggage may be stored in the aisle or on the seats.

(Sec. 28 2.4, R.O. 1978 (1983 Ed.))

Sec. 13 2.5 Special instructions.

To board a city transit bus, a passenger shall deposit the exact fare in cash into the fare box of the bus; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon or approved card program, a passenger may substitute the appropriate token, coupon or approved card for cash to pay the fare.

To board a city ferry, a passenger shall deposit the exact fare in cash into the fare box of the ferry; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon or approved card program, a passenger may substitute the appropriate token, coupon or approved card for cash to pay the fare.

(Sec. 28-2.5, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-56, 95-22, 97-02, 03-27, 07-13, 08-20)

Sec. 13-2.6 Suspension of fares for promotional and demonstration purposes.

(a) The council shall have the authority to suspend, by resolution passed on one reading, the fare structure or any part thereof in Section 13 2.1, Section 13-4.5, the supplemental bus service and/or the supplemental special transit service for:

(1) Promotional purposes for a period not exceeding one week; provided, that any such suspension of the fare structure and/or fare shall not decrease the total average monthly fare collection of the city bus system, the city

ferry system, or the special transit service, as appropriate, when full fares are collected, by more than five percent; and provided further, that such suspension shall be for the purposes of promoting the public ridership of the city bus system and/or the city ferry system and/or ridership of the city's special transit service by eligible persons.

If a private organization requests, pursuant to this subdivision, that the department suspend bus fares and/or ferry fares and/or the special transit fare to promote the city's transit bus and/or city ferry and/or special transit service as part of that organization's function or event, the organization shall submit a request in writing to the department for the suspension of the fares. In its written request, the organization shall:

- (A) Provide proof that it is a nonprofit organization exempt or qualified for an exemption from federal income tax under Section 501(c)(3) of the United States Internal Revenue Code;
- (B) Submit a current audited financial statement of its organization and, if the organization was required to file a federal income tax return for that year, to submit its federal income tax return for the year prior to the submittal of the request;
- (C) Submit a statement describing the scope of its events and activities, and copies of all of the required approvals and permits which the organization must obtain in order to hold the function or event;
- (D) Demonstrate the community benefits the city will gain from the promotion; and
- (E) Demonstrate that a minimum of 30,000 persons will participate over a 24 hour period in the events and activities related to the organization's function or event.

(2) Demonstration projects for a period not exceeding 180 days; provided, that such suspension of the fare structure, the special transit service fares, the supplemental bus service fares and/or the supplemental special transit service fares shall be for the purpose of demonstrating the need for bus services and/or ferry services and/or special transit service, the economic viability of the demonstration projects, and operational efficiencies of the city's bus system and/or the city's ferry system and/or the city's special transit service; and provided further, that a minimum of 50 percent of the promotional, marketing and operating cost of such demonstration project shall be funded from private sector sources other than the city. The private sector sources shall make a commitment to the city prior to the approval of the demonstration project that they will fund their share of the costs of the demonstration project.

Organizations that are eligible to request a demonstration project involving the suspension of fares include the department, other government agencies, private firms, business organizations, community

groups, or any combination of the foregoing organizations. Organizations shall submit in writing a request to the department that a demonstration project be conducted. In its request, the organization shall demonstrate the community benefits, such as increased mobility, stimulation of the economy, and improved convenience to bus riders and/or ferry riders and/or special transit service riders, that will be gained as a result of the demonstration project; and

(3) Demonstration projects for a period not exceeding 365 days to begin July 1 of the year the resolution is adopted by the council; provided that such suspension of the fare structure, the special transit service fares, the supplemental bus service fares and/or the supplemental special transit fares shall be for the purpose of demonstrating the impact of bus services, ferry services, and/or special transit service on traffic congestion, the fiscal viability of the demonstration projects, and/or the impact of fare suspensions on operational efficiencies of the city's bus system, the city's ferry system, and/or the city's special transit service; and provided further, that the council shall adopt the resolution concurrently with final passage of the budget ordinances.

(b) The department shall transmit to the council in writing its recommendation to approve or disapprove any proposal submitted to the department to conduct a promotional or demonstration project pursuant to this section. With its written recommendation, the department shall submit the reason or reasons for the department's recommendation.

If the department recommends approval of the promotional or demonstration project, the department shall also submit a draft council resolution providing for the suspension of the fares. Included in the draft resolution shall be the specific criteria that the department will use to evaluate the success or failure of the promotional or demonstration project. If the promotional or demonstration project involves the city bus system and/or the city ferry system, the department shall transmit with its recommendation a map of the bus route or ferry route or routes that city buses and/or the city ferry will follow during the promotional or demonstration project. If the bus and/or the ferry route or routes to be followed during the promotional or demonstration project is or are proposed to be changed, the department shall submit to the council, at least seven days prior to the implementation of the new route or routes, a revised map of the new route or routes to be followed.

(c) Within 60 days of the completion of the promotional or demonstration project, the department shall submit a report in writing to the council. In the report, the department shall at a minimum:

(1) Discuss the community benefits, if any, gained from the project, including an estimate, where possible, of the number of new daily riders of the city bus system and/or city ferry system and/or of new special transit service riders resulting from the project;

- (2) Include data on the number of riders using city transit buses and/or city ferries and/or special transit service vehicles during and as part of the promotional or demonstration project and the cost to the city of the project;
- (3) Evaluate the overall success or failure of the project based on whether the project met the specific criteria set forth in the council resolution approving the project, which may include criteria specified by the council; and
- (4) Make recommendations on any future actions on similar requests to conduct promotional or demonstration projects.

(d) The private contractor providing city transit bus services, city ferry services, special transit services, supplemental bus services and/or supplemental special transit services shall provide ridership data to assist the department in evaluating the success or failure of the promotional and demonstration projects approved in accordance with this section.

(Sec. 28-2.6, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-11, 97-02, 01-62, 07-13, 08-4, 08-20)

Sec. 13-2.7 Nontransference of bus pass and identification card-Penalty.

(a) Any bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 is nontransferable and shall not be used by any person other than by the person to whom it was issued. No person shall obtain or attempt to obtain a bus pass or identification card issuable under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 based on a false application or

certification. No person shall alter a bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5, unless authorized by the department. In addition to the penalty under subsection (b), any person who is issued such a bus pass or identification card based upon a false application/certification, who knowingly permits another to use the bus pass or identification card, or who alters, without authorization from the department, the person's bus pass or identification card shall be penalized by:

- (1) Suspending the person's pass or identification card for a period of one year from the date of conviction; or
- (2) If the remaining term of the bus pass or identification card is less than one year from the date of conviction:
 - (A) Suspending the bus pass or identification card for the remainder of the term; and
 - (B) Prohibiting until one year from the date of conviction the:
 - (i) Renewal or replacement of the bus pass or identification card; and
 - (ii) Issuance of a new bus pass or identification card.
- (b) The following persons shall be guilty of a misdemeanor:
 - (1) Any person who uses a bus pass or identification card issued to another under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5;
 - (2) Any person to whom a bus pass or identification card has been issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3 or Section 13-4.5, who knowingly permits another to use that bus pass or identification card;
 - (3) Any person who obtains or attempts to obtain a bus pass or identification card issuable under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 based upon a false application or certification; or
 - (4) Any person who alters a bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 without authorization from the department.

(Sec. 28-2.7, R.O. 1978 (1983 Ed.); Am. Ord. 91-70, 97-02, 03-27, 08-20, 09-28)

Sec. 13-2.8 Penalty for counterfeiting or using counterfeit tokens, coupons or approved cards.

Any person who makes or issues any imitation or counterfeit of a bus token, coupon or approved card, or knowingly uses such a token, coupon, or approved card for bus fare and/or ferry fare shall be fined not more than \$2,000.00 or imprisoned for not more than one year, or both.

(Added by Ord. 93 56; Am. Ord. 03-27, 07-13)

Sec. 13-2.9 Police officers.

Notwithstanding anything to the contrary in this article, uniformed and nonuniformed police officers of the Honolulu police department carrying proper identification, whether on duty or not, shall be allowed to use the city bus system and/or city ferry system without paying any fare.

(Added by Ord. 96-55; Am. Ord. 07-13)

Sec. 13-2.10 Bus passes for those with extremely low incomes.

(a) The department of transportation services shall offer a monthly bus pass program for individuals whose household incomes meet the federal department of housing and urban development guidelines for households with "extremely low income" within the City and County of Honolulu for the applicable household size. The cost of a monthly bus pass under this program shall be reduced by \$10.00 for the adult monthly bus pass and reduced by \$6.50 for the youth monthly bus pass.

(b) The director of community services shall determine the eligibility of the individual for the bus pass program established under this section upon review and verification of an application to participate in the program. The application form shall be prescribed by the director of community services. To verify the information on the application, the director of community services shall require proof of age and total household income, which may include, but not be limited to, true copies of personal income tax returns, bank statements, or other financial records. The director of community services may require proof of nonreceipt of income from relief programs such as supplemental security income, welfare, and unemployment compensation, and may require such authorization from the household to enable the director to fully verify household income. The period for which a determination shall remain in effect shall be determined by the director of community services.

The applicant may refuse to provide such records, information or authorization. However, upon such refusal, the director of community services may deny the application to participate in the bus pass program established in this section.

The director of community services shall determine whether an applicant qualifies for the bus pass program within 30 days of receipt of the application, and the director's decision shall be final.

(c) The department of transportation services may adopt rules in accordance with HRS Chapter 91 and having the force and effect of law to implement the provisions of this section.

(Added by Ord. 03-27; Am. Ord. 09-17)

Article 3. Activities Prohibited on Public Conveyances

Sections:

13-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles-Authority of drivers-Violations.

13-3.2 Signs required.

13-3.3 Removal or defacing of signs.

13-3.4 Placing lighted objects close to combustible matter.

13-3.5 Penalty.

Sec. 13-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles-Authority of drivers-Violations.

(a) For purposes of this section:

“Disability” shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

“Individual with a disability” shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

“Service animal” shall have the same meaning as ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

“Transit system” includes the department and the entity or entities that operate the city bus system and the city ferry system and special transit service.

(b) It shall be a violation of this section for a person, who is doing or has done any of the following activities on a city transit bus or city ferry or special transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the driver, the ferry operator, or another agent of the transit system, or any police officer, or to fail or refuse to immediately exit a city transit bus or city ferry or special transit vehicle if requested to do so by the driver of the bus or vehicle, or operator of the ferry or another agent of the transit system, or a police officer:

(1) Consuming any form of food or beverage or carrying or possessing any food or beverage in a container other than a container that is tightly closed, covered or packaged so as to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this subdivision shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container;

(2) Using or playing any electronic device, musical instrument, or other sound-producing or sound-emitting device:

(A) Unless the device is connected to a headphone or earphone which limits the sound produced or emitted to the individual user; or

(B) In the case of a telephone, cell phone, pager, or other two-way communication device, unless it is placed on “silent” or “vibrate” mode which prevents the sound produced or emitted from being audible to other passengers.

Nothing contained in this subdivision shall be construed as prohibiting the driver of the bus or vehicle or the operator of the ferry from using or playing such devices for official business, or as prohibiting passengers from using telephones and pagers for communication purposes; provided they are used in accordance with subdivision (b)(2)(A) and (B). As used in this subdivision, "electronic device" includes but is not limited to televisions, radios, recording devices, portable stereos, electronic games, telephones, cell phones, walkie-talkies, and pagers;

(3) Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers; provided that nothing contained in this subdivision shall be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes;

(4) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS Section 339-1, in or from the bus or vehicle or the ferry, except into receptacles designated for that purpose;

(5) Failing or refusing to vacate seats designated as priority seating for elderly or disabled passengers or the fold-down or other movable seat area designated for wheelchair securement, when requested to do so by the driver, the ferry operator or any other agent of the transit system, or a police officer; provided that nothing contained in this subdivision shall be construed as requiring other elderly or disabled passengers to vacate seats designated as priority seating for elderly or disabled passengers; and provided further that nothing contained in this subdivision shall be construed as requiring the driver or the ferry operator or other agent of the transit system to enforce a request that other passengers move from the priority seating area or wheelchair securement area;

(6) Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article or material which is likely to cause harm to others or to emit any foul or noxious dust, mist, fume, gas, vapor, or odor; provided that nothing contained in this subdivision shall be construed as prohibiting a person from carrying or possessing any match or any cigar, cigarette, or pipe lighter, which is not lighted or smoldering;

(7) Spitting, expectorating, urinating or defecating in, on or from the bus or vehicle or the ferry; provided that nothing contained in this subdivision shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition;

(8) Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or vehicle or ferry or any driver or ferry operator or other agent of the transit system in the performance of that individual's official duties;

(9) Boarding the bus through the rear exit door, unless directed to do so by the driver, any other agent of the transit system, or a police officer; or

(10) When boarding a bus or ferry or special transit vehicle:

(A) Knowingly failing or refusing to pay the applicable fare for transportation on the bus or vehicle or the ferry in cash or, if available, through the use of tokens, coupons or approved cards in the required manner; or

(B) Presenting a pass, transfer, badge or other fare medium for transportation on such bus or ferry or special transit vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge or other fare medium is not valid for the place, time and manner in which it is presented, or knows that presentation of the pass, transfer, badge or other fare medium violates a restriction on the transfer or use of such fare medium imposed by city ordinances or rules.

(c) The driver of any city transit bus or operator of any city ferry or special transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle or ferry:

(1) When the person appears to be intoxicated on liquor or drugs;

(2) When the person is engaged in activities that, if such activities occurred in the bus or vehicle or ferry, would violate the provisions of subsection (b) if conducted in violation of the request of the driver, agent, or police officer;

(3) When the person is engaged in activities that, if such activities occurred in the bus or vehicle or ferry, would violate any other law or ordinance;

(4) When it appears that the person intends to engage in any of the activities referred to in subdivision (2) or (3) in the bus or vehicle or ferry; or

(5) When the person is a child who is not accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor.

In addition, the driver of any city transit bus or operator of any city ferry or special transit service vehicle or any other agent of the transit system may refuse to transport any such person who has already boarded the bus or

vehicle or ferry and the driver, operator, agent or any police officer may cause such person to be ejected from the bus or vehicle or ferry. It shall be a violation of this section for a person to board a city transit bus or city ferry or special transit service vehicle after being requested not to do so by the driver, operator, another agent of the transit system or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a city transit bus or city ferry or special transit vehicle when requested by the driver, operator, another agent of the transit system, or police officer to do so for any of the reasons specified in this subsection.
(Sec. 28-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-67, 97-02, 03-27, 06-52, 07-13, 08-20)

Sec. 13-3.2 Signs required.

The department shall require the conspicuous display within each city transit bus, city ferry, and special transit service vehicle of a sign clearly setting forth all of the prohibitions of Section 13 3.1.
(Sec. 28-3.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 97-02, 07-13, 08-20)

Sec. 13-3.3 Removal or defacing of signs.

No person shall remove or deface signs required to be erected by or under the authority of this article.
(Sec. 28 3.3, R.O. 1978 (1983 Ed.))

Sec. 13-3.4 Placing lighted objects close to combustible matter.

No person shall throw or place hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a city transit bus or city ferry or special transit service vehicle which is combustible or liable to damage by heat, fire or explosion.
(Sec. 28 3.4, R.O. 1978 (1983 Ed.); Am. Ord. 91 27, 07-13)

Sec. 13-3.5 Penalty.

(a) Any person violating Section 13-3.1(b)(1), (2), (3), (4), or (5) or aiding, abetting or assisting in any manner whatsoever another person in violating any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100.00 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.

(b) Any person violating Section 13-3.1(b)(6), (7), (8), (9) or (10), 13-3.1(c), 13-3.3 or 13-3.4, or aiding, abetting, or assisting in any manner whatsoever another person to violate any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.

(c) Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.

(d) Any authorized police officer, upon arresting a person for a violation of this article, shall take the name and address of the alleged violator and shall issue thereto in writing a summons or citation hereinafter described, notifying such person to answer to the complaint to be entered against such person at a place and at a time provided in the summons or citation, except that the officer may make a physical arrest in instances when:

- (1) The alleged violator refuses to provide the officer with such person's name and address or any proof thereof as may be reasonably available to the alleged violator;
 - (2) The alleged violator fails or refuses to immediately cease and desist from such person's prohibited activity or to immediately exit the city transit bus or the city ferry or special transit service vehicle, as determined by the driver of the bus or vehicle, operator of the ferry, and/or other agent of the transit system, or a police officer if the officer is on the ferry or vehicle, after the alleged violator is issued a summons or citation; or
 - (3) The alleged violator has previously been issued a summons or citation for a substantially similar offense within a one-year period.
- (e) There shall be provided for use by police officers a form of summons or citation for use in citing violators of this article where the circumstances do not mandate the physical arrest of such violators. The form of the summons or citation shall be commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the city. The form and content of such summons or citation shall be adopted or prescribed by the administrative judge of the district court; provided that the administrative judge may approve the use of a form of summons or citation previously adopted or prescribed for other offenses and such approval shall be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original of the same shall be given to the alleged violator; provided that the administrative judge of the district court may prescribe that the alleged violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be consecutively numbered, and each carbon copy shall bear the same number as its original.
- (f) The provisions of this article are in addition to and shall in no way limit the provisions of any other federal, state or city law, ordinance, or rule.
- (Sec. 28-3.5, R.O. 1978 (1983 Ed.); Am. Ord. 96-67, 07-13)

Article 4. Special Transit Service

Sections:

- 13-4.1 Authorization.**
- 13-4.2 Eligibility.**
- 13-4.3 Access.**
- 13-4.4 Appeal.**
- 13-4.5 Fare.**
- 13-4.6 Service.**
- 13-4.7 Evaluation board.**

Sec. 13-4.1 Authorization.

The department shall provide a special transit service and establish policies and guidelines for its operation. The policies and guidelines must conform to the short range transit plan and any update. The department may contract the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the special transit service on behalf of the city.

(Sec. 28-4.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-30, 97-02, 08-20, 14-24, 17-52)

Sec. 13-4.2 Eligibility.

- (a) Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the department, or by any entity authorized by the department. The application may include a certification by the applicant's health care professional that the applicant has a physical or mental disability which precludes the applicant from using the city bus system.

- (b) An applicant must be certified to be paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 to use the special transit service. Such certification must be made by either the department or by any entity it so authorizes. The applicant shall participate in an in-person ADA paratransit eligibility assessment as required by the department or the authorized entity.
 - (c) Persons accompanying an ADA paratransit eligible individual must be registered in advance with the transit management services contractor, and must be provided service as follows:
 - (1) One other person in addition to the personal care attendant accompanying the ADA paratransit eligible individual may be provided service if the ADA paratransit eligible individual is traveling with a personal care attendant.
 - (2) A family member or friend will be regarded as a person accompanying the ADA paratransit eligible individual, unless the family member or friend is acting in the capacity of a personal care attendant.
 - (3) Additional persons accompanying the ADA paratransit eligible individual must be provided service; provided that space is available for them on the paratransit vehicle carrying the ADA paratransit eligible individual and that transportation of the additional persons will not result in a denial of service to ADA paratransit eligible persons.
 - (4) In order to be considered as “accompanying” the eligible person for purposes of this subsection, the other person(s) must have the same origin and destination as the ADA paratransit eligible individual.
- (Sec. 28-4.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 93-90, 97-02, 08-20, 17-52)

Sec. 13-4.3 Access.

- (a) Each certified passenger shall be issued a paratransit eligibility identification card, without charge, specifically endorsed for the special transit service by the department or its designated representative.
 - (b) Such paratransit eligibility identification card shall be shown at boarding to the operator and each certified passenger shall pay the fare established in Section 13 4.5 of this article. Nonpayment of a fare shall result in boarding being denied.
 - (c) The paratransit eligibility identification card shall be effective for four years from the approval of the application for eligibility. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting such renewal demonstrates at each renewal date that such applicant’s mental or physical condition warrants continued status as ADA paratransit eligible as certified in Section 13-4.2.
 - (d) A paratransit eligibility identification card effective for less than four years may be issued to a person with a disability whose disabling condition, that prevents the applicant from using the city bus system, is not expected to remain for four years. Such paratransit eligibility identification card shall be effective for any appropriate period equal to the expected duration of the person’s disabling condition. Should a person’s inability to use the city bus system continue beyond the temporary period, the person must reapply.
 - (e) An application for renewal of a paratransit eligibility identification card may be made up to 60 days prior to the date of expiration.
 - (f) A paratransit eligibility identification card may be recalled from time to time at the discretion of the department for recertification or statistical purpose. The department may extend the effective date of the paratransit eligibility identification card when the paratransit eligibility identification card is recalled for recertification or statistical purpose to reduce large fluctuations in paratransit eligibility identification card renewals in future years.
Paratransit eligibility identification cards issued after a recall may have physical characteristics different from those issued before the recall.
 - (g) Any person holding a paratransit eligibility identification card issued under this section shall relinquish such paratransit eligibility identification card if issued a person with a disability identification card or senior citizen identification card under Section 13-2.2 or 13-2.3.
- (Sec. 28 4.3, R.O. 1978 (1983 Ed.); Am. Ord. 91 27, 91-70, 93-90, 97-02, 08-20)

Sec. 13-4.4 Appeal.

Any person denied a paratransit eligibility identification card may appeal under the procedures established in Section 13-2.2(j) and (k).

(Sec. 28-4.4, R.O. 1978 (1983 Ed.); Am. Ord. 91-70, 08-20)

Sec. 13-4.5 Fare.

(a) Definitions. For the purposes of this section:

"ADA Complementary Paratransit Service Standards" means regulatory requirements for the special transit service imposed by the federal government pursuant to 49 CFR, Subtitle A, Section 37.131.

"Agency-sponsored fare" means a fare for a one-way passenger trip on the special transit service paid for in whole or in part by a qualified human service organization, as defined in this section.

"Agency trip" means a one-way passenger trip taken by a paratransit eligible individual to the site of a program administered by a qualified human service organization, as defined in this section, for trips guaranteed to the organization.

"Core service area" means the corridor extending a width of three-fourths of a mile on each side of a fixed route. The corridor includes the area within a three-fourths of a mile radius of either terminus of a fixed route. The corridor also includes an area of not more than one square mile that does not fall within a corridor, but is entirely surrounded by corridors.

"Qualified human service organization" means an organization that serves persons who qualify for human service or transportation-related programs or services due to disability, income, or advanced age and whose services to such persons include the purchase of agency-sponsored fares, and receives funding, directly or indirectly from the programs listed in Appendix A of 49 CFR, Part 604.

(b) Single Fare.

- (1) Any person issued a paratransit eligibility identification card under Section 13-4.3 and any person accompanying the ADA paratransit eligible individual shall pay a fare of \$2.00 per person per one-way passenger trip or a fare allowed by the ADA, except as provided in Section 13-2.6. Revenues from the fare will be deposited into the bus transportation fund.
- (2) Any person to whom a current paratransit eligibility identification card has been issued under Section 13-4.3 shall pay a single cash fare in accordance with Section 13-2.1 to ride a city transit bus or the city ferry service upon display to the bus operator of the card; except when a fare for special services is charged under Section 13-2.1.

(c) Fares for Services that Exceed ADA Complementary Paratransit Service Standards.

- (1) The department may charge a premium fee in addition to the single fare for a one-way passenger trip on the special transit service for services that exceed ADA complementary paratransit service standards, including but not limited to the following:
 - (A) Same-day one-way passenger trip reservations by paratransit eligible individuals;
 - (B) Passenger trip reservations by paratransit eligible individuals to or from locations outside the core service area for the special transit service; and
 - (C) Passenger trip reservations by paratransit eligible individuals outside the hours and days of fixed route service regularly provided by TheBus.
- (2) The department may negotiate with a qualified human service organization and charge a fare higher than the single fare for agency-sponsored fares and agency trips, provided that the fare charged cannot exceed applicable rules set by the Centers for Medicare and Medicaid for paratransit services.

(d) Paratransit Eligible Individual Bus Pass. There is established a paratransit eligible individual bus pass fare plan. Under the plan, a person with a valid bus pass issued pursuant to this section:

- (1) Is not required to pay the single cash fare at any time when using the city transit bus service and/or city ferry service, except when a fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus and/or city ferry without payment of the single cash fare, the paratransit eligible individual shall display the valid paratransit eligible individual bus pass to the bus operator; and
- (2) Is entitled to an unlimited number of rides on the city transit bus service and/or city ferry service for the duration specified on the paratransit eligible individual bus pass.

- (e) Issuance and Effective Date of Bus Passes. Any person issued a valid paratransit eligibility identification card under Section 13-4.3 and who applies for a paratransit eligible individual bus pass from the department will be issued the paratransit eligible individual bus pass upon making the appropriate payment in accordance with Section 13-2.1, for the duration specified on the bus pass.
 - (f) A personal care attendant shall pay no fare at any time when accompanying an ADA paratransit eligible individual and performing services as the individual's personal care attendant.
 - (g) Employees of the transit management services contractor or the ferry management services contractor who have been certified as ADA paratransit eligible pursuant to Section 13-4.2 may use the special transit service without being charged a cash fare by displaying their employee identification card and their paratransit eligibility identification card.
- (Sec. 28-4.5, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-90, 95-22, 97-02, 01-20, 01-62, 03-27, 07-13, 08-20, 09-28, 17-52)

Sec. 13-4.6 Service.

Until such time as the special transit service is adequate to serve all eligible persons, service shall be supplied on a space available basis. The department shall provide such service by either advance reservation, subscription, call response, or combination thereof as will most effectively meet the needs of ADA paratransit eligible persons.

The department may adopt rules in accordance with HRS Chapter 91 to implement this section.

(Sec. 28-4.6, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 93-90, 97-02, 08-20)

Sec. 13-4.7 Evaluation board.

The director may appoint an advisory committee pursuant to Revised Charter Section 4-103 to serve as an evaluation board. The committee shall be comprised of 15 to 20 persons who are sympathetic with the concern of special transit service for persons with disabilities. Their function shall be limited to counsel and advice in the form of at least a regular semiannual evaluation of the special transit service to determine the adequacy of service and to submit any recommendations for its improvement to the department.

(Sec. 28-4.7, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 91-70, 93-90, 97-02, 08-20)

Article 5. Taxicab Subsidies

Sections:

- 13-5.1 Authorization.**
- 13-5.2 Eligibility.**
- 13-5.3 Rules.**

Sec. 13-5.1 Authorization.

The department may establish a taxicab subsidy program as a transportation alternative for riders certified to use the special transit service established under Article 4.

(Added by Ord. 17-52)

Sec. 13-5.2 Eligibility.

- (a) Taxicab subsidies authorized under this article may only be issued to and used by persons certified to use the special transit service established under Article 4.
- (b) Persons certified to use the special transit service established under Article 4 may use subsidies issued under this article to pay for all or a portion of the cost of trips taken on taxicabs, as defined and regulated pursuant to Chapter 12, Article 1, for their daily transportation needs.
- (c) Trips taken by persons using taxicab subsidies issued through the program established under this article will be separate from the special transit service established under Article 4.

(Added by Ord. 17-52)

Sec. 13-5.3 Rules.

- (a) The department may adopt rules under this article in accordance with HRS Chapter 91 to implement the program.
- (b) Prior to the adoption of rules, the department may initiate a pilot program to evaluate the effectiveness of taxicab subsidies as a transportation alternative for persons certified to use the special transit service established under Article 4.

(Added by Ord. 17-52)

Article 6. City Bus System

Sections:

13-6.1 City bus system.

13-6.2 Contracts for management, operation and maintenance of city bus system, special transit service and/or supplemental services.

(13-6.3 Authority to create private, nonprofit corporation as bus management services contractor. Repealed by Ord. 96-30.)

13-6.3 Zero emissions buses.

(13-6.4 Obligations and responsibilities of bus management services contractor. Repealed by Ord. 96-30.)

13-6.4 Reserved.

(13-6.5 Obligations and responsibilities of public transit authority. Repealed by Ord. 96-30.)

13-6.5 Reserved.

13-6.6 Operating revenues.

(13-6.7 Annual performance audit. Repealed by Ord. 96-30.)

13-6.7 Reserved.

(13-6.8 Prohibition on use of bus personnel for other than city bus system duties. Repealed by Ord. 96-30.)

13-6.8 Reserved.

13-6.9 Advertising inside city transit buses.

13-6.10 Advertising on exterior of city transit buses.

13-6.11 Advertising on city bus passes.

13-6.12 Logo of city bus system.

Sec. 13-6.1 City bus system.

- (a) The department shall be responsible for the operation and maintenance of the city bus system:
 - (1) In accordance with the charter, this chapter, and other applicable ordinances; and
 - (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.
- (b) Subject to council appropriations, the department shall establish the routes, schedules and levels of service of the city bus system. The routes, schedules and levels of service shall be in conformance with the short range transit plan and any update.
- (c) Fares for passengers of the city bus system shall be as established under Article 2. The department shall not:
 - (1) Charge a single cash fare, monthly bus pass fare or bus token, coupon or approved card fare, which differs from that established or permitted under Article 2;
 - (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
 - (3) Charge a fee for the issuance of a bus pass, unless expressly authorized under Article 2.
- (d) The department shall have the power to establish or designate park and ride facilities to be served by the city bus system. Park and ride facilities established or designated by the department shall be:
 - (1) In conformance with the short range transit plan and any update; and

(2) In compliance with development plan and zoning ordinances and maps, the building code and fire code, and other applicable laws or ordinances concerning land use, planning and building construction.

Park and ride facilities “established” by the department mean facilities under the management of the department. Park and ride facilities “designated” by the department mean those which, although served by the city bus system, are not under the management of the department.

(Added by Ord. 91-27; Am. Ord. 93-56, 96-58, 97-02, 03-27, 08-20)

Sec. 13-6.2 Contracts for management, operation and maintenance of city bus system, special transit service and/or supplemental services.

(a) The department shall contract with the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the city bus system, and may contract with the private, nonprofit corporation established under Article 8 to manage, operate, and maintain the city special transit service on behalf of the city.

(b) The department may contract with private entities, including the private, nonprofit corporation established under Article 8, to manage, operate, and maintain the supplemental bus service on behalf of the city.

(Added by Ord. 91-27; Am. Ord. 96-30, 97-02, 08-20, 17-52)

(Sec. 13-6.3 Authority to create private, nonprofit corporation as bus management services contractor. Repealed by Ord. 96-30.)

Sec. 13-6.3 Zero emissions buses.

(a) As used in the section, unless the context otherwise requires:

“Bus stop” means any place where the director has directed the placement of a bus stop sign designating a location where the city’s transit bus service stops to service passengers. Such sign may include route numbers and regulatory and other information.

“Multi-modal transit center” means any bus transit center along the route of the Honolulu High-Capacity Transit Corridor Project.

“Pollutant” mean hydrocarbons, carbon monoxide, nitrogen oxides, and lead.

“Zero emissions bus” means a bus that produces zero exhaust emissions of any pollutant and includes electric battery powered buses and hydrogen-fuel cell powered buses.

(b) The director shall consider using zero emissions buses to service routes with at least one bus stop at or within 100 yards of a Honolulu High-Capacity Transit Corridor Project rail station or a multi-modal transit center.

(Added by Ord. 18-31)

(Sec. 13-6.4 Obligations and responsibilities of bus management services contractor. Repealed by Ord. 96-30.)

Sec. 13-6.4 Reserved.

(Sec. 13-6.5 Obligations and responsibilities of public transit authority. Repealed by Ord. 96-30.)

Sec. 13-6.5 Reserved.

Sec. 13-6.6 Operating revenues.

(a) All operating revenues derived from the city bus system shall be public funds. “Operating revenues derived from the city bus system” include revenues from:

- (1) Cash fares;
- (2) Bus pass sales;
- (3) Transit voucher sales;
- (4) Sales of bus tokens, coupons or approved cards;
- (5) Contracts authorizing the use of the city bus system logo as provided in Section 13-6.12;
- (6) Advertising spaces in city transit buses or on bus passes; and
- (7) Rental or lease of or concessions on real property managed by the department or transit management services contractor and used for the city bus system.

(b) Operating revenues derived from the city bus system shall be deposited into the bus transportation fund.
(Added by Ord. 91-27; Am. Ord. 93-22, 93-56, 93-87, 97-02, 03-27, 08-20)

(Sec. 13-6.7 Annual performance audit. Repealed by Ord. 96-30.)

Sec. 13-6.7 Reserved.

(Sec. 13-6.8 Prohibition on use of bus personnel for other than city bus system duties. Repealed by Ord. 96-30.)

Sec. 13-6.8 Reserved.

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Sec. 13-6.9 Advertising inside city transit buses.

- (a) The department, through the department of budget and fiscal services, may rent or let advertising spaces inside city transit buses; provided, that the following types of advertising shall not be accepted:
- (1) Advertising which bears the name, signature, picture or likeness of any elected federal, state or city official or of any candidate for federal, state or city elective office;
 - (2) Advertising which, by reason of design, format or subject matter, promotes or appeals to racial, religious or ethnic prejudice or violence;
 - (3) Advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character;
 - (4) Advertising which promotes any illegal, indecent or immoral purpose; and
 - (5) Advertising of any product or service which is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.

- (b) Six standard advertising spaces inside each city transit bus shall be made available for announcements of a public service, civic or charitable nature. Three of the spaces shall be made available free of charge to organizations exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code.

A tax-exempt organization shall not be denied the use of advertising space in a city transit bus solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax exempt organization.

For the purpose of this subsection, "standard advertising space" means a space 11 inches wide and 28 inches long.

- (c) The department shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rules adopted in accordance with HRS Chapter 91.

(Added by Ord. 91-27; Am. Ord. 97-02, 08-20)

Sec. 13-6.10 Advertising on exterior of city transit buses.

- (a) Except as otherwise provided under subsection (b) of this section, no advertising shall be allowed on the exterior of a city transit bus.
- (b) Any word, phrase or logo identifying the city, department, transit management services contractor, or trade name of the city bus system may be placed on the exterior of a city transit bus.
- (c) Any letter, word, phrase or number on the exterior of a city transit bus which identifies the route, origin, destination or fleet inventory designation of the bus shall not be deemed advertising prohibited under this section.

(Added by Ord. 91 27; Am. Ord. 96-30, 97-02, 08-20)

Sec. 13-6.11 Advertising on city bus passes.

- (a) The department, through the department of budget and fiscal services, may allow advertisements on bus passes issued under the city bus system fare structure.
- (b) The types of advertising that are not permitted on the inside of city bus transit buses are not permitted on city bus passes.
- (c) The department may offer discounted advertising rates to businesses within a one-half-mile radius of a bus or rail route.
- (d) The department shall adopt rules pursuant to HRS Chapter 91 for the administration and implementation of this section, including establishing the rates for the advertising space on city bus passes.

(Added by Ord. 93-69; Am. Ord. 97-02, 08-20, 17-1)

Sec. 13-6.12 Logo of city bus system.

- (a) The department may adopt an official logo for the city bus system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city bus system.

- (b) If necessary, the department shall copyright the adopted bus system logo under federal law and register its copyrighted ownership. The department may request the department of budget and fiscal services to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the bus system logo to raise revenues for the city bus system. A copy of each contract relating to the use of the bus system logo shall be sent to the city clerk within 30 days of execution of the contract.
- (c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the bus system logo without the express written approval of the department shall be guilty of a misdemeanor.
- (Added by Ord. 97-02; Am. Ord. 08-20)

Article 7. Transit Voucher Program

Sections:

13-7.1 Transit voucher program.

Sec. 13-7.1 Transit voucher program.

- (a) There shall be established as part of the city bus system a transit voucher program which will provide for the sale of transit vouchers to employers in the City and County of Honolulu. The department may establish a price for the transit vouchers consistent with the amount employers are allowed to provide each employee as a tax-free benefit for transit commuting costs pursuant to Internal Revenue Code, 26 U.S.C. Section 132. The department may adopt rules under this article in accordance with HRS Chapter 91 to implement the program. The program shall include, but not be limited to, the following elements:
- (1) Development and dissemination of public information to inform commuters and employers in the City and County of Honolulu of the transit voucher program;
 - (2) Development and sale of transit vouchers to employers in the City and County of Honolulu; and
 - (3) Redemption of transit vouchers for bus passes, or any form of bus fare payment coupons, tokens or remaining credit on approved cards at satellite city halls and other convenient locations in the City and County of Honolulu where bus passes, or any form of bus fare payment tokens, coupons or approved cards are sold.
- (b) The department may extend the transit voucher program to alternate modes of commuter transit which may be operated under the authority of the department and to coordinate the transit voucher program with alternate modes of commuter transit which are operated by other companies or agencies.
- (Added by Ord. 93-22; Am. Ord. 97-02, 03-27, 08-20)

Article 8. Transit Management Services Contractor

Sections:

- 13-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor.**
- 13-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor.**
- 13-8.3 Contract for management, operation, and maintenance of city bus system and special transit service.**
- 13-8.4 Obligations and responsibilities of transit management services contractor.**
- 13-8.4A Obligations and responsibilities of the special transit service contractor if other than the transit management services contractor.**
- 13-8.5 Obligations and responsibilities of the department.**
- 13-8.6 Collective bargaining agreements with bus and special transit service personnel.**
- 13-8.7 Performance audit.**
- 13-8.8 Prohibition on use of bus or special transit service personnel for other than official duties.**
- 13-8.9 Integration of city bus system and special transit service.**

Sec. 13-8.1 Authority to contract with a private, nonprofit corporation to serve as transit management services contractor.

The council makes the following findings:

- (1) The City and County of Honolulu is a body politic and corporate;
- (2) As a body politic and corporate, the City and County of Honolulu may exercise functions expressed in or necessarily implied from authority granted by the State of Hawaii;
- (3) HRS Chapter 51 gives each county the “power to provide mass transportation service, whether directly, jointly or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner”;
- (4) The department is:
 - (A) An agency of the city and a body politic and corporate in itself; and
 - (B) Charged by the city with the proprietary function of providing mass transportation service for the people of the City and County of Honolulu;
- (5) The “mass transportation service” which may be provided by the department pursuant to the charter and ordinance consists of city bus and special transit service;
- (6) The department’s procurement of services from a private, nonprofit corporation to manage the city bus and special transit service is necessary to:
 - (A) Provide the mass transportation service in the most efficient and effective manner and in accordance with sound management practices; and
 - (B) Preserve and provide continuity in the rights, interests and labor relations status of bus and special transit service personnel;
- (7) The City and County of Honolulu, through a city agency, has the power to effectuate the formation of and contract with a private, nonprofit corporation to serve as the transit management services contractor for the following reasons:
 - (A) HRS Chapter 51 confers broad authority upon the city to provide mass transportation service;
 - (B) HRS Chapter 51 authorizes the city to provide mass transportation service under contract with a private party;
 - (C) The power to effectuate the formation of and contract with a private, nonprofit corporation to provide mass transportation service, as a proprietary function, is necessarily implied under HRS Chapter 51; and
 - (D) State law does not expressly prohibit the city from effectuating the formation of and contracting with a private, nonprofit corporation; and
- (8) The public interest is further advanced by expressly conferring upon the department the power to effectuate the formation of and contract with a private, nonprofit corporation to manage, operate, and maintain the city bus system and special transit service.

(Added by Ord. 96-30; Am. Ord. 08-20)

Sec. 13-8.2 Retention of private, nonprofit corporation to serve as transit management services contractor.

- (a) The department shall:
 - (1) Retain the private, nonprofit corporation that was formed at the request of the department pursuant to ordinance, and which served as the bus management services contractor since January 1, 1993; and
 - (2) Enter into a transit management services contract with such private, nonprofit corporation.

To fulfill the city’s requirements, the department shall expand the obligations and responsibilities of the private, nonprofit corporation in accordance with this section.
- (b) As a condition of the transit management services contract, the private, nonprofit corporation shall provide in its articles of incorporation that:
 - (1) The purpose of the corporation is to manage, operate, and maintain the city bus system. The purpose of the corporation may include management, operation, and maintenance of the special transit service and other transit-related services on behalf of and for the city;
 - (2) The election of directors of the corporation will be subject to the approval of the department, which approval will not be unreasonably withheld;

- (3) The department may remove any director of the corporation when the department determines that the removal is required to fulfill the best interests of the city bus system or special transit service; and
- (4) The corporation shall conform with applicable ordinances.
- (c) From April 1, 1997, the private, nonprofit corporation will be deemed the transit management services contractor, and may be deemed the special transit service contractor for the purposes of this chapter.
- (d) This section is not to be construed as precluding the department from contracting with others to provide bus and special transit services to supplement the city bus and special transit systems.

(Added by Ord. 96-30; Am. Ord. 08-20, 17-52)

Sec. 13-8.3 Contract for management, operation, and maintenance of city bus system and special transit service.

- (a) In accordance with Sections 13-8.1, 13-8.2, 13-6.2, and 13-4.1, the department shall contract with the private, nonprofit corporation to manage, operate, and maintain the city bus system, and may contract with the private, nonprofit corporation to manage, operate, and maintain the special transit service on behalf of the city. Under the contract, the private, nonprofit corporation:
 - (1) Shall be an independent contractor in relation to the city;
 - (2) Shall be the employer of record of bus personnel, who shall be deemed employees of the private, nonprofit corporation under 29 USC Section 152(3), and who shall not be deemed public employees under HRS Chapter 89. The private, nonprofit corporation shall also be deemed the employer of record of special transit service personnel should the contractor be retained under contract to manage, operate, and maintain the special transit service on behalf of the city;
 - (3) Shall be deemed an instrumentality of the city for appropriate purposes other than for labor and employment purposes;
 - (4) Shall manage, operate, and maintain the city bus system and special transit service, as applicable, in the most efficient and effective manner and in accordance with sound management practices; and
 - (5) Shall have no purpose, except the management, operation, and maintenance of the city bus system and special transit service, as applicable, and the provision of transit-related services on behalf of and for the city.
- (b) The term of the contract will be set by the department, provided that such term cannot be less than five years. The term may encompass a fiscal period for which council appropriations are unavailable. If so, the contract must include conditions specifying that:
 - (1) The term of the contract is subject to the availability of council appropriations;
 - (2) The council is not obligated to appropriate funds for the contract; and
 - (3) The failure of the council to appropriate funds for the contract does not constitute a breach by the department or city.
- (c) For the purpose of Section 9-305 of the charter, inclusion in the contract of the conditions specified under subsection (b):
 - (1) Will be sufficient for approval by the director of budget and fiscal services as to the availability of funds for the contract; and
 - (2) Will be deemed a prohibition on extending the contract beyond the term of an appropriation to finance an obligation of the department.
- (d) Under the contract:
 - (1) Reimbursements to the private, nonprofit corporation for the operation and maintenance expenses of the city bus system and special transit service will not be deemed income or profit of the corporation;
 - (2) Reimbursements for expenses incurred by the corporation's directors and officers in the performance of official duties:
 - (A) Will be deemed operation expenses of the city bus system or special transit service, as applicable; and
 - (B) Will not be deemed a distributed share of the income or profit of the corporation; and
 - (3) The operating revenues derived from the city bus system and special transit service will be income of the city, not of the corporation.

(Added by Ord. 96-30; Am. Ord. 08-20, 17-52)

Sec. 13-8.4 Obligations and responsibilities of transit management services contractor.

- (a) Under the transit management services contract, the transit management services contractor, at a minimum, shall have the following general obligations and responsibilities for the city bus system and, if applicable, the special transit service, excluding any supplemental bus service or supplemental special transit service provided by the department:
- (1) Be directly responsible and accountable to the director for carrying out the policies established by the department for the management, operation, and maintenance of the city bus system and, if applicable, the special transit service;
 - (2) Provide sufficient and qualified personnel to manage the city bus system and, if applicable, the special transit service;
 - (3) Employ sufficient and qualified personnel for the city bus system and, if applicable, the special transit service, in accordance with applicable law and obligations;
 - (4) Manage the labor and personnel relations with all bus and, if applicable, special transit service personnel;
 - (5) Comply with all applicable labor and employment laws, including but not limited to 29 U.S.C. Section 158, 29 U.S.C. Section 185, and 49 U.S.C. Section 5333(b), and observe all applicable collective bargaining agreements and obligations pursuant to federal labor laws;
 - (6) Be responsible and accountable for all real and personal property furnished by the city to the contractor;
 - (7) Allow the department, managing director, and council to conduct financial and performance audits of the city bus system and, if applicable, the special transit service, and cooperate during the conduct of the audits;
 - (8) Recommend to the director annual operating and capital budgets in the format required by the department of budget and fiscal services;
 - (9) Collect revenues derived by the city bus system and, if applicable, the special transit service, and, on behalf of the department, transmit the revenues to the director of budget and fiscal services for deposit into the appropriate fund;
 - (10) Operate the city bus system in accordance with routes, schedules, and levels of service established pursuant to Section 13-6.1;
 - (11) If applicable, operate the special transit service in accordance with the policies and guidelines established pursuant to Section 13-4.1; and
 - (12) Maintain, inspect, and repair city transit buses; special transit service vehicles, if applicable; and other vehicles provided by the department.
- (b) The department may procure from the transit management services contractor, under the transit management services contract, other services, obligations, and responsibilities which are not contrary to this chapter.
(Added by Ord. 96-30; Am. Ord. 08-20, 17-52)

Sec. 13-8.4A Obligations and responsibilities of the special transit service contractor if other than the transit management services contractor.

- (a) If the special transit service contractor is an entity other than the transit management services contractor, the special transit service contractor, at a minimum, shall have the following general obligations and responsibilities for the special transit service, excluding any supplemental special transit service provided by the department:
- (1) Be directly responsible and accountable to the director for carrying out the policies established by the department for the management, operation, and maintenance of the special transit service;
 - (2) Provide sufficient and qualified personnel to manage the special transit service;
 - (3) Employ sufficient and qualified special transit service personnel in accordance with applicable law and obligations;
 - (4) Manage the labor and personnel relations with all special transit service personnel;
 - (5) Comply with all applicable labor and employment laws, including but not limited to 29 U.S.C. Section 158, 29 U.S.C. Section 185, and 49 U.S.C. Section 5333(b), and observe all applicable collective bargaining agreements and obligations pursuant to federal labor laws;
 - (6) Be responsible and accountable for all real and personal property furnished by the city to the contractor;
 - (7) Allow the department, managing director, and council to conduct financial and performance audits of the city special transit service and cooperate during the conduct of the audits;

- (8) Operate the special transit service in accordance with the policies and guidelines established pursuant to Section 13-4.1; and
 - (9) Maintain, inspect, and repair city special transit services vehicles, and other vehicles provided by the department.
 - (b) The department may procure from the special transit service contractor other services, obligations, and responsibilities that are not contrary to this chapter.
- (Added by Ord. 17-52)

Sec. 13-8.5 Obligations and responsibilities of the department.

- (a) Under the transit management services contract, the department shall have the following general obligations and responsibilities:
 - (1) Be responsible for paying the necessary and legitimate management, operation, and maintenance expenses of the city bus system and special transit service;
 - (2) Establish the routes, schedules, and levels of service for the city bus system as required under Section 13 6.1;
 - (3) Establish the policies and guidelines for the operation of the special transit service as required under Section 13-4.1;
 - (4) Ensure compliance with arrangements required by the federal Secretary of Labor pursuant to Section 13(c) of the Urban Mass Transportation Act, as amended, to protect the interests of bus personnel and, if applicable, special transit service personnel;
 - (5) Furnish to the contractor the use of the properties and facilities required to operate the city bus system and special transit service, which shall include the following:
 - (A) Maintenance facilities and shop equipment;
 - (B) City transit buses and support vehicles;
 - (C) Special transit service vehicles;
 - (D) Offices, office equipment, furniture, and fixtures; and
 - (E) Data processing equipment; and
 - (6) Have the right to perform financial and management audits of the city bus system, special transit service, and transit management services contractor.
 - (b) The department may assume, under the transit management services contract, other obligations and responsibilities which are not contrary to this chapter.
- Under no circumstances, however, shall the department assume any obligation or responsibility which may jeopardize the private employment status of bus or special transit service personnel and their coverage under the National Labor Relations Board.

(Added by Ord. 96-30; Am. Ord. 08-20)

Sec. 13-8.6 Collective bargaining agreements with bus and special transit service personnel.

- (a) With respect to collective bargaining agreements with bus and special transit service personnel:
 - (1) The transit management services contractor shall be the employer which shall have all responsibilities and prerogatives of an employer, as defined in 29 USC Section 152(2), in dealing with labor organizations;
 - (2) The transit management services contractor shall advise the department of significant labor relations developments, but shall not be bound by any recommendations or advice of the department;
 - (3) The department shall not have the power to approve or disapprove any collective bargaining agreement negotiated by the transit management services contractor or any of the terms contained therein; and
 - (4) All cost items shall be negotiated or established by the transit management services contractor, subject to funding limits established by the council through the budget process.
- (b) Applicable collective bargaining agreements may include provisions concerning personnel who retired from service with the bus management services contractor or any predecessor thereof, subject to funding limits established by the council through the budget process.

- (c) In the event that an impasse in collective bargaining negotiations for a labor agreement covering bus or special transit service personnel exists, the transit management services contractor shall invoke the services of the Federal Mediation and Conciliation Service and engage in other good faith efforts to settle disputes with the assistance of any available governmental mediation or fact-finding resources, consistent with 29 USC Section 158(d).

(Added by Ord. 96-30; Am. Ord. 08-20)

Sec. 13-8.7 Performance audit.

- (a) The department shall conduct an audit of the performance of the city bus system and special transit service at intervals deemed appropriate by the department, to supplement ongoing financial, regulatory compliance, and performance reviews, and audits conducted by federal, state and local entities; provided that an audit must be conducted at least once every five years. Audits conducted by the department under this section must be submitted to the mayor and council within 180 days of completion.
- (b) This section is not to be construed as preventing the council or managing director from conducting a performance audit of the city bus system or special transit service when deemed necessary.

(Added by Ord. 96-30; Am. Ord. 08-20, 17-52)

Sec. 13-8.8 Prohibition on use of bus or special transit service personnel for other than official duties.

- (a) The transit management services contractor or principal of the contractor shall not direct or allow bus or special transit service personnel, during hours of employment for the contractor, to perform duties:
 - (1) Which are not required for the operation or maintenance of the city bus system or special transit service; and
 - (2) Which benefit, in an individual capacity:
 - (A) Any principal of the contractor; or
 - (B) Any director, officer, or employee of the department.
- (b) Any compensation to bus or special transit service personnel for the performance of duties prohibited under this section shall not be a necessary and legitimate expense payable by the city.
- (c) For the purpose of this section, "principal of the contractor" means a director or officer of the transit management services contractor.

(Added by Ord. 96-30; Am. Ord. 08-20)

Sec. 13-8.9 Integration of city bus system and special transit service.

- (a) Any of the services to be provided by the transit management services contractor under this chapter may be provided either by the transit management services contractor or by a private entity which is under contract with the transit management services contractor, and all references to the transit management services contractor in this chapter shall be deemed to refer to the transit management services contractor or to a private entity which is under contract with the transit management services contractor.
- (b) Except if expressly provided otherwise, this chapter shall not require the transit management services contractor to maintain any particular degree of separation between the city bus system and special transit service. If deemed necessary or desirable for the public interest, the transit management services contractor may integrate all or part of the operations of the city bus system and special transit service. The integration may include the sharing of facilities, vehicles, equipment, materials, supplies, personnel, and administrative services, subject to applicable laws and contractual obligations.

(Added by Ord. 96-30; Am. Ord. 08-20)

Article 9. Transit Stations

Sections:

- 13-9.1 Application.**
- 13-9.2 Requirement.**
- (13-9.3 Transit oriented development ordinance. Repealed by Ord. 09-4.)**
- 13-9.3 Reserved.**

Sec. 13-9.1 Application.

This article applies to the development of any transit station for a rail transit system should such a system be selected as the locally preferred alternative for Honolulu pursuant to the requirements of the Federal Transit Administration, U. S. Department of Transportation.

(Added by Ord. 06-50)

Sec. 13-9.2 Requirement.

Prior to:

- (1) The adoption of a public infrastructure map symbol for a transit station pursuant to Chapter 4, Article 8;
or
- (2) The budgeting of any funds for the construction of a transit station in the capital improvement budget; whichever comes first, a transit oriented development ordinance shall first have been enacted that regulates development in the area of the transit station.

(Added by Ord. 06-50)

(Sec. 13-9.3 Transit oriented development ordinance. Repealed by Ord. 09-4)

Sec. 13-9.3 Reserved.

Article 10. City Ferry System

Sections:

- 13-10.1 City ferry system.**
- 13-10.2 Contract for management, operation and maintenance of city ferry system.**
- 13-10.3 Operating revenues.**
- 13-10.4 Advertising inside city ferries.**
- 13-10.5 Advertising on exterior of city ferries.**
- 13-10.6 Logo of city ferry system.**

Sec. 13-10.1 City ferry system.

- (a) The department shall be responsible for the operation and maintenance of the city ferry system:
 - (1) In accordance with the charter, this chapter, and other applicable ordinances; and
 - (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.
- (b) Subject to council appropriations, the department shall establish the routes, schedules and levels of service of the city ferry system. The routes, schedules and levels of service shall be in conformance with the short-range transit plan and any update.
- (c) Fares for passengers of the city ferry system shall be as established under Article 2. The department shall not:
 - (1) Charge a single cash fare, monthly bus pass fare or bus token, coupon or approved card fare, which differs from that established or permitted under Article 2;
 - (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
 - (3) Charge a fee for the issuance of a bus pass, unless expressly authorized under Article 2.

- (d) The department shall have the power to establish or designate park-and-ride facilities to be served by the city bus system and/or the city ferry system. Park-and-ride facilities established or designated by the department shall be:
- (1) In conformance with the short-range transit plan and any update; and
 - (2) In compliance with development plan and zoning ordinances and maps, the building code, fire code, and other applicable laws or ordinances concerning land use, planning and building construction.
- Park-and-ride facilities “established” by the department mean facilities under the management of the department. Park-and-ride facilities “designated” by the department mean those which, although served by the city bus system or the city ferry system, are not under the management of the department.
- (Added by Ord. 07-13; Am. Ord. 08-20)

Sec. 13-10.2 Contract for management, operation and maintenance of city ferry system.

The department shall contract a private company to manage, operate, and maintain the city ferry system on behalf of the city.

(Added by Ord. 07-13; Am. Ord. 08-20)

Sec. 13-10.3 Operating revenues.

- (a) All operating revenues derived from the city ferry system shall be public funds. “Operating revenues derived from the city ferry system” include revenues from:
- (1) Cash fares;
 - (2) Contracts authorizing the use of the city ferry system logo as provided in Section 13-10.6;
 - (3) Advertising spaces in city ferries; and
 - (4) Rental or lease of or concessions on real property managed by the department or ferry management services contractor and used for the city ferry system.
- (b) Operating revenues derived from the city ferry system shall be deposited into the highway fund.

(Added by Ord. 07-13; Am. Ord. 08-20)

Sec. 13-10.4 Advertising inside city ferries.

- (a) The department, through the department of budget and fiscal services, may rent or let advertising spaces inside city ferries; provided, that the following types of advertising shall not be accepted:
- (1) Advertising which bears the name, signature, picture or likeness of any elected federal, state or city official or of any candidate for federal, state or city elective office;
 - (2) Advertising which, by reason of design, format or subject matter, promotes or appeals to racial, religious or ethnic prejudice or violence;
 - (3) Advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character;
 - (4) Advertising which promotes any illegal, indecent or immoral purpose; and
 - (5) Advertising of any product or service which is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.
- (b) Standard advertising spaces inside each city ferry shall be made available for announcements of a public service, civic or charitable nature. Fifty percent (50%) of the spaces shall be made available free of charge to organizations exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code.
- A tax-exempt organization shall not be denied the use of advertising space in a city ferry solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax-exempt organization.
- For the purpose of this subsection, “standard advertising space” means a space 11 inches wide and 28 inches long.
- (c) The department shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rules adopted in accordance with HRS Chapter 91.

(Added by Ord. 07-13; Am. Ord. 08-20)

Sec. 13-10.5 Advertising on exterior of city ferries.

- (a) Except as otherwise provided under subsection (b), no advertising shall be allowed on the exterior of a city ferry.
- (b) Any word, phrase or logo identifying the city, department, transit management services contractor, or trade name of the city ferry system may be placed on the exterior of a city ferry.
- (c) Any letter, word, phrase or number on the exterior of a city ferry which identifies the route, origin, destination or fleet inventory designation of the ferry shall not be deemed advertising prohibited under this section.

(Added by Ord. 07-13; Am. Ord. 08-20)

Sec. 13-10.6 Logo of city ferry system.

- (a) The department may adopt an official logo for the city ferry system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city ferry system.
- (b) If necessary, the department shall copyright the adopted ferry system logo under federal law and register its copyrighted ownership. The department may request the department of budget and fiscal services to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the ferry system logo to raise revenues for the city ferry system. A copy of each contract relating to the use of the ferry system logo shall be sent to the city clerk within 30 days of execution of the contract.
- (c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the ferry system logo without the express written approval of the department shall be guilty of a misdemeanor.

(Added by Ord. 07-13; Am. Ord. 08-20)

Article 11. Use of Designated Transit Facilities

Sections:

13-11.1 Fee for use of designated transit facilities.

13-11.2 Rules.

Sec. 13-11.1 Fee for use of designated transit facilities.

- (a) Any group or organization that uses a designated transit facility identified in (b) shall pay to the city a fee of \$15.00 per hour for the use of the facility. The use of a designated transit facility shall require an attendant or custodian to open and close the facility.
- (b) For the purposes of this section, "designated transit facility" means the Mililani transit center community room.

(Added by Ord. 09-25)

Sec. 13-11.2 Rules.

The director shall adopt rules in accordance with HRS Chapter 91 for the implementation, administration, and enforcement of this article.

(Added by Ord. 09-25)

Article 12. Lying Down at Bus Stops

Sections:

13-12.1 Declaration of legislative intent - Purpose.

13-12.2 Prohibition.

13-12.3 Penalty.

13-12.4 Department to post sign and may set demarcation line.

13-12.5 Rules.

Sec. 13-12.1 Declaration of legislative intent–Purpose.

The purpose of this ordinance is to prohibit, subject to exceptions, persons from lying down within bus stop areas.

The council of the City and County of Honolulu finds:

- (a) The city has invested significant public resources in the development and maintenance of city bus stops, including the benches and shelters that are intended to serve patrons of the city's bus system and are necessary to the city's provision of convenient and efficient bus service, which for many Oahu's residents, is an essential mode of transportation to get to and from work, to move about from place to place, and to access entertainment, goods, and services.
- (b) Bus stop areas are created and maintained for the primary purpose of enabling safe and convenient access to the city's bus system. Lying down in bus stop areas is not a customary use of a bus stop. Persons who lie down in bus stops impede and deter others from using the city's bus system; thus, they discourage residents from using the bus to get to and from work, and residents and visitors from using the bus system to get from place to place to access local shops, restaurants, entertainment, and goods and services.
- (c) The need to maintain access to the city's bus system through the bus stops is greatest during the hours from 4:00 a.m. of one day and 1:00 a.m. of the following day when the city's bus system is primarily in operation. Persons who lie down in bus stop areas during this period threaten their own safety and the safety of bus patrons, especially the elderly, disabled, vision-impaired, and children, who are put at increased risk when they are unable to safely sit or stand at a bus stop or safely board or alight from a city bus because persons are lying down in the bus stop area.
- (d) The prohibition against lying down in bus stop areas set forth in this ordinance leaves intact the individual's right to speak, protest or engage in other lawful activity in any bus stop area consistent with the individual's free speech rights. In addition, the prohibition contains exceptions for medical emergencies, and expressive activities, among others.
- (e) The council acknowledges that there are reasons why one might lie down in a bus stop area. The city has offered and continues to offer services to those engaged in lying down in a bus stop area who appear to be in need, or to those who request service assistance. However, in many cases, these persons refuse such services or continue the conduct despite the accessibility of these services. The city will continue to invest in services for those in need, and to make efforts to maintain and improve safety in bus stop areas for everyone. A law enforcement officer may not issue a citation to a person for a violation of this ordinance without first warning the person that lying down in a bus stop area is unlawful.
- (f) Bus patrons are discouraged from using bus stop areas if persons are lying down in the bus stop area or on the sidewalks immediately abutting the bus stop area, deterring and discouraging persons from accessing and using the city bus system as a means of transportation.

(Added by Ord. 18-5)

Sec. 13-12.2 Prohibition.

- (a) No person may lie down in a designated bus stop area, or on a tarp, towel, blanket, sleeping bag, bedding, chair, bench, tent floor, cardboard, or any other object or material located in a designated bus stop area, between the hours of 4:00 a.m. on one day and 1:00 a.m. of the following day.
- (b) Subsection (a) does not apply to any person:
 - (1) Unable to comply with the direction of a law enforcement officer given under subsection (c) due to a medical condition or emergency;
 - (2) Engaged in an expressive activity;
 - (3) Engaged in a maintenance, repair, or construction activity on behalf of a governmental entity or a public utility; or
 - (4) Under the age of six years old who is lying down in a baby carriage, stroller, or carrier, or is lying down while being held or carried by a person who is not lying down.
- (c) No person may be cited for a violation of this article unless the person continues to engage in the conduct prohibited by this article after having been notified by a law enforcement officer that the conduct is unlawful.
- (d) No person may raise as a defense to a prosecution under this article that they were participating in an expressive event or activity, unless they notified the law enforcement officer prior to or at the time of the citation that they were engaging in an expressive activity, or unless it would have been clearly evident to a reasonably observant person that the lying down was part of an expressive activity.

(Added by Ord. 18-5)

Sec. 13-12.3 Penalty.

A violation of this article is punishable by a fine of up to \$50 for each offense.

(Added by Ord. 18-5)

Sec. 13-12.4 Department to post sign and may set demarcation line.

The department shall post a sign at each designated bus stop area indicating that lying down within such area and facility is prohibited. This requirement may be fulfilled either by posting a new sign or by modifying an existing sign to provide notice of the prohibition.

(Added by Ord. 18-5)

Sec. 13-12.5 Rules.

The director may, pursuant to HRS Chapter 91, adopt rules having the force and effect of law for the implementation, administration, and enforcement of this article.

(Added by Ord. 18-5)