

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813
Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

Corp. Counsel
APPDOC
Rec. No. 10-08991
CYT

PETER B. CARLISLE
MAYOR



WAYNE Y. YOSHIOKA
ACTING DIRECTOR

DEPUTY DIRECTOR
KENNETH TORU HAMAYASU, P.E.
DEPUTY DIRECTOR

PT 387440

December 20, 2010

MEMORANDUM

TO: HONORABLE PETER B. CARLISLE, MAYOR

VIA: DOUGLAS S. CHIN, MANAGING DIRECTOR *DSChin*
CARRIE K. S. OKINAGA, ACTING CORPORATION COUNSEL
DEPARTMENT OF THE CORPORATION COUNSEL

FROM: WAYNE Y. YOSHIOKA, ACTING DIRECTOR
DEPARTMENT OF TRANSPORTATION SERVICES

SUBJECT: ADOPTION OF RULES AND REGULATIONS RELATING TO THE
PUBLIC USE OF DESIGNATED PUBLIC TRANSIT FACILITIES

We request your review and approval of the attached rules and regulations relating to the public use of designated public transit facilities.

A public hearing was held on April 7, 2010, in accordance with Chapter 91, Hawaii Revised Statutes. However, at the appointed time there were no members of the public in attendance. No written testimony was received.

Should you have any questions, please contact me at 768-8303

Wayne Y. Yoshioka
WAYNE Y. YOSHIOKA

10 DEC 21 09:27

RECEIVED
CORPORATION COUNSEL
C AND C OF HONOLULU

Attachment

Honorable Peter B. Carlisle, Mayor
December 20, 2010
Page 2

APPROVED AS TO FORM AND LEGALITY:

Kathleen A Kelly
for Carrie K. S. Okinaga, Acting Corporation Counsel

RECOMMEND APPROVAL:

DSM
Douglas S. Chin, Managing Director

APPROVED:

Peter B. Carlisle
Peter B. Carlisle, Mayor

TITLE 23

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

CHAPTER 2

PUBLIC USE OF DESIGNATED PUBLIC TRANSIT FACILITIES

Subchapter 1 General Provisions

- §23-2-01 Authority
- §23-2-02 Purpose and objective
- §23-2-03 Definitions
- §23-2-04 Methods whereby the public may obtain information
- §23-2-05 Submittals or requests for information
- §23-2-06 Information – public use of designated public transit facilities
- §23-2-07 to §23-2-10 (Reserved)

Subchapter 2 Public Use of Designated Public Transit Facilities

- §23-2-11 Applicability and scope
- §23-2-12 Fees
- §23-2-13 Parking
- §23-2-14 to §23-2-18 (Reserved)

**Subchapter 3 Public Use of Designated Public Transit Facilities –
General Rules**

- §23-2-19 General rules regarding public use of designated public transit facilities
- §23-2-20 Activities sponsored by community organizations, associations, groups or individuals

SUBCHAPTER 1

GENERAL PROVISIONS

§23-2-01 Authority. Pursuant to and by virtue of the authority set forth in Section 6-1703(d) of the Revised Charter of the City and County of Honolulu 1973 (2000 Ed.) (RCH), Section 13-11.2 of the Revised Ordinances of Honolulu 1990, as amended (ROH), and Chapter 91 of the Hawaii Revised Statutes (HRS), these Rules and Regulations relating to public use of designated public transit facilities are hereby established. [Eff. MAR 18 2011] Auth: RCH §6-1703(d), ROH §13-11.2, HRS §91-2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-02 Purpose and objective. The purpose of this chapter is to establish and promulgate rules pertaining to the City and County of Honolulu's public use of designated public transit facilities. [Eff. MAR 18 2011] Auth: RCH §6-1703(d), ROH §13-11.2, HRS §91-2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-03 Definitions. The following definitions shall apply to the provisions contained in these rules and regulations:

- (a) "Designated public transit facility" means the Mililani Transit Center.
- (b) "Applicant" shall mean the individual, group, organization or association which requests use of the Community Room for activities outlined in these rules and regulations.
- (c) "Attendant" shall mean an employee of the Department.
- (d) "Authorized Representative" shall mean any person legally or otherwise designated to act for the Director.
- (e) "Community Room" means the Mililani Transit Center community room.
- (f) "Department" shall mean the Department of Transportation Services, City and County of Honolulu.
- (g) "Director" shall mean the Director of the Department of Transportation Services, City and County of Honolulu.
- (h) "Fund-raising Activity" shall mean an event or activity sponsored and conducted by a Nonprofit Organization with all proceeds from the event or activity accruing to the Nonprofit Organization.
- (i) "Nonprofit Organization" shall mean an association, corporation or other entity, organized and operated exclusively for religious, charitable, scientific, literary, cultural, educational, recreational, or other nonprofit purposes, no part of the assets, income or earnings of which inures to the benefit of any individual or member thereof, and whose charter or other enabling act contains

a provision that, in the event of dissolution, the assets owned by such association, corporation or other entity shall be distributed to another association, corporation or other entity organized and operated exclusively for nonprofit purposes, and which further qualifies for exemption from the general excise tax provisions of Chapter 237, Hawaii Revised Statutes, as amended, and under Section 501 of the Internal Revenue Code of 1954, as amended. Such nonprofit organization must not merely be a sponsor of the event, production, attraction or activity being given, but must actively promote, produce, stage or conduct such event, production, attraction or activity.

(j) "Public Service Activity" shall mean a rally, blood drive, membership drive, blood pressure test, beautification project, public hearing, and other similar activities held to serve public interests. [Eff. MAR 18 2011] (Auth: RCH §6-1703(d), ROH §§13-11.1, 13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-04 Methods whereby the public may obtain information. The public may obtain information on matters within the jurisdiction of the Department by inquiring at:

(a) The Office of the City Clerk, City Hall, where all rules pertaining to the Department are on file.

(b) The Administrative Office of the Department of Transportation Services, City and County of Honolulu, Honolulu Municipal Building, 3rd Floor, 650 South King Street, Honolulu, Hawaii 96813. [Eff. MAR 18 2011] (Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-05 Submittals or requests for information. Inquiry may be made in person, telephone or by submitting a request for information to the Director, Department of Transportation Services, City and County of Honolulu, 650 South King Street, 3rd Floor, Honolulu, Hawaii 96813. [Eff. MAR 18 2011] (Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-06 Information – public use of designated public transit facilities. Information concerning the program can be obtained by calling 768-8305, Monday through Friday, 7:45 a.m. to 4:30 p.m., excluding holidays. [Eff. MAR 18 2011] (Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-07 to §23-2-10 (Reserved).

SUBCHAPTER 2

PUBLIC USE OF DESIGNATED PUBLIC TRANSIT FACILITIES

§23-2-11 Applicability and scope. These rules and regulations shall apply to individuals, groups, organizations or associations using designated public transit facilities under the control, maintenance, management and operation of the Department.

If any provision of these rules and regulations, or the application of such provision is held to be invalid, the remaining portions of these rules and regulations or the application of said portions shall not be affected. [Eff: MAR 18 2011] (Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-12 Fees. Any group or organization that uses a designated public transit facility shall pay to the City a fee of \$15.00 per hour for the use of the facility. The use of a designated public transit facility shall require an Attendant to open and close the facility. [Eff: MAR 18 2011] (Auth: RCH §6-1703(d), ROH §§13-11.1, 13-11.2) (Imp: RCH §6-1703(d), ROH §§13-11.1, 13-11.2, HRS §91-2)

§23-2-13 Parking. There is no designated parking available for the Community Room. Adjacent parking is under the jurisdiction of the Mililani Town Center. Applicants are encouraged to use public transportation. [Eff: MAR 18 2011] (Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-14 to §23-2-18 (Reserved).

SUBCHAPTER 3 PUBLIC USE OF DESIGNATED PUBLIC TRANSIT FACILITIES – GENERAL RULES

§23-2-19 General rules regarding public use of designated public transit facilities. (a) The Community Room, when not in use for scheduled Department activities, may be appropriately used by the public for activities including, but not limited to, Fund-raising Activities and Public Service Activities.

(b) The Community Room shall be used only for those activities deemed by the Department to be compatible with the purpose for which the Community

Room was designed. The Community Room may not be used for activities including, but not limited to, the following:

1. Activities that may cause injury to occupants or damage to the Community Room; or
2. Activities that pose a threat to public health and safety.

(c) The Community Room may not be used for private parties such as baby luaus, graduations and wedding parties, etc.

(d) Applicants desiring to use the Community Room shall submit a Community Room Application form to the Department at least three weeks prior to the requested date of use.

(e) The Community Room Permit may contain such terms and conditions which are consistent with protection and use of particular facilities or areas for the purpose for which it is established. The Community Room Permit may also contain terms and conditions that limit the equipment used and the time at which the event is allowed.

(f) Community Room Permits shall be issued pursuant to the provisions contained in these rules and regulations and any other applicable rules and regulations promulgated by the Director. Any violations of the provisions contained in the aforementioned rules and regulations or the terms and conditions of the Community Room Permit by the permittee, members of its group, officers, employees or agents shall constitute grounds for revocation of the Community Room Permit. Such a revocation shall be made in writing by the Director or the Authorized Representative, with the reason(s) clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension may be made by the Director or the Authorized Representative to be followed by written confirmation within 72 hours.

(g) Any person aggrieved by the revocation of a Community Room Permit may appeal first to the Director and then to the City Council. The time for initiating appeal shall be limited to 30 days, measured from the date the notice of revocation is mailed or presented by the Department to the aggrieved persons, at the last known address.

(h) Business organizations and individuals shall not be issued Community Room Permits to use the Community Room for profit-making purposes. This includes business organizations and individuals who organize sports leagues for profit or teach classes for profit, including, but not limited to, martial arts, physical fitness, acrobatics, or dance.

(i) Activities where donations or entry or registration fees are collected from participants for the purpose of defraying expenses incurred by the permittee in conducting the event or activity shall not require a special authorization, however, the Department may require a financial report if it deems necessary.

§23-2-19

(j) Activities where the public is charged an admission fee or where a donation is accepted for the purpose of realizing a profit shall be considered a Fund-raising Activity and shall require authorization. The Department may require a financial report if it deems necessary.

(k) Food and refreshment sales are not allowed in the Community Room. [Eff. MAR 18 2021] Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

§23-2-20 Activities sponsored by community organizations, associations, groups or individuals. (a) Religious groups who do not have a regular place of worship may use the Community Room for their religious activities provided their activities do not conflict with Department programs and staff is available. The Community Room may be used for religious purposes subject to time, place and manner restrictions as imposed by the Department. Applicants shall submit and obtain a Community Room Application and Community Room Permit.

(b) The Community Room may also be used for political activities subject to time, place and manner restrictions as imposed by the Department. Applicants shall submit and obtain a Community Room Application and Community Room Permit. [Eff. MAR 18 2021] Auth: RCH §6-1703(d), ROH §13-11.2) (Imp: RCH §6-1703(d), ROH §13-11.2, HRS §91-2)

DEPARTMENT OF TRANSPORTATION SERVICES

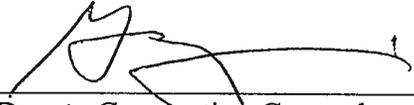
The Department of Transportation Services Rules and Regulations relating to the Public Use of Designated Public Transit Facilities for the Department of Transportation Services, City and County of Honolulu, were adopted on December 20, 2010, following a public hearing held on April 7, 2010, after public notice was given on March 8, 2010 and March 31, 2010 in the Honolulu Star Bulletin.

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

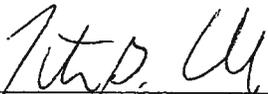
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU


WAYNE Y. YOSHIOKA, Acting Director

APPROVED AS TO FORM AND LEGALITY:

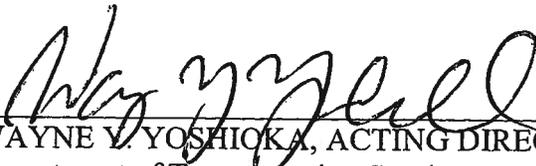

Deputy Corporation Counsel

APPROVED this 30th day of
December, 2010.


PETER B. CARLISLE, Mayor
City and County of Honolulu

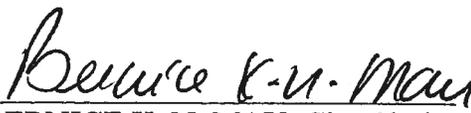
CERTIFICATION

I, WAYNE Y. YOSHIOKA, in my capacity as Acting Director of the Department of Transportation Services, City and County of Honolulu, do hereby certify that the foregoing is a full, true and correct copy of the Rules and Regulations relating to the Public Use of Designated Public Transit Facilities for the Department of Transportation Services, City and County of Honolulu, which were adopted on December 20, 2010 following a public hearing held on April 7, 2010 after public notice was given on March 8, 2010 and March 31, 2010 in the Honolulu Star Bulletin.



WAYNE Y. YOSHIOKA, ACTING DIRECTOR
Department of Transportation Services

Received this 8th day of
March, ~~2010~~ 2011



BERNICE K. N. MAU, City Clerk

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET, 3RD FLOOR
HONOLULU, HAWAII 96813

Phone: (808) 768-8305 • Fax: (808) 768-4730 • Internet: www.honolulu.gov

PETER B. CARLISLE
MAYOR



WAYNE Y. YOSHIOKA
DIRECTOR

KAI NANI KRAUT, P.E.
DEPUTY DIRECTOR

KENNETH TORU HAMAYASU, P.E.
DEPUTY DIRECTOR

March 2, 2011

MEMORANDUM:

TO: BERNICE K. N. MAU, CITY CLERK
OFFICE OF THE CITY CLERK

FROM: WAYNE Y. YOSHIOKA, DIRECTOR
DEPARTMENT OF TRANSPORTATION SERVICES

SUBJECT: ADOPTION OF RULES AND REGULATIONS RELATING
TO THE PUBLIC USE OF DESIGNATED PUBLIC TRANSIT FACILITIES

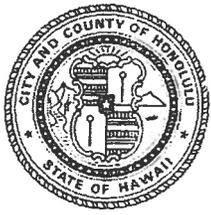
PT 406171
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CITY CLERK
C & C OF HONOLULU

Pursuant to Section 91-4, Chapter 91, Hawaii Revised Statutes, attached for your signature is the original copy of the Rules and Regulations Relating to the Public Use of Designated Public Transit Facilities.

Please send copies of the Rules and Regulations as required, to the Offices of the Lieutenant Governor and the Ombudsman, retain one copy for your office, and return the original to the Department of Transportation Services.

Should you need further information, please contact Eric Stoetzer at 768-8362.


WAYNE Y. YOSHIOKA



OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077 / TELEPHONE 768-3810

BERNICE K. N. MAU
CITY CLERK

March 8, 2011

The Honorable Brian Schatz
Lieutenant Governor
State of Hawaii
P.O. Box 3226
Honolulu, Hawaii 96813

Dear Lieutenant Governor Schatz:

Pursuant to Hawaii Revised Statutes, transmitted for filing are two copies of the amended rules and regulations of the Department of Transportation Services.

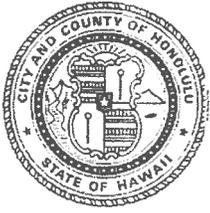
Sincerely,

A handwritten signature in cursive script that reads "Bernice K. N. Mau".

BERNICE K. N. MAU
City Clerk

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Enclosures



BERNICE K. N. MAU
CITY CLERK

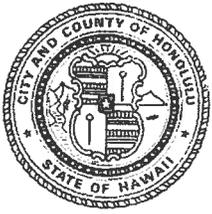
OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077 / TELEPHONE 523-4352

CERTIFICATE

I, BERNICE K. N. MAU, the duly appointed and qualified City Clerk of the City and County of Honolulu, State of Hawaii, do hereby certify that attached hereto is a copy of the amended rules and regulations of the Department of Transportation Services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City and County of Honolulu, Hawaii, to be affixed this 8th day of March 2011.


BERNICE K. N. MAU
City Clerk
City and County of Honolulu
State of Hawaii



OFFICE OF THE CITY CLERK
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077 / TELEPHONE 768-3810

BERNICE K. N. MAU
CITY CLERK

January 26, 2011

Mr. Wayne Yoshioka, Director
Department of Transportation Services
City and County of Honolulu
Honolulu, Hawaii 96813

Dear Mr. Yoshioka:

I am transmitting the original amendments to the rules and regulations of the Department of Transportation Services, City and County of Honolulu, filed by your department on March 8, 2011, and to take effect on March 18, 2011.

Sincerely,

A handwritten signature in black ink that reads "Bernice K. N. Mau". The signature is written in a cursive, flowing style.

BERNICE K. N. MAU
City Clerk

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Attachment