



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____
BILL 32(2023)

A BILL FOR AN ORDINANCE

RELATING TO PUBLIC TRANSIT.

BE IT ORDAINED by the People of the City and County of Honolulu:

SECTION 1. The purpose of this ordinance is to amend Chapter 15B, Revised Ordinances of Honolulu 2021 ("Public Transit") to incorporate rail service, update general provisions, and repeal outdated provisions.

SECTION 2. Section 15B-1.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended as follows:

1. By adding the following definitions:

"Act or ADA. The Americans with Disabilities Act of 1990 (Pub. L. 101-336, 104 Stat. 327, 42 U.S.C. 12101-12213 and 47 U.S.C. 225 and 611), as it may be amended from time to time."

"Accessible. With respect to vehicles and facilities, compliance with the accessibility requirements of parts 37 and 38 of Title 49 Code of Federal Regulations (CFR)."

"Bus Shelter. A structure with a roof or covering at a city designated bus stop where passengers are protected or shielded while they are waiting for a city bus."

"Capping. A function of the city payment card that allows the user of the card, without purchasing a day or month transit pass, to pay fares on a per-ride basis using the same card until the total fares paid equals the cost of a day or month transit pass and the card is not charged for subsequent fares for the remaining valid duration of the transit pass."

"City Bus Management Services Operator. The private, nonprofit corporation engaged, retained, or otherwise designated in accordance with this chapter to manage, operate, and maintain the city bus system, except where the city otherwise provides supplemental bus service or supplemental paratransit service. This term shall refer to the Transit Management Services Contractor referenced in Article 8 of this chapter."

"Minimum ADA Paratransit Service Area.

(1) For bus, origins and destinations within corridors with a width of three-fourths of a mile on each side of each fixed route that includes the area within a three-



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fourths of a mile radius at the ends of each fixed route, not falling within a corridor, but is entirely surrounded by corridors; and

(2) For rail, a circle with a radius of three-fourths of a mile around each station and an area of not more than one square mile at the end stations."

2. By amending the following definitions:

"Bus. [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.] A self-propelled rubber-tired vehicle intended for use on city streets, highways, and busways, including but not limited to minibuses, forty- and thirty-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses, used by public entities to provide designated public transportation service and by private entities to provide transportation service including, but not limited to, specified public transportation services. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses."

"Bus Personnel. Personnel employed by the [transit management services contractor] city bus management services operator exclusively or predominantly for the operation and maintenance of the city bus system."

"Expressive Activity. Has the same meaning as defined in [§ 29-15A.2 (d)-] § 13-15A.2 (d)."

3. By deleting the following definitions:

["Child. Any person five years of age or younger."]

["City Ferry. A ferry used in the city ferry system."]

["City Ferry System. 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; and

(2) Periodic or specially scheduled ferry service provided through the use of ferries for special events.]



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~~["**Ferry.** A marine vessel designed for carrying passengers and used for their transportation across water."]~~

~~["**Ferry Management Services Contractor.** The private entity hired by the city to provide ferry services."]~~

~~["**Ferry Personnel.** Persons employed by the ferry management services contractor for operations and maintenance of city ferries."]~~

SECTION 3. Chapter 15B, Article 3, Revised Ordinances of Honolulu 2021, is amended to read as follows:

**"Article 3: Activities Prohibited on [Public Conveyances]
Multimodal Municipal Transportation System"**

§ 15B-3.1 ~~[Activities prohibited on transit buses, on ferries, and special transit service vehicles—Authority of drivers—Violations.]~~ **Passenger code of conduct; prohibited activities; enforcement.**

- (a) For purposes of this section, the following definitions apply unless the context clearly indicates or requires a different meaning.

City Rail Station. A city transit system facility that is part of the city rail system where passengers may board or alight a train. The station includes designated paid fare area, boarding platforms, and passenger concourses.

Disability. Has the same meaning as defined in 49 CFR § 37.3.

Individual with a Disability. Has the same meaning as defined in 49 CFR § 37.3.

Multimodal Municipal Transportation Facility or City Transit System Facility. Includes all land, property, structure, or equipment for providing public transit services as part of the public transportation systems of the city. Transit facilities include, but are not limited to, bus shelters, repair and maintenance facilities; bus transit stations or centers; rail stations, elevators, escalators and adjoining stairways and ramps; rail repair and maintenance facilities; rail platforms, guideways, guideway piers, auxiliary buildings; rail transit stations or centers; turn around loops; parking installations, park and ride facilities; and passenger shelters (including the space below the roofline of any shelter), ramps, and pedestrian bridges connecting rail stations; with the primary



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purpose of the operation or support of a public transit vehicle or providing transportation services to passengers on a city transit system vehicle."

Service Animal. ~~[Has the same meaning as defined in 49 CFR § 37.3.]~~ Any guide dog, signal dog, or other animal individually trained and certified to work or perform tasks for an individual with a disability, including, but not limited to, guiding individuals with impaired vision, alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items, and shall have the same meaning as ascribed to that term in 49 CFR § 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, 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, city ferry, or special transit vehicle if requested to do so by the driver of the bus or vehicle, operator of the ferry, 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 that 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 that prevents the sound produced or emitted from being audible to other passengers.~~



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~~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 § 339-1, in or from the bus, vehicle, or 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 that 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;~~



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- (7) ~~Spitting, expectorating, urinating, or defecating in, on, or from the bus, vehicle, or 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, 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, vehicle, or 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, 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 from liquor or drugs;~~
 - (2) ~~When the person is engaged in activities that, if such activities occurred in the bus, vehicle, or ferry, would violate subsection (b) if conducted in violation of the request of the driver, agent, or police officer;~~



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- (3) ~~When the person is engaged in activities that, if such activities occurred in the bus, 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, 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, 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, vehicle, or ferry, and the driver, operator, agent or any police officer may cause such person to be ejected from the bus, vehicle, or ferry. It shall be a violation of this section for a person to board a city transit bus, 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, 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.] It is a violation of this ordinance for any person to engage in the following conduct while on a city transit system vehicle or at a multimodal municipal transportation facility:~~

- (1) Carrying or possessing any live animals, except a service animal under the control of 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 that fit on a passenger's lap or under the seat in a manner that does not block the aisle in the city transit vehicle; provided that nothing in this subdivision shall be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes;
- (2) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS § 339-1, except into receptacles designated for that purpose;
- (3) Smoking an electronic or tobacco cigarette, cigar, pipe, or any other nicotine containing substance, or inhaling liquid vapor through use of a heated device, or carrying any heated, lighted, or smoldering substance,



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in any form, used for the purpose of delivering nicotine or nicotine related products, but not including nicotine products used to reduce nicotine addiction such as gum or patches;

- (4) 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; provided further that smoking a cigar, cigarette, electronic cigarette, or pipe on a city transit vehicle is strictly prohibited;
- (5) Using or playing any electronic device, musical instrument, or other sound-producing or sound-emitting device unless the device is connected to a headphone or earphone which limits the sound produced or emitted to the individual user; provided that nothing in this subdivision shall be construed as prohibiting the driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system from using such devices for official business;
- (6) Throwing or placing hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon, or in close proximity to any city transit system vehicle or city transit system facility that is combustible or liable to damage by heat, fire, or explosion;
- (7) Spitting, expectorating, urinating or defecating in, on or from any city transit vehicle or city transit facility; 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 any city transit vehicle, or the performance of official duties by any driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system driver;



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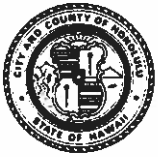
- (9) Harassment and Intimidation:
- (A) No person shall engage in harassment or intimidation through a course of conduct, including violent, threatening or disruptive behavior or conduct intended and likely to provoke a violent response, which places another person in reasonable fear of imminent physical harm, including, but not limited to, following such person around or about a city transit vehicle, designated paid fare area, or city transit facility, or by preventing or delaying the movement or departure of such person through coercion or intimidation; or
 - (B) No person shall continue a course of conduct that may reasonably be expected to result in fear, alarm, or serious offense to other passengers or city employees working on the multimodal municipal transportation system, or any other agent or operator of the city transit system, after having received a lawful directive to cease such conduct or depart the city transit system vehicle or city transit system facility by a driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system, or any police officer.
 - (C) No person shall propel saliva, blood, urine, semen, feces or other dangerous substance at a city employee working on the multimodal municipal transportation system, or any other agent or operator of the city transit system.
- (10) When boarding a city transit vehicle or entering a city rail station or entering a designated paid fare area, knowingly failing or refusing to pay the full applicable fare for transportation or presenting a valid pass, identification card, or other fare medium for transportation on or within the city transit system;
- (11) Displaying or offering for sale, selling or distributing goods or services without prior written authorization from the department;
- (12) Soliciting or begging for money or anything of value;
- (13) Refusing or failing to immediately cease and desist from doing any activity in violation of this section after being requested to do so by the driver of a



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city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system, or any police officer;

- (14) Refusing or failing to immediately exit a city transit system vehicle or city rail station after being requested to do so by the driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system, or any police officer.
- (15) Knowingly enters or remains unlawfully in or upon city transit system facilities or premises that:
- (A) Are fenced or enclosed in a manner designed to exclude the general public; or
 - (B) Have a sign or signs displayed on the facilities or premises to give reasonable notice and reads as follows: "Private Property – No Trespassing," "City and County of Honolulu Property – No Trespassing," or a substantially similar message; provided that the signs shall contain letters no less than two inches in height and shall be placed at reasonable intervals no less than three signs to a mile along the boundary line of the land, where applicable, or in a manner and position as to be clearly noticeable at the entrance way, from outside the boundary line.
- (16) Knowingly opens or unfastens on any city transit system vehicle or in a multimodal municipal transportation facility, or city transit system facility any door, panel, cabinet, closet, locker, or similar facility structure, or turns on or off or manipulates any switch, lever, or mechanism, that is prohibited from access by the general public.
- (c) It is a violation of this ordinance for any person to engage in the following conduct while on a city transit system vehicle:
- (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;



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- (2) Failing or refusing to vacate seats designated as priority seating for those qualified for senior fares or for use by individuals with disabilities, or the fold down or other movable seat area designated for wheelchair securement, on a multimodal municipal transportation vehicle when requested to do so by the driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system, or any 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 operator or other agent of the city transit system to enforce a request that other passengers move from the priority seating area or wheelchair securement area;
- (3) Occupying more than one seat, including placing objects, belongings, shoes, or feet on adjoining seats; or
- (4) Storing belongings, baggage, and oversized and bulky items in the aisles of the city transit system, or in a manner that protrudes into another seat, otherwise interferes with, or causes discomfort to other passengers; provided that storage of such items is authorized on city transit vehicles equipped with designated storage areas.
- (d) Carriages or Strollers.

 - (1) City rail vehicle. After boarding a city rail vehicle, a carrier or stroller must be folded and stowed in a manner not to impede other passengers, unless it is occupied by a child. A child may be permitted to travel on a city rail vehicle in a carriage or stroller only under the following circumstances:

 - (A) There is adequate space in the priority seating area for the carriage or stroller;
 - (B) The carriage or stroller will not block the aisle or otherwise impede passengers; and
 - (C) The carriage or stroller must remain under the control of an adult at all times, and parked with its brakes locked (if brakes are available).



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- (2) City transit bus. After boarding a city transit bus, the child must be removed from the carriage or stroller and transferred to a seat (or held by an adult), and the carriage or stroller must be folded and stowed out of the way so that it does not impede passengers.
- (3) Whenever an older adult or person with a disability wishes to sit in the priority seating area, or whenever the driver of a city bus or operator of the multimodal municipal transportation vehicle recognizes that the person has a right to sit in the priority seating area, the operator shall instruct the adult responsible for the carriage or stroller that:
 - (A) The child must be removed from the carriage or stroller and transferred to a seat (or held by an adult); and
 - (B) The carriage or stroller must be folded and stowed out of the way so that it does not impede passengers.
- (e) Commercial shopping cart.
 - (1) No person shall bring or carry a commercial shopping cart aboard any multimodal municipal transportation vehicle. Non-commercial, individual-sized grocery storage carts not exceeding 18 inches deep, 18 inches wide and 30 inches high (excluding wheels and handles), are allowed; provided that they do not block aisles, stairways, or doorways.
 - (2) No person shall abandon a commercial shopping cart upon a multimodal municipal transportation facility.
- (f) Animals.
 - (1) No person shall bring or carry aboard a multimodal municipal transportation vehicle or be present in or upon a multimodal municipal transportation facility with an animal except:
 - (A) Service animals. A person is accompanied by or is training a service animal, so long as the animal is under the control of its handler, housebroken and restrained by a leash, harness, or other device made for the purpose of controlling the movement of an animal. A service animal may be carried on its handler's person but may not occupy a separate seat.



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(B) Pets. A person is transporting a pet if:

- (i) The animal is kept and held at all times within a secure container appropriate and constructed for carrying the size and type of animal;
- (ii) The container does not block an aisle, stairway or doorway;
- (iii) The animal can be transported without risk of injury to the animal and without risk of harm or inconvenience to other passengers or multimodal municipal transportation personnel; and
- (iv) The animal can be transported in accordance with all other provisions of this article.

(C) Police dogs. A trained police dog is accompanied by an officer.

(g) The driver of a city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, or any other agent of the city transit system, or any police officer may refuse to allow any person to board a city transit system vehicle when:

- (1) The person appears to be intoxicated;
- (2) The person is engaged in activities that, if such activities occurred in the city transit system vehicle, would violate the provisions of this section, or any other law;
- (3) It appears that the person intends to engage in an activity on a city transit system vehicle that is in violation of this ordinance; or
- (4) The person is younger than five years of age and is not accompanied by a fare-paying passenger, a city employee, or an employee of any transit management services operator.

(h) The driver of any city bus, operator of any city transit system vehicle, city employee working on the multimodal municipal transportation system, including a contracted security officer, or any other agent of the transit system, or any police officer may refuse to transport any such person who has already boarded the city transit system vehicle or entered a city rail station, and the driver, operator,



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employee, contracted security officer, any other agent, or any police officer may cause such person to be ejected from the city transit system vehicle or city rail station or facility. It shall be a violation of this ordinance for a person to board a city transit system vehicle after being requested not to do so by the driver, operator, employee, contracted security officer, or any other agent of the transit system, or police officer for the reasons specified in this section.

- (i) Enforcement. Any authorized police officer, upon arresting a person for a violation of this section, 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 police 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 system vehicle or city rail station, as determined by the driver of any city bus, operator of any city transit system vehicle, any other agent of the transit system, or a police officer if the officer is on the city transit system 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.
- (j) There shall be provided for use by duly authorized special officers, including but not limited to contracted security officers and agents of the city transit system, or 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



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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 the original.

- (l) The chief of police shall commission special officers, including but not limited to contracted security officers and agents of the city transit system, who are designated by the director of the department of transportation services to issue citations for fare evasion within the city transit system.
- (m) 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.

§ 15B-3.2 Signs required.

The department shall require the conspicuous display within each [~~city transit bus, city ferry, and special transit service vehicle~~] city transit system vehicle of a sign clearly [~~setting forth~~] describing all of the prohibitions [~~of § 15B-3.1~~] set forth in this article.

§ 15B-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.

~~[§ 15B-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, city ferry, or special transit service vehicle that is combustible or liable to damage by heat, fire, or explosion.]~~

§ 15B-3.5 Penalty.

- (a) Any person [violating § 15B-3.1(b)(1), (b)(2), (b)(3), (b)(4), or (b)(5)] committing or aiding, abetting, or assisting in any manner another person in violating [any of such] one or more provisions of this ordinance [shall, upon conviction thereof, be



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~~fined in an amount not exceeding \$100 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.]~~ may be subject to either:

- (1) Criminal prosecution, which may result in a court-ordered fine not exceeding \$500 or imprisonment for a period not exceeding six months, or both; or
 - (2) Civil penalties imposed by the department pursuant to rules adopted in accordance with HRS Chapter 91, which may include fines or suspension of transportation services on the city transit system as allowed by law.
- (b) ~~[Any person violating § 15B-3.1(b)(6), (b)(7), (b)(8), (b)(9), or (b)(10), 15B-3.1(c), 15B-3.3, or 15B-3.4, or aiding, abetting, or assisting in any manner another person to violate any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$500 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.]~~ Notwithstanding any provision to the contrary in this section, any person who makes, sells, issues, or knowingly uses or possess any imitation or counterfeit transit pass, coupon, or city payment card shall be fined not more than \$2,000 or imprisoned for not more than one year, 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, ~~[city ferry,]~~ city rail vehicle, or special transit service vehicle, as determined by the driver of the bus or ~~[vehicle,]~~ operator of the ~~[ferry,]~~ city transit system vehicle, or any other agent of the city transit system, or [a] any



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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 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) This article is in addition to and shall in no way limit the provisions of any other federal, State, or city law, ordinance, or rule."

SECTION 4. Section 15B-2.8, Revised Ordinances of Honolulu 2021, is repealed.

~~["§ 15B-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 or ferry fare, or both, shall be fined not more than \$2,000 or imprisoned for not more than one year, or both."]~~

SECTION 5. Section 15B-2.10 ("Transit fares for individuals with extremely low incomes"), Revised Ordinances of Honolulu 2021, as amended by Ordinance 22-35, is amended by amending subsection (d) to read as follows:



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"(d) Eligible individuals shall receive a city payment card programmed with fares as follows:

- (1) A single ride fare of \$1.25;
- (2) A daily maximum capped fare of \$3; [and]
- (3) A monthly maximum capped fare of \$20; and
- (4) An annual pass fare of \$45."

SECTION 6. Chapter 15B, Revised Ordinances of Honolulu 2021 ("Public Transit"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Article __. City Transit System

§ 15B-__1 General Provisions.

- (a) The department may adopt rules in accordance with HRS Chapter 91 to implement this chapter.
- (b) City payment card is accepted on all modes throughout system and is the sole accepted form of payment on the city rail system. The department may program and issue city payment cards for specific discounted users, including but not limited to senior citizens, youth, and persons considered an individual with a disability.
- (c) To use the city transit system, prior to boarding or entering a designated paid fare area, a person must pay the full applicable fare or present a valid transit pass, identification card, city payment card, or other fare medium for transportation on or within the city transit system; provided that when paying a cash fare, a passenger may overpay the fare, but shall not receive any change if doing so.
- (d) Fares for passengers of the city transit system shall be as established under this chapter. The department shall not:



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- (1) Charge or collect a single cash fare, transit pass fare or bus token, coupon or city payment card, which differs from the fares established or permitted under this chapter;
 - (2) Charge or collect a fare when this chapter or adopted City Council resolution exempts a passenger from payment of a fare; or
 - (3) Charge a fee for the issuance of a transit pass, unless expressly authorized under this chapter.
- (e) The department is authorized to establish and administer a transit voucher program provides 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 USC Section 132. Transit vouchers may be redeemed for transit passes, coupons, or any other fare medium at satellite city halls and other convenient locations in the City and County of Honolulu where transit passes, coupons, city payment cards, or any fare medium are sold.
- (f) The department is authorized to adopt and implement a system policing plan for the city transit system, and the individual component systems including the city bus system, city rail system, and city paratransit system, for the purpose of maintaining safety, security, and reliable service of the systems.
- (g) Notwithstanding anything to the contrary in this chapter, 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 transit system and access any city transit system facility without paying any fare.
- (h) Notwithstanding anything to the contrary in this chapter, any driver, operator, or other agent of the city transit system in performance of official duties shall be allowed to use the city transit system and access any city transit system facility without paying any fare.

§ 15B-__2 Operating Revenues.

- (a) All operating revenues derived from the city transit system shall be public funds and shall include revenues from:
 - (1) Cash fares;



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- (2) Sales of transit passes, vouchers, coupons, or city payment cards;
 - (3) Balances loaded on to city payment cards;
 - (4) Contracts authorizing the use of the city transit system logos or seals as provided for in this chapter;
 - (5) Advertising; and
 - (6) Rental or lease of or concessions on real property managed by the department or transit management services contractor and used for the city transit system.
- (b) Operating revenues derived from the city transit system shall be deposited into the transportation fund.

§ 15B-__3 Use of designated transit facilities.

When permitted by federal, state, and city law or regulation, the director may designate certain transit facilities as available for use by the public. The terms and conditions of use, including any fees therefor, shall be determined by the director. Fees collected from use of designated transit facilities shall be deposited into the bus transportation fund.

§ 15B-__4 Park-and-ride facilities.

The department shall have the power to establish or designate park-and-ride facilities to be served by the city transit 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 transit system, are not under the management of the department."



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SECTION 7. Chapter 15B, Revised Ordinances of Honolulu 2021 ("Public Transit"), is amended by adding a new article to be appropriately designated by the Revisor of Ordinances and to read as follows:

**"Article __. Advertising on the Multimodal
Municipal Transportation System**

§ 15B-__1 Advertising.

- (a) Advertising inside city transit system vehicles and at city transit system facilities. The department, through the department of budget and fiscal services, may rent or let advertising spaces, including in electronic advertising devices, inside city transit system vehicles and at city transit system facilities; provided, that:
 - (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 shall not be accepted;
 - (2) Advertising which, by reason of design, format or subject matter, promotes or appeals to racial, religious or ethnic prejudice or violence shall not be accepted;
 - (3) Advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character shall not be accepted;
 - (4) Advertising which promotes any illegal, indecent or immoral purpose shall not be accepted shall not be accepted;
 - (5) Advertising of any product or service which is prohibited by law to be sold or offered for sale to minors shall not be accepted;
 - (6) The department shall set the rates for the renting or letting of advertising spaces; and
 - (7) The department may make advertising spaces available for announcements of a public service, civic or charitable nature free of charge.
- (b) Advertising on exterior of city transit vehicles. No advertising shall be allowed on the exterior of any city transit vehicles. Any word, phrase, seal, logo, or brand



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identifying the city, department, city transit system or component system, management services operator, or any word, phrase, letter or number that identifies the transit route, origin, destination or fleet inventory designation, or any safety message shall not be considered advertising and may be placed on the exterior of a city transit vehicle.

§ 15B-__2 System logos and branding.

- (a) The department may adopt an official logo and branding for the city transit system, and separate logos and brands for any component system including but not limited to the city bus system, city rail system, and city paratransit system. The adopted logos and brands may be used for official business purposes and revenue-raising activities authorized by the department.
- (b) The department may copyright any logo or brand 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 city transit system logos to raise revenues for the city transit system. A copy of each contract relating to the use of a city transit 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 city transit system logo or brand without the express written approval of the department shall be guilty of a misdemeanor."

SECTION 8. Sections 15B-6.3, 15B-6.4, 15B-6.5, 15B-6.6, and 15B-6.7, Revised Ordinances of Honolulu 2021, are repealed.

~~["§ 15B-6.3 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;~~



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- ~~(5) Contracts authorizing the use of the city bus system logo as provided in § 15B-6.7;~~
 - ~~(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 transportation fund."]~~

~~§ 15B-6.4 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 that 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 that, by reason of design, format, or subject matter, promotes or appeals to racial, religious, or ethnic prejudice or violence;~~
 - ~~(3) Advertising that contains pictures, words, or symbols of an obscene, lewd, lascivious, or indecent character;~~
 - ~~(4) Advertising that promotes any illegal, indecent, or immoral purpose; and~~
 - ~~(5) Advertising of any product or service that 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 § 501(c)(3) of the federal Internal Revenue Code.~~



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~~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 purposes 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."]~~

~~§ 15B-6.5 Advertising on exterior of city transit buses.~~

- ~~(a) Except as otherwise provided under subsection (b), no advertising shall be allowed on the exterior of a city transit bus.~~
- ~~(b) Any word, phrase, or logo identifying the city, department, transportation 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 that identifies the route, origin, destination, or fleet inventory designation of the bus is not advertising prohibited under this section.~~

~~§ 15B-6.6 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 0.5-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.~~

~~§ 15B-6.7 Logo of city bus system.~~



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- (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."~~

SECTION 9. Chapter 13, Article 7, Revised Ordinances of Honolulu 2021 ("Transit Voucher Program") is repealed.

SECTION 10. Chapter 13, Article 9, Revised Ordinances of Honolulu 2021 ("Transit Stations") is repealed.

SECTION 11. Chapter 13, Article 10, Revised Ordinances of Honolulu 2021 ("City Ferry System") is repealed.

SECTION 12. Chapter 13, Article 11, Revised Ordinances of Honolulu 2021 ("Use of Designated Transit Facilities") is repealed.]

SECTION 13. Severability. If any provision of this ordinance, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are severable.

SECTION 14. Ordinance material to be repealed is bracketed and stricken. New material is underscored. When revising, compiling, or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the Revisor of Ordinances need not include the brackets, the material that has been bracketed and stricken, or the underscoring.



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SECTION 15. This ordinance shall take effect upon its approval.

INTRODUCED BY:

John Dos Santos Jr. (BR)

DATE OF INTRODUCTION:

APR 13 2023

Honolulu, Hawai'i

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu