

REPORT OF THE COMMITTEE ON TRANSPORTATION

Voting Members:

Tyler Dos Santos-Tam, Chair; Radiant Cordero, Vice-Chair;
Esther Kia'āina, Val A. Okimoto, Andria Tupola

Committee Meeting Held
May 23, 2023

Honorable Tommy Waters
Chair, City Council
City and County of Honolulu

Mr. Chair:

Your Committee on Transportation, to which was referred Bill 32 (2023), CD1 entitled:

"A BILL FOR AN ORDINANCE RELATING TO PUBLIC TRANSIT,"

which passed Second Reading and was the subject of a public hearing held at the May 17, 2023 Council meeting, reports as follows:

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Ordinances of Honolulu 2021 ("Public Transit") to incorporate rail service, update general provisions, and repeal outdated provisions.

The Department of Transportation Services Executive Assistant Anthony Valdez provided an overview of the proposed amendments to the Bill.

The Department of Transportation Services Director testified in support of the bill.

Your Committee considered and approved a proposed hand-carried CD2 version that makes the following amendment(s):

- A. IN SECTION 2 of the bill, added a new definition for "Authorized Transit Personnel" and removed unused definitions.

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ADOPTED ON

JUN 7 2023

COMMITTEE REPORT NO. **148**

REPORT OF THE COMMITTEE ON TRANSPORTATION

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- B. IN SECTION 3 of the bill:
1. Amends new § 15B-3.1(b)(9)(C) to add the propelling of mucus as a prohibited conduct.
 2. Amends new § 15B-3.1(b)(1) and § 15B-3.1(f)(2)(B)(i) to clarify that pets (as opposed to service animals and police dogs) must be kept in an enclosed and secured container.
 3. Amends new § 15B-3.1(e)(1) to address grocery storage cart policy for users of paratransit vehicles.
 4. Amends new § 15B-3.1(j) to include police officers.
 5. Removed provision for the commissioning of special officers.
- C. IN SECTION 6 of the bill, removed reference to HRS Chapter 91.
- D. IN SECTION 7 of the bill, amends new § 15B-___.1(a)(2) to refuse advertising that is objectionable under contemporary community standards as to be reasonably foreseeable that it would result in harm to, disruption of, or interference with the transportation system.
- E. Makes miscellaneous technical and non-substantive amendments.

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COMMITTEE REPORT NO. **148**

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Your Committee on Transportation is in accord with the intent and purpose of Bill 32 (2023), CD1 and recommends that it pass Third Reading in the form attached hereto as Bill 32 (2023), CD2. (Ayes: Cordero, Dos Santos-Tam, Kia'aina, Okimoto, Tupola – 5; Noes: None.)

Respectfully submitted,



Committee Chair

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CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ADOPTED ON JUN 7 2023

COMMITTEE REPORT NO. 148



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CITY AND COUNTY OF HONOLULU
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ORDINANCE _____

BILL 32 (2023), CD2

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 in a manner that maintains the alphabetical order of this Section:

"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."

"Authorized Transit Personnel. Personnel employed by the city, or contracted with on behalf of the city, and authorized to operate, maintain, or support the multimodal municipal transportation system including but not limited to the drivers or operators of any city transit system vehicle, repair or maintenance workers, contracted security officers, any other agent of the city transit system, or any police officer acting in the officer's official capacity in support of the multimodal municipal transportation system."

"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."

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, 40- and 30-foot buses, articulated buses, double-deck buses, and electrically powered trolley buses. Self-propelled, rubber-tired vehicles designed to look like antique or vintage trolleys are considered buses."

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



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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.]~~

~~["**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] THE 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.



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City Rail Station. A city transit system facility that is part of the city rail system where passengers may board or alight from a train. The term includes the designated paid fare areas, 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, structures, or equipment for providing public transit services as part of the public transportation systems of the city. The terms include but are not limited to: bus shelters; repair and maintenance facilities; bus transit stations or centers; 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 and 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 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.

~~**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;~~



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~~(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.~~

~~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;~~



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~~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;~~
- ~~(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.~~~~



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~~(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;~~

~~(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.]~~

(b) It is a violation of this section 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 animal, except a service animal under the control of and accompanied by the individual with a disability owning the



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service animal or to whom the service animal has been furnished or a small animal kept in an enclosed and secured container that fits on a passenger's lap or under the seat in a manner that does not block the aisle in the city transit system vehicle; provided that nothing in this subdivision will 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, inhaling liquid vapor through use of a heated device, or carrying any heated, lighted, or smoldering substance, in any form for the purpose of delivering nicotine or nicotine-related products, but not including nicotine products used to reduce nicotine addiction that are not smoked, inhaled, or heated 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 will be construed as prohibiting a person from carrying or possessing any match or any cigar, cigarette, or pipe lighter that is not lighted or smoldering;
- (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 that limits the sound produced or emitted to the individual user; provided that nothing in this subdivision will be construed as prohibiting any authorized transit personnel from using such device 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 susceptible to damage by heat, fire, or explosion;
- (7) Spitting, expectorating, urinating or defecating in, on, or from any city transit vehicle or city transit system facility; provided that nothing contained in this subdivision will be construed as applying to any person



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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 system vehicle, or the performance of official duties by any authorized transit personnel working on the multimodal municipal transportation system;
- (9) Harassing or intimidating others by doing any one or more of the following:
- (A) Engaging in a course of conduct, including violent, threatening or disruptive behavior or conduct, that:
- (i) Is intended and likely to provoke a violent response;
- (ii) Places another person in reasonable fear of imminent physical harm, including but not limited to following a person around or about a city transit system vehicle, designated paid fare area, or city transit system facility; or
- (iii) Prevents or delays the movement or departure of a person through coercion or intimidation;
- (B) Continuing a course of conduct that may reasonably be expected to result in fear, alarm, or serious offense to other passengers or any authorized transit personnel working on the multimodal municipal transportation system after having received a lawful directive to cease the conduct or depart the city transit system vehicle or city transit system facility by any authorized transit personnel; or
- (C) Propelling saliva, mucus, blood, urine, semen, feces, or other dangerous or noxious substance at other passengers, or at any authorized transit personnel working on the multimodal municipal transportation system;
- (10) Knowingly failing or refusing to pay the full applicable fare for transportation or to present a valid pass, identification card, or other permissible fare medium for transportation on or within the city transit system when boarding a city transit system vehicle, entering a city rail station, or entering a designated paid fare area;



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- (11) Displaying or offering for sale, selling, or distributing goods or services without prior written authorization from the department;
 - (12) Refusing or failing to immediately cease and desist from doing any activity in violation of this section after being requested to do so by any authorized transit personnel working on the multimodal municipal transportation system;
 - (13) Refusing or failing to immediately exit a city transit system vehicle or city rail station after being requested to do so by any authorized transit personnel working on the multimodal municipal transportation system;
 - (14) Knowingly entering or remaining 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) Displays a sign giving reasonable notice and reading as follows: "Private Property – No Trespassing," "City and County of Honolulu Property – No Trespassing," or displaying a substantially similar message; provided that the sign must contain letters no less than 2 inches in height and 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; and
 - (15) Knowingly opening or unfastening 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 vehicle or facility structure, or turning on or off or manipulating any switch, lever, or mechanism, that is prohibited from access by the general public.
- (c) It is a violation of this section 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



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contained in this subdivision will be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container;

- (2) Failing or refusing to vacate seats designated as priority seating for senior citizens and persons with a disability, 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 any authorized transit personnel; provided that nothing contained in this subdivision will be construed as requiring other senior citizens or individuals with a disability to vacate seats designated as priority seating for senior citizens and individuals with a disability; and provided further, that nothing contained in this subdivision will be construed as requiring any authorized transit personnel 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 a city transit system vehicle, or in a manner that protrudes into another seat, otherwise interferes with, or causes discomfort to other passengers; provided that storage of such items in a designated storage area is authorized on city transit system 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, if brakes are available, parked with its brakes locked.



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- (2) City transit bus. After boarding a city transit bus, a 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) Priority seating areas. Whenever a senior citizen or an individual with a disability wishes to sit in the priority seating area, or whenever any authorized transit personnel of the multimodal municipal transportation vehicle recognizes that the person has a right to sit in the priority seating area, the authorized transit personnel 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 carts.
- (1) A person may not 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; and provided further, a person who transfers to a paratransit vehicle is required to comply with the policies and procedures for customer bags and luggage, including emptying the cart and consolidating the items into two small bags or small luggage to carry and hold on their lap, and having the cart secured and stowed out of the way so that it does not impede passengers.
- (2) A person may not abandon a commercial shopping cart upon a multimodal municipal transportation facility.
- (f) Animals.
- (1) Except as provided in subdivision (2), a person may not bring or carry aboard a multimodal municipal transportation vehicle or be present in or upon a multimodal municipal transportation facility with an animal.



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- (2) Service animals, pets, and police dogs may be brought or carried aboard a multimodal municipal transportation vehicle or be present in or upon a multimodal municipal transportation facility; provided that:
- (A) Service animals. Service animals must be under the control of their handler, be housebroken, and be 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;
- (B) Pets.
- (i) The animal must be kept and held at all times within an enclosed and secured 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 authorized transit personnel; and
- (iv) The animal can be transported in accordance with this article; and
- (C) Police dogs. Police dogs must be fully trained and accompanied by an officer.
- (g) An authorized transit personnel 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; or
- (3) It appears that the person intends to engage in an activity on a city transit system vehicle that is in violation of this section.



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Any authorized transit personnel may refuse to transport any such person who has already boarded the city transit system vehicle or entered a city rail station, and the authorized transit personnel may cause such person to be removed from the city transit system vehicle or city rail station or facility. It is a violation of this section for a person to board a city transit system vehicle after being requested not to do so by authorized transit personnel 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 to the alleged violator a summons or citation hereinafter described, notifying the person to answer the complaint to be entered against the 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 a prohibited activity or to immediately exit the city transit system vehicle or city rail station, as determined by an authorized transit personnel, 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 will be provided for use by police officers and other duly authorized special officers, including but not limited to contracted security officers and agents of the city transit system, a form of summons or citation for use in citing violators of this article where the circumstances do not mandate the physical arrest of the violators. The form of the summons or citation will 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 the summons or citation will 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 the approval will be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original of the citation must 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 copy of the citation and provide for the disposition of the original and any other copies. Citations must be consecutively numbered, and each copy must bear the same number as the original.

- (k) The provisions of this article are in addition to and 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 all of the prohibitions of § 15B-3.1~~] citing the passenger code of conduct and prohibited activities set forth in this article.

§ 15B-3.3 Removal or defacing of signs

[~~No~~] A person [shall] may not 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) or~~] committing, aiding, abetting, or assisting in any manner another person in violating [~~any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.~~] one or more provisions of this article 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



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- (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 possesses any imitation or counterfeit transit pass, coupon, or city payment card will be fined not more than \$2,000, imprisoned for not more than one year, or both.
- (c) Each day a violation is committed or permitted to continue ~~[shall constitute]~~ constitutes a separate offense and ~~[shall be]~~ is 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]~~ to that person a summons or citation hereinafter described, notifying ~~[such]~~ the person to answer to the complaint to be entered against ~~[such]~~ the 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]~~ the prohibited activity or to immediately exit the ~~[city transit bus, city ferry, or special transit service]~~ city transit system 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]~~ authorized transit personnel, or ~~[a]~~ any police officer~~[if the officer is on the ferry or vehicle]~~, after the alleged violator is issued a summons or citation; or



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- (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]~~ will 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]~~ the violators. The form of the summons or citation ~~[shall]~~ will 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]~~ the summons or citation ~~[shall]~~ will 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]~~ will be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original ~~[of the same shall]~~ must 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]~~ Citations must be consecutively numbered, and each ~~[carbon]~~ copy ~~[shall]~~ must bear the same number as its original.
- (f) This article is in addition to and ~~[shall]~~ in no way ~~[limit]~~ limits 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, is amended by amending subsection (d) to read as follows:

- "(d) Eligible individuals ~~[shall]~~ may receive a city payment card programmed with fares as follows:



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- (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) A prepaid fare of \$45.

The reduced fares specified in this subsection are not applicable for rides on the city paratransit system or for the special events service."

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) A city payment card is accepted on all modes throughout the city transit 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 with disabilities under § 15B-2.2.
- (b) To use the city transit system, prior to boarding a city transit system vehicle 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 will not receive any change if doing so.
- (c) Fares for passengers of the city transit system are as established under this chapter. The department may not:
 - (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;



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- (2) Charge or collect a fare when this chapter or adopted 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.
- (d) The department is authorized to establish and administer a transit voucher program that provides for the sale of transit vouchers to employers in the city. 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 § 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 where transit passes, coupons, city payment cards, or any fare media are sold.
- (e) 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.
- (f) 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, are allowed to use the city transit system and access any city transit system facility without paying any fare.
- (g) Notwithstanding anything to the contrary in this chapter, any authorized transit personnel while in the performance of the person's official and authorized duties for the multimodal municipal transportation system is 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 are public funds, including revenues from:
 - (1) Cash fares;
 - (2) Sales of transit passes, vouchers, coupons, or city payment cards;
 - (3) Balances loaded on to city payment cards;



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- (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 must 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, will be determined by the director. Fees collected from use of designated transit facilities will be deposited into the transportation fund.

§ 15B-__4 Park-and-ride facilities.

The department has 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 must be:

- (1) In conformance with the short-range transit plan and any updates; 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."

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:



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"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 the following may 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 is so objectionable under contemporary community standards as to be reasonably foreseeable that it will result in harm to, disruption of, or interference with the transportation system;
 - (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.
- The department shall set the rates for the renting or letting of advertising spaces; provided that 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 is allowed on the exterior of any city transit system vehicle; provided that any word, phrase, seal, logo, or brand identifying the city, department, city transit system or component system, management services contractor, or any word, phrase, letter, or number that identifies the transit route, origin, special event, destination or fleet inventory designation, or any safety message is not considered advertising and may be placed on the exterior of a city transit vehicle."

SECTION 8. Section 15B-6.3, Revised Ordinances of Honolulu 2021, is repealed.



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~~["§ 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;~~

~~(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."]~~

SECTION 9. Section 15B-6.4, Revised Ordinances of Honolulu 2021, is
repealed.

~~["§ 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;~~



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- ~~(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.~~

~~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."~~

SECTION 10. Section 15B-6.5, Revised Ordinances of Honolulu 2021, is repealed.

~~["§ 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."~~



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SECTION 11. Section 15B-6.6, Revised Ordinances of Honolulu 2021, is repealed.

~~["§ 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."]~~

SECTION 12. Section 15B-6.7, Revised Ordinances of Honolulu 2021, is repealed.

~~["§ 15B-6.7 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."]~~



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SECTION 13. Chapter 15B, Article 7, Revised Ordinances of Honolulu 2021 ("Transit Voucher Program") is repealed.

SECTION 14. Chapter 15B, Article 9, Revised Ordinances of Honolulu 2021 ("Transit Stations") is repealed.

SECTION 15. Chapter 15B, Article 10, Revised Ordinances of Honolulu 2021 ("City Ferry System") is repealed.

SECTION 16. Chapter 15B, Article 11, Revised Ordinances of Honolulu 2021 ("Use of Designated Transit Facilities") is repealed.

SECTION 17. 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 18. In SECTIONS 2, 3, 4, 5, 8, 9, 10, 11, and 12 of this ordinance, ordinance material to be repealed is bracketed and stricken and new ordinance 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 19. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tyler Dos Santo-Tam (br)

DATE OF INTRODUCTION:

April 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