

BILL032(23)
Testimony

MISC. COMM. 220

TRANSPORTATION (TRANS)

TRANSPORTATION (TRANS) Meeting

Meeting Date: May 2, 2023 @ 02:30 AM

Support: 1

Oppose: 0

I wish to comment: 0

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Representing: Kapalama Neighborhood Security Watch	Position: Support	Submitted: May 2, 2023 @ 12:14 AM

Bill 32 - HART

Dear Chair, Vice Chair & the Transportation Committee,

I testify in strong support as a safety coordinator from Kapalama Neighborhood Security Watch. Thank you for the thoughtfulness when drafting this ordinance. As a disabled citizen, I am appreciative of the ADA provisions outlined in this policy. The Americans with Disabilities Act (ADA) applies to both public and private ground transportation providers. The ADA rules that apply to transportation are regulated by the U.S. Department of Transportation. I'd like to provide comments on 3 subject matters as it relates to this bill: 1. Service animals & ESAs. 2. Open Lewdness 3. The Surveillance cameras.

The first subject matter of service animals is very relevant to a lot of people who ride the bus and it will also be relevant for HART. Although service animals are legislated into law at the federal & state level, a lot of people do not have service animals, but rather, emotional support animals. When you're on the bus, you will see a lot of homeless people with their dogs or sometimes a cat or a bird. Usually, the animals are not in a kennel because homeless people cannot afford it. Service animals are regulated by the law because service animals are trained to provide medical support to the disabled. Service animals are a provision from the federal law, the Americans with Disabilities Act (ADA) and various state laws also include service animals. Service animals have to go to a class to learn to perform its duties. Service animals are dogs only.

Emotional Support Animals (ESAs) provide medical support to the disabled and to people without disabilities. The medical support is not as advanced as that of a service animal. ESAs do not go to a class to get trained. ESAs can be any animal species, a cat, mice, rabbits, birds, pigs, parrots, dogs, etc. The distinguishing factors here are that the service animals gets trained and are strictly for disabled people while ESAs provide some kind of medical relief or support and it can be a support animal of any species.

According to the ADA National Network, "Individuals with disabilities may use service animals and emotional support animals for a variety of reasons. While Emotional Support Animals are often used as part of a medical treatment plan as therapy animals, they are not considered service animals under the ADA. ESAs provide companionship, relieve loneliness, and sometimes help with depression, anxiety, and certain phobias, but do not have special training to perform tasks to assist people with disabilities. [ESAs] are not limited to working with people with disabilities and are not covered by federal laws. Therapy animals provide people with therapeutic contact, usually in a clinical setting, to improve their physical, social, emotional, and/or cognitive functioning."³

The second thing that should be brought to attention of the Council is the frequency of the occurrence of open lewdness on the public transit systems. This should be an activity that should be prohibited on HART. I have personally seen this sort of activity over and over again on the bus. And it is very traumatizing.

HRS §712-1217 Open lewdness:

- (1) A person commits the offense of open lewdness if in a public place the person does any lewd act which is likely to be observed by others who would be affronted or alarmed.
- (2) Open lewdness is a petty misdemeanor.⁴

What is a petty misdemeanor? In Hawaii law, misdemeanors are punishable by up to one year in prison and a fine of up to \$2,000. Petty misdemeanors, on the other hand, are the least serious type of criminal offense in Hawaii. A petty misdemeanor is punishable by up to 30 days in jail and a fine of up to \$1,000.¹ Open lewdness is an offensive act that happens a lot on buses. It would be very helpful to have signage on buses to declare that open lewdness is strictly prohibited.

The last subject matter to bring to the attention of the Council is that about surveillance cameras. Surveillance cameras are helpful if anything happens on the bus and it will be very helpful to consider to legislate the parameters to how surveillance cameras can operate on HART. The City's Prosecuting Attorney may be able to clarify information about surveillance cameras for the criminal activity that occurs on public transit. The City's Prosecuting Attorney specializes in criminal law. Most of the issues that occur on City buses and are likely to occur on HART are a variety of criminal offenses i.e. drug-related offenses, domestic violence, public disturbances, open lewdness, etc.

A partnership of the City and County of Honolulu and the Hawai'i Tourism Authority (HTA) aims to enhance security across four City park locations through a joint effort to install 75 security cameras. The cameras are located on the exterior of comfort station buildings (bathrooms) at the following City park locations:

- Kūhiō Beach Park
- Kapi'olani Regional Park/Paki Community Park
- Foster Botanical Garden
- Ala Moana Regional Park

The City paid for the cost of the cameras, approximately \$38,800, while HTA covered the cost to install the cameras, approximately \$204,000. The City will also be responsible for the maintenance and data retention of the cameras.

"In our experience, these kind of security cameras have proven to be excellent tools to help create more secure public areas and also to deter vandalism and other criminal activity," said Honolulu Department of Parks and Recreation Director Laura H. Thielen. "The areas chosen to receive these cameras are our most popular locations anecdotally, and we want to assure the public that the cameras' view cannot be remotely adjusted and are not aiming into any private areas of our bathroom facilities. A big mahalo to HTA for their help and contributions to this partnership."

This partnership effectively triples the numbers of surveillance cameras at City park locations. Prior to this project there were 33 security cameras already in place at seven City park locations.

The original agreement called for 192 cameras to be installed at 13 park locations. However, once the individual park sites were assessed, including access to a wireless network, the budget was not sufficient to reach that original goal.²

Thank you for your consideration of the comments I've provided.

Blessings,

Angela Melody Young (Zhizi Xiong)

Works Cited

1. "Honolulu Misdemeanor Defense Lawyer | Skilled Representation." Myles S. Breiner Attorney at Law, www.hawaiiicriminaldefense.net/criminal-defense/misdemeanors-petty-misdemeanors-violations/#:~:text=In%20Hawaii%20law%2C%20misdemeanors%20are. Accessed 2 May 2023.
2. "04/06/21 Partnership Places 75 Security Cameras across Four City Park Locations." Www.honolulu.gov, www.honolulu.gov/cms-csd-menu/site-csd-sitearticles/1454-site-csd-news-2021-cat/41890-04-06-21-partnership-places-75-security-cameras-across-four-city-park-locations.html. Accessed 2 May 2023.
3. Brennan, Jacquie. "Service Animals and Emotional Support Animals | ADA National Network." Adata.org, 2019, adata.org/guide/service-animals-and-emotional-support-animals.
4. "2011 Hawaii Code :: DIVISION 5. CRIMES and CRIMINAL PROCEEDINGS :: TITLE 37. HAWAII PENAL CODE :: 712. Offenses against Public Health and Morals :: §712-1217 Open Lewdness." Justia Law, law.justia.com/codes/hawaii/2011/division5/title37/chapter712/712-1217. Accessed 2 May 2023.