HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

BILL 45 (2025)

A BILL FOR AN ORDINANCE

RELATING TO THE CITY TRANSIT SYSTEM.

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

SECTION 1. Purpose. The purpose of this ordinance is to update requirements pertaining to the City Transit System in order to promote public safety, system security, service quality, and multimodal transit options.

The primary mission of the City transit system is to provide reliable, clean, and safe public transportation vehicles and facilities to residents and visitors that allow them viable transit options to and from work as well as access to the island's visitor destinations and points of interest. After the onset of the COVID-19 pandemic, government transit agencies understand that passenger protection and safety include keeping passengers safe from illness. Providers and passengers of public transportation are more aware of the importance of keeping public transport areas and fixtures, including buses, trains, fare gates, waiting areas, railings, grab handles, seats, poles and windows, clean and sanitary. Similarly, for the safety and well-being of the public, it is appropriate to require that passengers demonstrate a minimum level of personal hygiene and cleanliness as responsible public transit users. Since public transit systems have been found to be among the fastest ways to spread bacteria and viruses to the general public, maintaining personal hygiene and cleanliness on the City transit system is of critical importance.

The protection and preservation of transit vehicles and facilities must also be an essential goal of the City. Given the long history and the ongoing struggle for fiscal responsibility in delivering to the City's residents and visitors an unprecedented rail system that is both elevated and driverless, representing billions of dollars in federal and state capital investments, it behooves the City to protect and preserve the City transit system by adopting ordinances to allow temporary exclusion of persons from using the system who repeatedly and routinely undertake disruptive and/or dangerous behavior while riding City transit vehicles or using transit facilities.

The City intends to focus on administrative protections that would temporarily remove and bar individuals engaging in misconduct from access to the City transit system, rather than on criminal penalties. Administrative protections have been adopted and are currently in use in other transit jurisdictions.

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SECTION 2. Section 15B-1.1, Revised Ordinances of Honolulu 2021 ("Definitions"), is amended by adding the following definitions in a manner that maintains the alphabetical order of the Section, to read as follows:

"***City Bike Share System.*** The public transit service provided by the city through the use of shared bicycles that may be docked or dockless."

"***City Bike Share Vehicle.*** A bicycle used in the city bike share system and owned by:

(1) The city; or

(2) A contractor or concessionaire for the city bike share system."

SECTION 3. The title of Section 15B-3.1, Revised Ordinances of Honolulu 2021, is amended to read as follows:

"§ 15B-3.1 Passenger [~~code of~~] conduct—Prohibited activities—Enforcement."

SECTION 4. Section 15B-3.1, Revised Ordinances of Honolulu 2021 (*"Passenger code of conduct—Prohibited activities—Enforcement"*), is amended by amending subsection (a) to read as follows:

"(a) For the 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 from a train. The term includes the designated paid fare areas, boarding platforms, and passenger concourses.

Crime of Violence. Has the same meaning as defined in HRS § 134-1.

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

Electric Gun. Has the same meaning as defined in HRS § 134-81.

Exclusion. Means a sanction imposed upon an individual for violation of Chapter 15B, Article 3, *Activities Prohibited on the Multimodal Municipal Transportation System*, which prohibits that individual from entering or remaining on or in the multimodal municipal transportation system facilities in whole or in part, for a specified duration.

Firearm. Has the same meaning as defined in HRS § 134-1.

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.

Non-Firearm Weapon. Includes any instrument, tool, object, or substance other than a Firearm, whether concealed or not, used to threaten, injure or incapacitate another person or damage city transit system facilities, that unreasonably interrupts the operations of a city transit system vehicle or facility, or that creates the possibility of inadvertent injury to other passengers in close and confined spaces, such as the following:

(1) Air guns and any other device that expels a projectile by the action of an explosive discharge or compressed air, but does not constitute a Firearm.

(2) Knives: Any knife, blade, or cutting instrument of any length, including swords, axes, machetes, and halberds.

(3) Explosives: Any explosive device or material, including but not limited to fireworks, grenades, pipe bombs, gunpowder and improvised explosive devices.

(4) Chemical Weapons: Any toxic or caustic chemical such as acid, mace, pepper spray, or similar poisonous or corrosive substances.

(5) Spears or other sharp, pointed objects.

(6) Electric guns.

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

Transportation-related Purposes. Includes activities reasonably related to the efficient utilization of city transit system services such as entering a city transit system facility with the intent of traveling upon a city transit system vehicle, paying the required transit fee, waiting for the next available city transit system vehicle, boarding, traveling to a certain destination, disembarking, and exiting the city transit system facility. Transportation-related Purposes includes riding a city transit system vehicle from an embarkation point until the vehicle completes a round trip or a loop back to the embarkation point, but does not include riding a city transit system vehicle beyond the embarkation point without first exiting the city transit system.

SECTION 5. Section 15B-3.1, Revised Ordinances of Honolulu 2021 (*"Passenger code of conduct—Prohibited activities—Enforcement"*), is amended by amending subsections (b) and (c) to read as follows:

"(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 service animal or to whom the service animal has been furnished or an 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, or 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 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; provided that nothing contained in this subdivision will be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition;

(10) Uttering threats to deface, damage, or destroy a city transit system vehicles or facilities,(including city sponsored bike share vehicles and docking stations), stating threats to disrupt city transit system operations through the use of a firearm or non-firearm weapon, brandishing a firearm or non-firearm weapon on a city transit system vehicle or within a city transit system facility, or releasing or threatening to release any harmful substance on a city transit system vehicle or within a city transit system facility.

[~~(10)~~](11) 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;

[~~(11)~~](12) Displaying or offering for sale, selling, or distributing goods or services without prior written authorization from the department;

(13) Possessing an open container of alcoholic beverage and/or consuming such beverage;

[~~(12)~~](14) 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)~~](15) 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)~~](16) 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," "No Loitering," "Danger – Keep Off Tracks High Voltage," 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~~];

In addition to any other penalties available at law, any person violating this subdivision shall be subject to penalties under § 15B-3.5(a)(1); and

[~~(15)~~](17) 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[~~.~~];

(18) Defacing, damaging, or destroying any city transit system vehicle or facility, including, but not limited to, drawing, writing, tagging, or etching any words, designs, or pictures on a city transit system vehicle or within a city transit system facility;

(19) Interfering with or obstructing, in any manner, any city transit system vehicle services or operations; and

(20) Use for other than transportation-related purposes:

(A) *General prohibition.* Except as otherwise provided by state or federal law, it shall be unlawful to enter or remain upon, occupy, or otherwise utilize city transit system vehicles or facilities for purposes other than for transportation-related purposes.

(B) *Exceptions.* The prohibition in subsection (a) shall not apply to:

(i) Activities authorized by permit; or

(ii) Expressing views or engaging in other activities protected by the First Amendment to the United States Constitution.

(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 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[~~,~~];

(5) Occupying, moving about or engaging in any activity in a city transit system vehicle in a manner that:

(A) Interferes with the free movement of passengers; or

(B) Interferes with or disrupts the function or safe operation of the city transit system vehicle, including movement that harms or unsafely distracts any active operator of the city transit system vehicle."

SECTION 6. Section 15B-3.1, Revised Ordinances of Honolulu 2021 (*"Passenger code of conduct—Prohibited activities—Enforcement"*), is amended by amending subsection (g) to read as follows:

"(g) An authorized transit personnel may refuse to allow any person to board a city transit system vehicle or enter a city transit system facility 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 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[~~.~~];

(4) The person's belongings emit a noxious odor, beyond a mere nuisance, which odor actively interferes with other reasonable passengers' ability to utilize the city transit system, provided that any person refused entry to or directed to exit a city transit system vehicle or facility pursuant to this provision shall, if appropriate, be directed to available social services to remedy the issue; or

(5) The person's belongings have visible accretions of saliva, mucus, blood, urine, semen, feces, or other dangerous or noxious substances that could carry or bear health pathogens putting other passengers or authorized transit personnel at risk of infectious disease; provided that nothing contained in this subdivision will be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition.

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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."

SECTION 7. Section 15B-2.4, Revised Ordinances of Honolulu 2021 is amended and to read as follows:

"§ 15B-2.4 Baggage.

~~[Baggage that can be stored under a passenger's seat or on a passenger's lap, that will not protrude to another seat or otherwise interfere with other passengers, will be admitted at no charge. Baggage that will not be admitted on board shall include any large, bulky, dangerous, or offensive article that may cause harm or discomfort to any passenger. No baggage may be stored in the aisle or on the seats.~~] (a) Passengers are limited to two small carry-on bags or items that can be reasonably carried on their laps when seated or safely stowed under or in front of their seats, or both, at no charge. The maximum dimension of any bag or items must not exceed 62 inches (combined lineal length, width and height). Passengers are limited to items that can be boarded in a single trip onto the transit vehicle without assistance from another person. Subject to the provisions of § 15B-3.1(c)(4), all luggage, bags, or items must not block aisles, occupy additional seats, or interfere with the safety and comfort of other passengers.

(b) Carts, strollers, or other utility devices are permitted at no charge only if they meet the following requirements:

(1) The device meets the dimension requirements of § 15B-3.1(e)(1);

(2) The device can easily and quickly navigate the transit vehicle door entrances and turns without causing delays or obstructions; and

(3) The device is not carrying loads that exceed its designated capacity or extends beyond its height."

SECTION 8. Chapter 15B, Article 3, Revised Ordinances of Honolulu 2021 (*"Activities Prohibited on the Multimodal Municipal Transportation System"*), is amended

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by adding new sections to be appropriately designated by the Revisor of Ordinances and to read as follows:

"**§ 15B-3. Prohibiting the possession or use of non-firearm weapons on the city transit system.**

(a) *General prohibition.* Except as otherwise provided by state or federal law, it shall be unlawful for any person to carry, possess, have in their custody or control, threaten others with, or use any non-firearm weapon on a city transit system vehicle or within a city transit system facility.

(b) *Exceptions.* The prohibition in subsection (a) shall not apply to:

(1) Law enforcement officers acting within the scope of their official duties;

(2) Security personnel contracted or authorized by the city for the protection of the city transit system;

(3) Individuals transporting non-firearm weapons in a locked hard-sided container, sheathed, or otherwise stored in a way that prevents potential injury to or seizure by other passengers; or

(4) Individuals traversing a bus stop area or other public sidewalk or roadway, who are not present within a city transit system facility for transportation-related purposes, provided that the person does not loiter or remain longer than necessary to complete their travel.

(c) *Disposition.* Non-firearm weapons found in violation of this section shall be confiscated and may be forfeited in accordance with applicable laws."

"**§ 15B-3. Exclusion from the city transit system.**

(a) *Grounds for exclusion.* A person may be excluded from using any part of the city transit system for a period to be determined by the director if they:

(1) Commit, or threaten to commit, any crime of violence or act that endangers the safety or security of or harms other passengers, operators, or the city transit system;

(2) Engage in repeated or egregious misconduct that interferes with the safe and efficient operation of the city transit system; or

(3) Causes harm, defacement, or destruction to vehicles, facilities, infrastructure, or equipment belonging to or associated with the city transit system.

(b) *Notice of exclusion.* Any person subject to exclusion shall be provided written notice stating:

(1) The reason for the exclusion, citing the specific violation.

(2) The duration of the exclusion.

(3) Instructions for filing an appeal.

(c) *Effective date.* The exclusion shall take effect immediately upon delivery of the notice unless otherwise specified and shall remain in effect for no more than one year.

(d) *Appeal process.* Persons excluded under this section shall have the right to appeal their exclusion.

(1) The person may appeal by filing a notice with the director within 30 calendar days of receiving the notice of exclusion.

(2) The appeal shall be subject to the contested case procedures of HRS Chapter 91 and heard by a hearing officer appointed by the director. The director shall appoint as the hearing officer a city executive branch officer or employee who did not participate in the appealed decision.

(3) A notice of hearing shall be issued within 10 calendar days of the director's receipt of the notice of appeal, and the hearing shall be held within 30 calendar days of the director's receipt of the notice of appeal, unless the excluded person requests an extension.

(4) The hearings officer shall consider evidence as provided by chapter 91, Hawai'i Revised Statutes. The hearings officer may consider any relevant evidence, including but not limited to:

(A) The excluded person's criminal record;

(B) The seriousness of the violation for which the person was excluded;

(C) Any statement or evidence presented by any victim of the excluded person's offense; and

(D) Any relevant evidence of the department such as the evidence related to the original incident including any video surveillance footage,

statements of any witnesses, and statements of any city transit system employees or contractors.

(5) Within 15 calendar days of the conclusion of the hearing, the hearings officer shall issue a proposal for decision with notice to the parties as provided by section 91-11, Hawai'i Revised Statutes.

(A) If the hearings officer's proposal for decision recommends that the excluded person be reinstated, the excluded person shall be reinstated within one business day of the hearings officer's decision. This reinstatement shall be valid until the director renders a decision as provided in subsection (C).

(B) Any party adversely affected by the hearings officer's proposal shall have 30 calendar days to file exceptions and present written argument to the director, unless an extension is warranted for good cause shown.

(C) The director shall render a decision within 15 calendar days of receiving any exceptions or, if no exceptions are received, within 45 calendar days of the conclusion of the hearing.

(e) *Enforcement of Exclusion.*

(1) Any person excluded under this section may not during the period of exclusion, enter or remain upon any part of the city transit system from which the person has been excluded.

(2) Any person found violating the terms of their exclusion may be subject to further penalties, including arrest, additional exclusion time, or charges with the crime of interfering with the operator or operation of a city transit system vehicle under HRS §§ 711-1112 and 711-1113, or criminal trespass under HRS § 708-813.

(f) *Reinstatement.* Upon the expiration of the exclusion period or as may be modified or earlier terminated upon appeal, the excluded individual shall have their access to the city transit system restored, unless further violations occur.

(g) *Other laws not affected.* Nothing in this section shall be deemed to limit or affect the application of any other law including but not limited to any laws governing weapons, trespass, crimes of violence, criminal assault or property damage."

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SECTION 9. 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.

HONOLULU CITY COUNCIL

KE KANIHELA O KE KALANA O HONOLULU

CITY AND COUNTY OF HONOLULU

ORDINANCE _____

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SECTION 10. This ordinance takes effect upon its approval.

INTRODUCED BY:

Tony Weller (br)

DATE OF INTRODUCTION:

MAY 20 2025
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

Report Title:
Department of Transportation Services ("DTS"); Chapter 15B, Public Transit, Revised Ordinances of Honolulu 2021 ("ROH"); Multimodal Municipal Transportation System; City Transit System; Passenger Conduct; Prohibited Activities; Weapons; Non-Firearm Weapon; Exclusion; Notice of Exclusion; Enforcement of Exclusion; Reinstatement.

Description:
Amends sections of Chapter 15B, *Public Transit*, Revised Ordinances of Honolulu 2021, to promote public safety, system security, service quality, and multimodal transit options on the City's transit system. Emphasizes the core purpose of the city's multimodal municipal transportation system, that passenger protection and safety includes keeping passengers safe from illness in a COVID-19 world, and the protection and preservation of transit vehicles and facilities representing billions of dollars of capital investment. Adopts various definitions related to weapons from State law and adds a new definition of a non-firearm weapon, to expand and clarify the types of instruments, tools, or objects that may be deemed a weapon under certain circumstances. Adds new passenger conduct to prohibited activities including the carrying, possessing, threatening, or using of non-firearm weapons as defined in the ordinance, and entering or utilizing a city transit vehicle or facility for other than transportation-related purposes. Allows the refusal of a person whose belongings emit a noxious odor beyond mere nuisance or has visible accretions of bodily excretions. Requires a person who rides a transit vehicle to disembark after one round trip or a loop back to the person's embarkation point. Revises provisions related to baggage that will be allowed on city transit vehicles. Establishes new administrative process to temporarily exclude persons who repeatedly and routinely violate the passenger conduct regulations from access to the city's transit system. Makes conforming amendments to related sections.

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