

SUMMARY OF PROPOSED COMMITTEE DRAFT:

BILL 89 (2020), FD1 RELATING TO PUBLIC TRANSIT.

PROPOSED CD1 makes the following amendments:

- A. In SECTION 3 of the bill, which amends ROH Section 13-1 ("Definitions"):
 - 1. Clarifies that:
 - a. "City paratransit system" or "special transit service" means the public transit service which supplements the City bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 and persons certified as eligible by the Department of Transportation Services ("DTS");
 - b. "City payment card" or "CPC" or "approved card" means the City payment card that may be issued by the DTS pursuant to ROH Section 2-12.____; and
 - c. "Multimodal municipal transportation system" or "city transit system" means all public transportation systems of the City, including but not limited to, the City bus system, special transit services, and the City rail system and associated parking and other services;
 - 2. Adds a definition for "Monthly pass" such that the term means a transit pass that is valid for a one-month period; and
 - 3. Deletes the separate definition of "Special transit service."
- B. In SECTION 4 of the bill, which adds a new ROH Section 13-2.____, amends "city transit system vehicle" in subsection (b) to read "city transit bus, city rail vehicle, or at a city rail system facility," in describing where the city payment card shall be tapped on a fare validator.
- C. In SECTION 5 of the bill, which amends ROH Section 13-2.1:
 - 1. Deletes the definition of "Monthly bus pass" in subsection (a); and
 - 2. Amends the Fare Structure Table by removing the row for fares for "Extremely Low Income" individuals. (These individuals are now addressed in SECTION 16 of the bill.)

- D. Adds the following new SECTIONS to the bill and renumbers all subsequent SECTIONS of the bill accordingly:
1. A new SECTION 6 that amends ROH Section 13-6.1(c) to change all references from "bus pass" to "transit pass";
 2. A new SECTION 10 that repeals ROH Section 13-2.7;
 3. A new SECTION 15 that adds a new ROH Section 13-2.7; and
 4. A new SECTION 17 that amends ROH Section 15-16.5(e) to change the phrase "adult monthly bus pass" to "adult monthly pass" and the phrase "bus pass" to "transit pass."
- E. In renumbered SECTION 16 of the bill, which adds proposed new ROH Section 13-2.10 ("Transit fares for individuals with extremely low incomes"):
1. Amends subsection (c) to specify that eligible individuals shall receive a city payment card programmed with fares as follows:
 - (1) A single ride fare of \$1.25;
 - (2) A daily maximum capped fare of \$3.00;
 - (3) A monthly maximum capped fare of \$20.00; and
 - (4) An annual maximum capped fare of \$45.00;

Provided that the above reduced fares are not applicable for rides on the city paratransit system or for special event rides; and
 2. Adds a new subsection (e) to specify that the program for transit fares for individuals with extremely low incomes is limited to a city subsidy of \$1,500,000 per fiscal year, unless additional appropriations of general funds or non-city funds are approved.
- F. Makes miscellaneous technical and nonsubstantive amendments.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **89 (2020), FD1, CD1**
PROPOSED

A BILL FOR AN ORDINANCE

RELATING TO PUBLIC TRANSIT.

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

SECTION 1. Purpose. The purpose of this ordinance is to amend Chapter 2, Revised Ordinances of Honolulu 1990, to introduce the City Payment Card as a means to pay fares, fees, and charges for the transportation services, and to amend Chapter 13 to amend the fare structure for the City transit system.

SECTION 2. Chapter 2, Article 12, Revised Ordinances of Honolulu 1990 ("Department of Transportation Services"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 2-12. City payment card."

- (a) The department may issue city payment cards that are permanent, reloadable cards, or other devices furnished by the department, that store value that can be used to pay fares, fees, and charges for the multimodal municipal transportation system and for other goods and services.

For purposes of this section, "department" means the department of transportation services and "multimodal municipal transportation system" means all public transportation systems of the city including, but not limited to, the city bus system, special transit services, the city rail system and associated parking and other services.

- (b) The department may charge a fee not to exceed \$5 for a new or replacement city payment card.

- (c) If a city payment card is lost or stolen, the stored value on the card may be recovered; provided that:

- (1) The lost or stolen city payment card was registered;
- (2) The owner of the card files a report with the department that the card has been lost or stolen; and
- (3) The owner requests the stored value to be transferred to a new card.



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The city shall not bear any responsibility, liability, or obligation if any value on a lost or stolen city payment card cannot be recovered."

SECTION 3. Section 13-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended as follows:

1. By adding the following new definitions:

"City paratransit system" or "special transit service" means the public transit service which supplements the city bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 and persons certified as eligible by the department."

"City payment card" or "CPC" or "approved card" means the city payment card that may be issued by the department pursuant to Section 2-12.____."

"City rail system" means the public transit service provided by the city through the use of train cars on a fixed guideway system."

"City rail vehicle" means a train car owned by the city and used in the city rail system to transport passengers."

"City transit system vehicle" means any vehicle designed for carrying passengers and used for providing public transit services as part of the multimodal municipal transportation system."

"Monthly pass" means a transit pass that is valid for a one-month period."

"Multimodal municipal transportation system" or "city transit system" means all public transportation systems of the city, including but not limited to, the city bus system, special transit services, and the city rail system and associated parking and other services."

2. By deleting the definitions of "bus pass" and "special transit service":

~~["Bus pass" means a card, ticket or similar document distributed as approved by the department that entitles the holder to unlimited rides on the city transit bus and city ferry system for the duration specified on the pass."]~~



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~~["Special transit service" means the public transit service which supplements the city bus system to serve persons who are paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 or persons certified as eligible by the department."]~~

SECTION 4. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure"), is amended by adding a new section to be appropriately designated by the Revisor of Ordinances and to read as follows:

"Sec. 13-2. City payment card—Maximum capped fares."

- (a) Fares charged by the multimodal municipal transportation system may be paid using city payment cards, at multimodal municipal transportation system facilities, and on city transit system vehicles equipped with fare validators. When a city payment card is tapped on a fare validator, the applicable fare will be deducted from the value stored on the card.
- (b) For the city bus system and the city rail system, after a passenger taps a city payment card on a fare validator on a city transit bus or city rail vehicle, or at a city rail system facility, and the applicable fare is deducted, no additional fares will be deducted for additional bus or rail rides within a period of two and one-half hours following the initial tap; provided that the same city payment card is used for each ride.
- (c) Only city payment cards programmed for fares under the adult passenger category are transferable. City payment cards programmed for lower fares under other passenger categories are not transferable, and use of such city payment cards by anyone other than the authorized and eligible passenger for whom it was programmed shall be considered fare evasion and subject to appropriate penalties.
- (d) For each city payment card, fares for rides on the city bus system and city rail system will be deducted until the cumulative amount of fares paid during a period of time equals the maximum capped fare as specified in Section 13-2.1 for that period.
 - (1) If total bus and rail fares charged to a single city payment card reaches the daily maximum capped fare as specified in Section 13-2.1, within a service day, no additional fares will be deducted from the stored value of that city payment card for additional bus and rail rides during the remainder of that service day.



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- (2) If total bus and rail fares charged to a single city payment card reaches the monthly maximum capped fare as specified in Section 13-2.1, within a calendar month, no additional fares will be deducted from the stored value of that city payment card for additional bus and rail rides during the remainder of that calendar month.
- (3) If total fares charged to a single city payment card reaches the annual maximum capped fare as specified in Section 13-2.1, within a calendar year, no additional fares will be deducted from the stored value of that city payment card for additional bus and rail rides during the remainder of that calendar year.
- (e) Passengers may purchase a monthly pass by paying the fee set forth in the fare structure table as specified in Section 13-2.1, and the monthly pass may be programmed to a city payment card."

SECTION 5. Section 13-2.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-2.1 Fare structure.

- (a) For the purposes of this section:

"Adult" means any person over the age of 17 years who does not qualify as a "youth."

~~["Annual bus pass" means a bus pass that is valid for a one-year period.]~~

~~["Approved card" means a debit card or any other city-established form of electronic bus fare and ferry fare payment approved by the director.]~~

~~["Biennial bus pass" means a bus pass that is valid for a two-year period.]~~

"Child" means any person five years of age or younger who is accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor. If not so accompanied, any person five years of age or younger is deemed a "youth" for purposes of this section.



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"Medicare cardholder" means any person to whom a Medicare card has been issued, pursuant to Title II or Title XVIII of the Social Security Act, 42 U.S.C. 401, et seq. and 42 U.S.C. 1395, et seq.

~~["Monthly bus pass" means a bus pass that is valid for a one-month period.]~~

~~["One-day bus pass" means a bus pass that is valid for an unlimited number of bus rides from 12:01 a.m. to 2:59 a.m. the following day and has a minimum fare of two-times the single cash fare standard for each passenger category.]~~

"Paratransit eligibility ID holder" means a person with a card issued under Section 13-4.3.

"Person with a ~~[permanent]~~ disability under ROH Section 13-2.2" means a person with a temporary or permanent disability qualified for a ~~[bus pass]~~ fare plan under ROH Section 13-2.2.

~~["Person with a temporary disability under ROH Section 13-2.2" means a person with a temporary disability qualified for a bus pass fare plan under ROH Section 13-2.2.]~~

~~["Person with a paratransit eligibility identification card under Section 13-4.3" means a person with a card issued under Section 13-4.3.]~~

"Senior citizen" means a person 65 years of age or older with ~~[an identification]~~ a programmed city payment card issued ~~[under]~~ in accordance with Section 13-2.3.

"Service day" means the hours of operation of the city bus system and city rail system from 12:01 a.m. to 2:59 a.m. the following day.

"Single ~~[cash fare standard]~~ ride fare" means the required payment for a ride on the city bus system or the city ~~[ferry]~~ rail system.

"Single ~~[cash fare special]~~ ride fare special event" means the required payment for a ride on the city bus system or the city ~~[ferry]~~ rail system for a special event as designated by the director.

"Youth" means a person six through 17 years of age, subject to the presentation of a valid identification card establishing the age of the person. ~~[The term]~~ "Youth" includes high school students 18 and 19 years of age with a valid high school identification card establishing the age of the student and the student's current



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enrollment, but excludes college, university, and vocational training students if over the age of 17.

- (b) Except as otherwise provided in this article, the following fares apply to every [person] passenger using the city bus system[;] and the city rail system, and every [person] passenger riding the city bus system and the city rail system shall pay the applicable fare[;] set forth in this table:

[FARE STRUCTURE TABLE]

Passenger-Category (Date-Effective)	Identification-(ID)-Card (New-or-Renewal)	Single-Cash-Fare—Standard	One-Day-Pass-Fare	Monthly-Bus-Pass-Fare	Annual-Bus-Pass-Fare	Biennial-Bus-Pass-Fare	Single-Cash-Fare—Special-Event
Adult (January 1, 2018)	Not applicable	\$2.75	\$5.50	\$70.00	\$770.00	Not applicable	\$6.25
Youth (January 1, 2018)	Not applicable	\$1.25	\$2.50	\$35.00	\$385.00	Not applicable	\$6.25
Child (January 1, 2018)	Not applicable	\$0.00	Not applicable	Not applicable	Not applicable	Not applicable	\$6.25
Person with a Temporary Disability Under ROH Section 13-2.2 (January 1, 2018)	\$10.00 for two-years or duration of temporary disability specified by a healthcare professional, whichever is less (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00-w/valid temporary disability-ID card	\$2.00-w/valid temporary disability-ID card	\$6.00-w/valid temporary disability-ID card	\$35.00	\$70.00	\$6.25
Person with a Permanent Disability Under ROH Section 13-2.2 (January 1, 2018)	\$10.00 for four years (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00-w/valid permanent disability-ID card	\$2.00-w/valid permanent disability-ID card	\$6.00-w/valid permanent disability-ID card	\$35.00	\$70.00	\$6.25



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Person with a Paratransit Eligibility ID Card Under ROH Section 13-4.3 (January 1, 2018)	\$0.00	\$1.00- w/valid- paratransit eligibility- ID card	\$2.00- w/valid- paratransit eligibility- ID card	\$6.00- w/valid- paratransit eligibility- ID card	\$35.00 w/valid- paratransit eligibility- ID card	\$70.00- w/valid- paratransit eligibility- ID card	\$6.25
Senior Citizen (January 1, 2018)	\$10.00 for four years (only needed for single cash fare, one-day pass, or monthly pass)	\$1.00- w/valid- senior- citizen ID- card	\$2.00- w/valid- senior- citizen ID- card	\$6.00- w/valid- senior- citizen ID- card	\$35.00	\$70.00	\$6.25
Medicare Cardholders (January 1, 2018)	Not applicable	\$1.00	\$2.00	Not applicable	Not applicable	Not applicable	\$6.25]



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FARE STRUCTURE TABLE

	<u>Cash</u>	<u>Fares Paid Using City Payment Card (CPC) Only</u>				<u>Special Event</u>
<u>Passenger Category</u>	<u>Single Ride Fare</u>	<u>Single Ride with 2.5-Hour Capped Fare with Free Transfers Between Bus and Rail Systems</u>	<u>Daily Maximum Capped Fare</u>	<u>Monthly Pass or Monthly Maximum Capped Fare</u>	<u>Annual Maximum Capped Fare</u>	<u>Single Ride Fare Special Event</u>
<u>Adult</u>	<u>\$3.00</u>	<u>\$3.00</u>	<u>\$7.50</u>	<u>\$80.00</u>	<u>\$880.00</u>	<u>\$6.25</u>
<u>Youth</u>	<u>\$1.50</u>	<u>\$1.50 with programmed CPC</u>	<u>\$3.75 with programmed CPC</u>	<u>\$40.00 with programmed CPC</u>	<u>\$440.00 with programmed CPC</u>	<u>\$6.25</u>
<u>Child</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$0.00</u>	<u>\$6.25</u>
<u>Senior Citizen</u>	<u>\$1.25 with valid ID</u>	<u>\$1.25 with programmed CPC</u>	<u>\$3.00 with programmed CPC</u>	<u>\$20.00 with programmed CPC</u>	<u>\$45.00 with programmed CPC</u>	<u>\$6.25</u>
<u>Person with a Disability Under ROH Section 13-2.2</u>	<u>\$1.25 with valid ID</u>	<u>\$1.25 with programmed CPC</u>	<u>\$3.00 with programmed CPC</u>	<u>\$20.00 with programmed CPC</u>	<u>\$45.00 with programmed CPC</u>	<u>\$6.25</u>
<u>Medicare Cardholders</u>	<u>\$1.25 with valid Medicare card ID</u>	<u>\$1.25 with programmed CPC</u>	<u>\$3.00 with programmed CPC</u>	<u>\$20.00 with programmed CPC</u>	<u>\$45.00 with programmed CPC</u>	<u>\$6.25</u>
<u>Paratransit Eligibility ID Holders</u>	<u>\$1.00 with valid ID</u>	<u>\$1.00 with programmed CPC</u>	<u>\$2.00 with programmed CPC</u>	<u>\$6.00 with programmed CPC</u>	<u>\$35.00 with programmed CPC</u>	<u>\$6.25</u>
<u>Personal Care Attendant (PCA)</u>	<u>\$0.00 when performing PCA service</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>\$6.25</u>



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- (c) The department may establish a program for the use of ~~[bus]~~ transit passes issued to individuals upon payment of the designated ~~[bus]~~ fare and which may be used for the duration specified on the pass. The passes will be issued at various locations to be selected and advertised by the department. The department, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when such arrangements are deemed to be in the best public interest for the sale and issuance of ~~[bus]~~ transit passes. The council must be informed within 30 days of the city's entering into any such arrangement.
- (d) The department may allow a person to board a city transit ~~[bus, city ferry and/or a special transit service]~~ system vehicle or enter a designated paid fare area without being charged a ~~[cash]~~ fare as part of a promotional offer or package made available by the city.
- ~~[(e)]~~ ~~The department may adopt rules in accordance with HRS Chapter 91 which will have the force and effect of law in the implementation of this section.~~
- ~~[(f)]~~(e) In the event of a strike or work stoppage ~~[which]~~ that shuts down any portion of the [city bus system, city ferry system and/or special transit service,] multimodal municipal transportation system, the department may make such ~~[bus pass]~~ fare adjustments as in the judgment of the department are warranted by the particular circumstances.
- ~~[(g)]~~(f) The department may establish a program for the issuance of college and university student, faculty, and staff ~~[bus]~~ transit passes. Such passes may be issued to students, faculty, and staff by a college or university and will be subject to terms to be agreed upon between the college or university and the department ~~[in consultation with the transit management services contractor]~~. Students, faculty, and staff to whom such passes are issued shall pay the fare negotiated rather than a fare established under subsection (b).
- ~~[(h)]~~(g) The department may establish a program for the issuance of free ~~[bus]~~ transit passes for city employees ~~[and employees of the transit management services contractor and ferry management services contractor. Such passes may permit unrestricted use of the bus and city ferry by the employee to whom the passes are issued]~~.
- ~~[(i)]~~(h) A child riding a city transit ~~[bus or city ferry]~~ system vehicle for free shall not occupy a seat to the exclusion of another passenger.



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~~[(f)](i)~~ The department may establish a trainer ~~[bus]~~ pass program for persons who train persons with disabilities to use the ~~[city's]~~ city transit ~~[bus on fixed bus routes.]~~ system.

~~[(k)](j)~~ A personal care attendant accompanying a ~~[person with a valid paratransit eligibility identification card]~~ paratransit eligibility ID holder shall pay no fare when performing the service.

~~[(l)]~~ The department may develop, market and sell distinctive souvenir bus passes that include Hawaiian places, art or other graphics that portray a Hawaiian sense of place as part of its bus pass designs.]"

SECTION 6. Section 13-6.1, Revised Ordinances of Honolulu 1990 ("City bus system"), is amended by amending subsection (c) to read as follows:

"(c) Fares for passengers of the city bus system ~~[shall]~~ will be as established under Article 2. The department shall not:

- (1) Charge a single cash fare, monthly ~~[bus]~~ transit pass fare or bus token, coupon or approved card fare, which differs from that established or permitted under Article 2;
- (2) Charge a fare when Article 2 exempts a passenger from payment of a fare; or
- (3) Charge a fee for the issuance of a ~~[bus]~~ transit pass, unless expressly authorized under Article 2."

SECTION 7. Section 13-2.2, Revised Ordinances of Honolulu 1990, is repealed:

["Section 13-2.2 Person with a disability.

~~(a) Single Fare. A person with a disability with a valid person with a disability identification card issued by the department shall pay a single cash fare in accordance with the fare structure table Section 13-2.1 to ride a city transit bus and city ferry upon display to the bus operator or ferry operator of the card; except when a fare for special services is charged under Section 13-2.1. Any person with a disability who applies for a person with a disability identification card from the department and is certified to have a permanent or temporary disability shall be issued the same upon payment of a processing fee in accordance with Section 13-2.1. It may be renewed thereafter upon the~~



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~~expiration of the prior term upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for a processing fee in accordance with Section 13-2.1.~~

- ~~(1) The identification card for a person with a temporary disability shall be valid for either two years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued two years ago, or the duration specified by a health care professional, whichever is less. It may be renewed thereafter upon the expiration of the prior term; provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a disability as defined in this section and upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for the processing fee in accordance with Section 13-2.1.~~
- ~~(2) The identification card for a person with a permanent disability shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago.~~
- ~~(b) Person with a Disability Bus Pass. There is established a bus pass fare plan for persons with disabilities. Under the plan, a person with a disability, as defined in subsection (c), with a valid person with a disability bus pass issued pursuant to this section:
 - ~~(1) Shall not be required to pay the single cash fare at any time when using the regular city bus service and city ferry system, except where a fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus and city ferry without payment of the single cash fare, the person with a disability shall display the valid person with a disability bus pass to the bus operator or ferry operator; and~~
 - ~~(2) Shall be entitled to an unlimited number of rides on the regular city bus service and city ferry service for the duration specified on the person with a disability bus pass.~~~~
- ~~(c) Definition. For the purpose of this section, a person with a disability who qualifies for the person with a disability bus pass fare plan shall include any individual~~



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~~who, by reason of illness, injury, advanced age, congenital malfunction or other permanent or temporary incapacity or disability, is unable without special facilities or special planning or design to utilize the city bus system and city ferry system as effectively as a person who is not so affected. The term includes physical or mental disability which clearly demonstrates that the person experiencing such disability is unable, without difficulty or assistance, to utilize the city bus system and the city ferry system. A person with a disability shall also be deemed to include a person with any incapacity or disability which results in the inability of a person to perform one or more of the following functions necessary for the effective use of the city bus system's facilities or the city ferry system's facilities without significant difficulty:~~

- ~~(1) Negotiating a flight of stairs, escalator or ramp;~~
- ~~(2) Boarding or alighting from a city transit bus or city ferry;~~
- ~~(3) Reading informational signs; or~~
- ~~(4) Walking more than 200 feet.~~
- ~~(d) Supporting Evidence of Disability. Applicants for a person with a disability identification card or a person with a disability bus pass shall be required to submit proof of such disability by a health care professional or any governmental agency involved in a physical or mental disability program and recognized by the department.~~
- ~~(e) Issuance of Bus Passes. Any person with supporting evidence of disability pursuant to subsection (d) and who applies for a person with a disability bus pass from the department shall be issued the person with a disability bus pass upon the appropriate payment in accordance with Section 13-2.1.~~
- ~~(f) Effective Date.~~
 - ~~(1) Permanent Disability. The person with a permanent disability bus pass shall be effective for the duration specified on the pass. It may be renewed thereafter upon the expiration of the prior term upon appropriate payment as provided in Section 13-2.1.~~
 - ~~(2) Temporary Disability. A person with a temporary disability bus pass may be issued for a period of either two years, commencing from the date of issuance and expiring at the end of the month that such bus pass was~~



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~~issued two years ago, or the duration specified by a health care professional, whichever is less, to a person whose disabling condition is deemed to be temporary and who submits supporting evidence of disability in accordance with subsection (d). Such person with a temporary disability bus pass shall be issued for a fare which may be calculated on a monthly pro rata basis. Such bus pass may be renewed, if warranted, for any additional period equal to the expected duration of a person's disabling condition and the fare calculated on a monthly pro rata basis, provided the person requesting the renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a person with a temporary disability, as defined in this section, and upon payment of the processing fee in accordance with Section 13-2.1.~~

- ~~(g) Person with a Disability Bus Pass Renewal. An application for a renewal of a bus pass issued to a person with a permanent disability under subsection (f)(1) may be made up to 60 days prior to the date of expiration. An application for a renewal of a bus pass issued to a person with a temporary disability under subsection (f)(2) may be made up to 30 days prior to the date of expiration.~~
- ~~(h) Person with a Disability Bus Pass Recall. Bus passes issued for periods in excess of one month may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the person with a disability bus pass when the person with a disability bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in bus pass renewals in future years. Person with a disability bus passes issued after a recall may have physical characteristics different from those issued before the recall.~~
- ~~(i) Person with a Disability Bus Pass Forfeiture. Any person holding a bus pass issued under this section shall relinquish such bus pass if such person is issued a paratransit eligibility identification card under Section 13-4.3.~~
- ~~(j) Appeal. A person denied a bus pass under this section or a paratransit eligibility identification card under Section 13-4.3 shall receive a notice in writing stating the reasons for denial. Within 30 days of receipt of such notice or such additional time as may be permitted by the director, such person may appeal the decision to the director or a hearings officer appointed by the director. The appeal shall be effected by filling out the notice of appeal in a form prescribed by the department and filing the same with the department.~~



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- (k) ~~Hearing. Within 20 working days from the date of mailing or personal service of such notice of appeal, the director or the appointed hearings officer shall schedule a hearing at which the appellant shall be entitled to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing the reason why the denial was in error. The director or the appointed hearings officer may affirm, reverse or modify the decision under appeal based upon findings of facts which justify the decision. The decision shall be the final decision of the city. The notice and hearing requirements shall conform to the applicable provisions of HRS Chapter 91. All findings of fact, conclusions of law and decisions and orders of the director or the appointed hearings officer shall be in written form, kept on file and open to public inspection.~~
- (l) ~~Rules. The department may adopt rules in accordance with HRS Chapter 91 to implement this section."~~

SECTION 8. Section 13-2.3, Revised Ordinances of Honolulu 1990, is repealed:

~~["Sec. 13-2.3 Senior citizens.~~

- (a) ~~Single Fare. A senior citizen shall pay a single cash fare in accordance with Section 13-2.1 to ride a city transit bus and city ferry upon display to the bus operator and/or ferry operator of a valid senior citizen identification card issued to that person by the department, except when a fare for a special service is charged under Section 13-2.1. Any senior citizen who applies for a senior citizen identification card with the department shall be issued the same upon provision of acceptable supporting evidence of age and payment of a processing fee in accordance with Section 13-2.1. The card shall be valid for four years, commencing from the date of issuance and expiring at the end of the month that such identification card was issued four years ago. It may be renewed thereafter upon payment of the processing fee in accordance with Section 13-2.1. In the event of theft, loss, or destruction of such identification card, a senior citizen may obtain a replacement identification card for a processing fee in accordance with Section 13-2.1.~~
- (b) ~~Senior Citizen Bus Pass. There is established a senior citizen bus pass fare plan. Under the plan, a senior citizen with a valid bus pass issued pursuant to this section:~~
- (1) ~~Shall not be required to pay the single cash fare at any time when using the regular city transit bus service and/or city ferry service, except when a~~



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~~fare for a special service is charged under Section 13-2.1. To be entitled to ride a city transit bus and/or city ferry without payment of the single cash-fare, the senior citizen shall display the valid senior citizen bus pass to the bus operator; and~~

~~(2) Shall be entitled to an unlimited number of rides on the regular city transit bus service and/or city ferry service for the duration specified on the senior citizen bus pass.~~

~~(c) Issuance and Effective Date. Upon application, showing of a valid identification card issued to that person pursuant to subsection (a), and payment of the designated bus fare in accordance with Section 13-2.1, the department shall issue a senior citizen bus pass for the duration specified on the senior citizen bus pass.~~

~~If, not more than 60 days prior to the expiration of the validity of a senior citizen bus pass, the senior citizen applies for and is issued a new senior citizen bus pass, the date of issuance shall be deemed to be the first day following the expiration of the prior senior citizen bus pass. The term of validity of the new senior citizen bus pass shall commence from that date.~~

~~(d) Expired Senior Citizen Bus Pass. The department may:~~

~~(1) Require a senior citizen with an expired senior citizen bus pass to return the senior citizen bus pass to the department; and~~

~~(2) Authorize any officer or employee of the city, transit management services contractor or ferry management services contractor to confiscate a senior citizen bus pass, the validity of which has expired, when the bus pass is displayed by the holder to the officer or employee.~~

~~(e) Senior Citizen Bus Pass Forfeiture. A senior citizen shall relinquish the senior citizen bus pass to the department upon receiving a paratransit eligibility identification card under Section 13-4.3.~~

~~(f) Senior Citizen Bus Pass Recall. Senior citizen bus passes may be recalled from time to time at the discretion of the department for recertification or statistical purposes. The department may extend the effective date of the senior citizen bus pass when the senior citizen bus pass is recalled for recertification or statistical purposes to reduce large fluctuations in senior citizen bus pass renewals in~~



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~~future years. Senior citizen bus passes issued after a recall may have physical characteristics different from those issued before the recall.~~

- (g) ~~Rules. The department may adopt rules in accordance with HRS Chapter 91 to implement this section."~~

SECTION 9. Section 13-2.5, Revised Ordinances of Honolulu 1990, is repealed:

~~["**Sec 13-2.5 Special instructions.**~~

~~To board a city transit bus, a passenger shall deposit the exact fare in cash into the fare box of the bus; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon or approved card program, a passenger may substitute the appropriate token, coupon or approved card for cash to pay the fare.~~

~~To board a city ferry, a passenger shall deposit the exact fare in cash into the fare box of the ferry; provided that a passenger may overpay the fare, but shall not receive any change if doing so. If the department establishes a bus token, coupon or approved card program, a passenger may substitute the appropriate token, coupon or approved card for cash to pay the fare."~~

SECTION 10. Section 13-2.7, Revised Ordinances of Honolulu 1990, is repealed:

~~["**Sec. 13-2.7** Nontransference of bus pass and identification card Penalty.~~

- (a) ~~Any bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 is nontransferable and shall not be used by any person other than by the person to whom it was issued. No person shall obtain or attempt to obtain a bus pass or identification card issuable under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 based on a false application or certification. No person shall alter a bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5, unless authorized by the department. In addition to the penalty under subsection (b), any person who is issued such a bus pass or identification card based upon a false application/certification, who knowingly permits another to use the bus pass or identification card, or who alters, without authorization from the department, the person's bus pass or identification card shall be penalized by:~~



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- (1) ~~Suspending the person's pass or identification card for a period of one year from the date of conviction; or~~
- (2) ~~If the remaining term of the bus pass or identification card is less than one year from the date of conviction:~~
 - (A) ~~Suspending the bus pass or identification card for the remainder of the term; and~~
 - (B) ~~Prohibiting until one year from the date of conviction the:~~
 - (i) ~~Renewal or replacement of the bus pass or identification card; and~~
 - (ii) ~~Issuance of a new bus pass or identification card.~~
- (b) ~~The following persons shall be guilty of a misdemeanor:~~
 - (1) ~~Any person who uses a bus pass or identification card issued to another under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5;~~
 - (2) ~~Any person to whom a bus pass or identification card has been issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3 or Section 13-4.5, who knowingly permits another to use that bus pass or identification card;~~
 - (3) ~~Any person who obtains or attempts to obtain a bus pass or identification card issuable under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 based upon a false application or certification; or~~
 - (4) ~~Any person who alters a bus pass or identification card issued under Section 13-2.1, Section 13-2.2, Section 13-2.3, Section 13-4.3, or Section 13-4.5 without authorization from the department."]~~

SECTION 11. Section 13-2.10, Revised Ordinances of Honolulu 1990, is repealed:

[~~Sec. 13-2.10~~ ~~Bus passes for those with extremely low incomes.~~



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- (a) ~~The department of transportation services shall offer a monthly bus pass program for individuals whose household incomes meet the federal department of housing and urban development guidelines for households with "extremely low income" within the City and County of Honolulu for the applicable household size. The cost of a monthly bus pass under this program shall be reduced by \$10.00 for the adult monthly bus pass and reduced by \$6.50 for the youth monthly bus pass.~~
- (b) ~~The director of community services shall determine the eligibility of the individual for the bus pass program established under this section upon review and verification of an application to participate in the program. The application form shall be prescribed by the director of community services. To verify the information on the application, the director of community services shall require proof of age and total household income, which may include, but not be limited to, true copies of personal income tax returns, bank statements, or other financial records. The director of community services may require proof of nonreceipt of income from relief programs such as supplemental security income, welfare, and unemployment compensation, and may require such authorization from the household to enable the director to fully verify household income. The period for which a determination shall remain in effect shall be determined by the director of community services.~~
- ~~The applicant may refuse to provide such records, information or authorization. However, upon such refusal, the director of community services may deny the application to participate in the bus pass program established in this section.~~
- ~~The director of community services shall determine whether an applicant qualifies for the bus pass program within 30 days of receipt of the application, and the director's decision shall be final.~~
- (c) ~~The department of transportation services may adopt rules in accordance with HRS Chapter 91 and having the force and effect of law to implement the provisions of this section."~~

SECTION 12. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure"), is amended by adding a new Section 13-2.2 to read as follows:

"Sec. 13-2.2 Reduced fare—Persons with a disability.



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- (a) Single fare; use of a programmed city payment card. When the department determines a passenger is a person with a disability as defined in subsection (b) with supporting evidence of the disability provided pursuant to subsection (c), and is qualified to pay the reduced fare for a person with a disability as specified in Section 13-2.1, the department shall issue the passenger a city payment card programmed for the reduced fare for a person with a disability as set forth in the fare structure table as specified in Section 13-2.1. The person with a disability must use the programmed city payment card to pay the reduced fare for rides on the city bus system and city rail system; the reduced fare is not applicable when fares for special event services are charged or for rides on the city paratransit system.
- (b) Definition. For the purposes of this section, a "person with a disability" who qualifies for the reduced fare for a person with a disability as specified in Section 13-2.1 includes any individual who, by reason of illness, injury, advanced age, congenital malfunction or other permanent or temporary incapacity or physical or mental disability, is unable, without special facilities or special planning or design, to utilize the city bus system or city rail system as effectively as a person who is not so affected. A "person with a disability" also includes a person with any incapacity or physical or mental disability that results in the inability of a person to perform one or more of the following functions necessary for the effective use of the city bus system and city rail system facilities or vehicles without significant difficulty:
- (1) Negotiating a flight of stairs, escalator, or ramp;
 - (2) Boarding or alighting from a city transit system vehicle;
 - (3) Reading informational signs; or
 - (4) Walking more than 200 feet.
- (c) Supporting evidence of disability. Applicants for the reduced fare for persons with a disability as specified in Section 13-2.1 must submit current proof of the disability provided in writing by a health care professional or any governmental agency involved in a physical or mental disability program and recognized by the department.
- (d) Programmed city payment card; duration and validity.



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- (1) Permanent disability. A programmed city payment card for the reduced fare for persons with a disability as specified in Section 13-2.1 issued to a person with a disability whose disability is determined to be permanent will be valid for four years commencing on the date of issuance. The programmed city payment card may be renewed upon the expiration of the prior term.
- (2) Temporary disability. A programmed city payment card for the reduced fare for persons with a disability as specified in Section 13-2.1 issued to a person with a disability whose disability is determined to be temporary will be valid and programmed for either two years or for the expected duration of the disability as specified in writing by a health care professional, whichever is shorter. The duration shall commence on the date of issuance. The programmed city payment card may be renewed upon the expiration of the prior term; provided that the supporting evidence of disability is presented at each renewal.
- (3) An application for renewal of the programmed city payment card for a person with a disability may be made no earlier than 30 days prior to the date of expiration.
- (4) In the event of loss or theft, the person to whom the programmed city payment card was issued shall notify the department immediately. Thereafter, the programmed city payment card issued to that person will be invalidated, and a replacement programmed city payment card may be issued to that person upon payment of the fee for a replacement card as specified in Section 2-12. .
- (e) Restriction and forfeiture. A person with a disability who holds a valid programmed city payment card issued in accordance with this section shall relinquish the city payment card to the department upon the department's certification of eligibility of the person with a disability for use of the city paratransit system pursuant to Section 13-4.2.
- (f) Appeal. A passenger who applies for the reduced fare for a person with a disability specified in Section 13-2.1 and is denied shall receive a notice in writing stating the reasons for denial. Within 30 calendar days of receipt of the notice, the passenger may appeal the decision to the director by submitting a completed notice of appeal in a form prescribed by the department. Within 20 business days from the receipt of such notice of appeal, the director or the appointed hearings officer shall schedule a hearing at which the appellant shall be entitled



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to be heard in person or through counsel and shall be given a full and fair opportunity to present any facts showing the reason why the denial was in error. The director or the appointed hearings officer may affirm, reverse, or modify the decision under appeal based upon findings of facts that justify the decision. The decision will be the final decision of the city. All findings of fact, conclusions of law, and decisions and orders of the director or the appointed hearings officer must be in written form, kept on file, and open to public inspection."

SECTION 13. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure"), is amended by adding a new Section 13-2.3 to read as follows:

"Sec. 13-2.3 Reduced fare—Senior citizens.

- (a) Single fare; use of a programmed city payment card. When a passenger is 65 years of age or older, the passenger may apply for a city payment card programmed for the reduced fare for senior citizens as specified in Section 13-2.1. The department shall issue a programmed city payment card to any passenger who applies and provides acceptable supporting evidence of age. The senior citizen must use the programmed city payment card to pay the reduced fare for rides on the city bus system and city rail system; the reduced fare is not applicable when fares for special event services are charged or for rides on the city paratransit system.
- (b) Programmed city payment card; duration and validity. A programmed city payment card for the reduced fare for a senior citizen specified in Section 13-2.1 shall be valid for four years commencing on the date of issuance. The programmed city payment card may be renewed upon the expiration of the prior term. An application for renewal of this programmed city payment card for a senior citizen may be made no earlier than 30 days prior to the date of expiration. In the event of loss or theft, the person to whom the programmed city payment card was issued shall notify the department immediately. Thereafter, the programmed city payment card will be invalidated, and a replacement programmed city payment card may be issued to that person upon payment of the fee for a replacement card as specified in Section 2-12. ____.
- (c) Restriction and forfeiture. A senior citizen who holds a valid programmed city payment card issued in accordance with this section shall relinquish the city payment card to the department upon the department's certification of eligibility of the senior citizen for use of the city paratransit system pursuant to Section 13-4.2."



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SECTION 14. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure"), is amended by adding a new Section 13-2.5 to read as follows:

"Sec. 13-2.5 Payment by passengers for use of the city transit system.

To use the city transit system, prior to boarding a city transit system vehicle or entering a designated paid fare area, a passenger must pay the full applicable fare or present a city payment card or other valid fare instrument for transportation on or within the city transit system; provided that when paying a cash fare, a passenger may overpay the fare, but shall not receive any change if doing so."

SECTION 15. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure") is amended by adding a new Section 13-2.7 to read as follows:

"Sec. 13-2.7 Conditions for transit passes, identification cards, or programmed city payment cards for reduced fare—Penalty.

- (a) For any transit pass, identification card, or programmed city payment card issued under Section 13-2.2, Section 13-2.3, Section 13-2.10, Section 13-4.3, or Section 13-4.5, collectively referred to in this section as "reduced fare instruments," it shall be a violation of this ordinance for any person to:
- (1) Transfer any of these reduced fare instruments to another person;
 - (2) Allow another person to use any of these reduced fare instruments for rides on the city transit system;
 - (3) Alter any of these reduced fare instruments unless so authorized by the department; or
 - (4) Knowingly obtain, or attempt to obtain, any of these reduced fare instruments based on a false application or certification.
- (b) Any person committing one or more violations of this section shall be guilty of a misdemeanor.
- (c) The department is authorized to penalize any person in violation of this section by:



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- (1) Suspending the person's reduced fare instrument for a period of one year from the date of conviction; or
- (2) If the remaining term of the reduced fare instrument is less than one year from the date of conviction:
 - (A) Suspending the reduced fare instrument for the remainder of the term; and
 - (B) Prohibiting until one year from the date of conviction the renewal or replacement, or issuance of a new reduced fare instrument."

SECTION 16. Chapter 13, Article 2, Revised Ordinances of Honolulu 1990 ("Island-Wide Fare Structure"), is amended by adding a new Section 13-2.10 to read as follows:

"Sec. 13-2.10 Transit fares for individuals with extremely low incomes.

- (a) The department of community services shall support the reduced transit fare for individuals whose household incomes meet the United States Department of Housing and Urban Development guidelines for households with extremely low income within the city for the applicable household size. The department of community services shall be responsible for the intake and processing of applications, determination of eligibility, and communication of an applicant's eligibility to the department of transportation services.
- (b) The director of community services shall on an annual basis determine the eligibility of the individual for the reduced transit fare established under this section upon review and verification of an application to qualify for the fare. The application form shall be prescribed and furnished by the director of community services. The director of community services may require proof of age, total household income, and household size, and proof may include, but will not be limited to, true copies of personal income tax returns, bank statements, or other financial records. The director of community services may require proof of nonreceipt of income from relief programs such as supplemental security income, welfare, and unemployment compensation, and may require such authorization from the household to enable the director of community services to fully verify household income. The director of community services shall determine whether or not an applicant qualifies for the reduced transit fare within 60 days of receipt of the completed application, and the director of community services' decision will



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be final. The determination of eligibility will remain in effect for the period of one year.

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

- (1) A single ride fare of \$1.25;
- (2) A daily maximum capped fare of \$3.00;
- (3) A monthly maximum capped fare of \$20.00; and
- (4) An annual maximum capped fare of \$45.00.

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

(d) The department of community services may adopt rules in accordance with HRS Chapter 91 to implement the provisions of this section.

(e) Availability of this program is limited to a city subsidy of \$1,500,000 per fiscal year, unless additional appropriations of general funds or non-city funds are approved."

SECTION 17. Section 15-16.5, Revised Ordinances of Honolulu 1990 ("City Hall and satellite off-street parking"), is amended by amending subsection (e) to read as follows:

"(e) Any city official or employee, including any elective or appointive official, any employee of the city and state whose offices are within the joint traffic management center, and any employee of the civic center child care facility, who applies for and receives a parking permit under this section shall pay a fee for parking in accordance with the following schedule:

Unassigned covered stall is the same rate as the fare for an adult monthly [bus] pass as provided for in Section 13-2.1;

Assigned covered stall is \$15 more than the unassigned covered stalls per month;



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Assigned covered stall assigned to an elected or appointed official or employee of the city is \$40 more than the rate for unassigned covered stalls per month;

Assigned tandem covered stall is \$10 less than the rate for unassigned covered stalls per month;

Assigned uncovered stall is \$5 more than the rate for unassigned covered stalls per month;

Assigned uncovered stall assigned to an elected or appointed official or employee of the city is \$40 more than the rate for unassigned uncovered stalls per month;

Unassigned uncovered stall is \$10 less than the rate for unassigned covered stalls per month;

Unassigned uncovered satellite stall with [~~bus~~] transit pass for commuting to working place not less than 3/8ths of a mile away is \$15 less than the rate for unassigned covered stalls per month;

Assigned tandem uncovered stall is \$20 less than the rate for unassigned covered stalls per month;

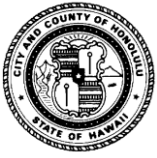
Carpool unassigned covered or uncovered stalls:

Two occupants.....75% of specified rate

Three occupants.....50% of specified rate

Four or more occupants..... No Charge"

SECTION 18. 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.



CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII

ORDINANCE _____

BILL **89 (2020), FD1, CD1**

A BILL FOR AN ORDINANCE

SECTION 19. This ordinance takes effect on July 1, 2021.

INTRODUCED BY:

Ann Kobayashi (br)

DATE OF INTRODUCTION:

October 29, 2020

Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Deputy Corporation Counsel

APPROVED this _____ day of _____, 20 _____.

RICK BLANGIARDI, Mayor
City and County of Honolulu