



CITY COUNCIL

CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII 96813-3077

COMMITTEE ON BUDGET

Voting Members:

Joey Manahan, Chair
Brandon Elefante, Vice Chair
Ron Menor
Kymberly Marcos Pine
Tommy Waters

AGENDA ADDENDUM REGULAR MEETING CITY COUNCIL CHAMBER WEDNESDAY, NOVEMBER 13, 2019 9:00 A.M.

SPEAKER REGISTRATION

Persons wishing to testify are requested to register by 9:00 a.m. as follows:

- a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
- b. By faxing to 768-3827 your name, phone number and the agenda item;
- c. By filling out a registration form in person; or
- d. By calling 768-3818.

Persons who have not registered to testify will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

Each speaker is limited to a **one-minute** presentation.

WRITTEN TESTIMONY

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting.

If submitted, written testimonies, including the testifier's address, e-mail address and phone number, will be available to the public on the City Council's pilot website: www.honolulucitycouncil.com as well as the City's legacy DocuShare Website.

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MATERIALS AVAILABLE FOR INSPECTION

Meeting materials ("*board packet*" §92-7.5, HRS) are available for public inspection at the Council Information and Records Section's service window at Room 202 in Honolulu Hale (530 S. King St.).

Accommodations are available upon request to persons with disabilities, please call 768-3818 or send an email to gmurayama@honolulu.gov at least three working days prior to the meeting.

The meeting is viewable by: (1) internet live streaming through www.honolulucitycouncil.com and <http://olelo.granicus.com/MediaPlayer.php?publishid=92>; (2) televised live broadcast on Olelo TV Channel 54; or (3) after the meeting, viewable at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822, charges may apply.

The addendum item provides a description of a proposed CD1 amendment to Agenda Item No. 1 – Bill 44 (2019) – Shared Micromobility Vehicles.

FOR ACTION

1. **BILL 44 (2019) – SHARED MICROMOBILITY VEHICLES.** Authorizing the City to reserve parking stalls and other areas for a fee for the deployment and parking of shared micromobility vehicles fleets, and setting the conditions and requirements for these permits. (Bill passed second reading and public hearing held 9/4/19; Committee amended to CD1 and postponed action 10/21/19)

PROPOSED CD1 TO BILL 44 (2019) (Submitted by Councilmember Manahan) – The CD1 (CS2019-1213/11/7/2019 4:14 PM) makes the following amendments:

- A. In SECTION 1, revises the purpose clause to add "by permit" and to change "vehicles" to the singular.
- B. In SECTION 2, revises new ROH Section 15-____.3(a) to list conditions for the director's issuance of an Shared Micromobility Vehicle ("SMV") parking permit, including unspecified limits on the total number of reserved SMV parking permits and number of SMV parking permits per street block, and to add authority for the director to implement a lottery system under certain circumstances.
- C. IN SECTION 2, revises new ROH Section 15-__3(c)(4) by:
 1. Revising paragraph (C) to add the phrase: "including parking locations not on city property."
 2. Adding paragraph (G) to read as follows, and re-lettering subsequent subdivisions:

"(G) For dockless systems, an overview of the technology to be used, including but not limited to a picture-after-riding requirement, to demonstrate traceability of parking of a specific SMV to a specific SMV user;"

3. Adding paragraph (M), to read as follows:

"(M) Strategies for community outreach and completed outreach efforts, including to neighborhood boards in targeted areas for deployment; and"

- D. IN SECTION 2, revises new ROH Section 15-__3 by:

1. Adding a new subsection (e) to read as follows:

"(e) The director shall review complete applications and evaluate the extent to which an applying SMV business has the capacity to provide a reliable and safe shared micromobility service and to meet the SMV parking permit terms and conditions. When the director finds an applying SMV business has satisfied the requirements of this article, the director may determine the number of SMV permits to issue to the applying SMV business based upon the following:

- (1) The application content and the comprehensive operations plan;
- (2) The number and location of permits requested;
- (3) The availability and location of spaces designated for SMV parking; and
- (4) The total number of complete applications received by the department."

2. Adding a new subsection (g) to read as follows, and re-lettering subsequent subsections:

"(g) The director may adopt administrative rules to establish a deadline for applications for and renewals of parking permits, or to establish a limit on the number of operators that may hold valid SMV parking permits at a given time."

- E. In SECTION 2, revises new ROH Section 15-____.3 to remove the following language from subsection (a) and place it in a new subsection (h):

"(h) Subject to the approval of the director, an operator may mark or indicate the area covered by the SMV parking permit using paint, signage, or decals to guide the operator's SMV users to authorized parking areas."

- F. In SECTION 2, revises new ROH Section 15-____.4 to:

1. Amend subsection (d) to read as follows:

(d) An operator shall indemnify the city and its officers, elected or appointed officials, employees, and agents, and shall defend them and shall hold them harmless, individually and in their official capacities, from and against any and all claims, [of liability for damages made by any person or entity for death, personal injury, or damage to real or personal property arising from or connected with the activities of the SMV business] liabilities, causes of action, suits, loss, costs, expenses, judgments, fines, reasonable attorney fees and necessary litigation expenses, demands, and damages of every kind and description brought by third parties arising out of or in connection with, including but not limited to:

- (1) The operator's business conduct or operations, including any act or omission of the operator, its subcontractors, anyone directly or indirectly employed by the operator, and anyone for whose acts or omissions the operator may be liable;
- (2) The city's issuance of or decision to issue or not issue an SMV parking permit;
- (3) The operator using or occupying the public right-of-way or any SMV user operating the operator's SMV in the public right-of-way;
- (4) Actual or alleged bodily injury including death, or actual and alleged damage to property; and

- (5) Actual or alleged violations of law, including but not limited to the Americans with Disabilities Act.

Notwithstanding the foregoing, the operator shall not be required to indemnify, defend, or hold harmless the city and its officers, elected or appointed officials, employees, or agents to the extent such claims, liabilities, causes of action, suits, losses, costs, expenses, judgments, fines, expenses, demands, or damages arise from their own gross negligence or intentional misconduct; provided, however, this exception to an operator's indemnification and defense obligations shall not apply to claims resulting from, or in connection with, the condition of a public right-of-way. The obligations imposed by this subsection shall survive the expiration of the permit."

2. At subsection (f) to clarify that annual renewal of registration does not apply to SMVs that are no longer deployed;
 3. At subsection (g), to add the phrase "and safe to operate";
 4. To delete subsection (k) and redesignate the subsequent subsection; and
 5. To revise subsection (j) by adding the phrase "staff located in Honolulu and."
- G. In SECTION 2, revises new ROH Section 15-____.5(b) to remove the last sentence which had read as follows:
- ~~"[When the director or designee, or department employee or agent, or police officer removes or causes to remove an SMV, the department will notify the operator and will assess a fine of \$50.00 per SMV to be paid prior to the city's release of the vehicle.]"~~
- H. In SECTION 2, revises new ROH Section 15-____.6 by amending the language of subsection (d) and by adding a new subsection (e), to read as follows:
- "(d) Data submitted by an operator to the department pursuant to this section may be subject to public disclosure, and the department may publish such data, except data identifying individual users or their

private information. The department may use and analyze the data it receives from each operator.

- (e) An operator need not submit the data required by this section to the department if the director determines the data is proprietary, in which event, the operator must make the data available for the director's inspection in lieu of submitting the data to the city."
- I. In SECTION 2, revises new ROH Section 15-____.7(a) to add the words "and renewal" in the beginning phrase of the subsection.
- J. In SECTION 2, revises new ROH Section 15-____.7(c) to read as follows:
 - (c) SMV parking permit fee. The annual fee per SMV parking permit per designated stall shall be as follows:
 - (1) For a stall designated in a parking meter zone, a fee equal to the corresponding shared mobility annual rental rate, as set forth in Section 15-22.4;
 - (2) For a stall designated in an unmetered area, a fee equal to the annualized daily charge for each parking space or unmetered parking stall, exclusive of Sundays and state holidays, as set forth in Section 15-22.8;
 - (3) For a stall designated in an off-street parking facility or in an attendant parking facility, a fee equal to the corresponding shared mobility annual rental rate, as set forth in Section 15-23.2A; and
 - (4) For a portion of property controlled by the city that is not covered by subdivisions (1) - (3), a fee in an amount to be determined by the director.
- K. In SECTION 2, revises new ROH Section 15-____.7 to add a new subsection (d) read as follows:
 - "(d) To support and facilitate service to low-income SMV users and to communities determined to be underserved by transit options, the director is authorized to reduce or waive the SMV parking permit fee. The criteria and process to waive fees for this purpose shall be set forth in administrative rules."

- L. In SECTION 2, adds a new ROH Section 15-____.8, to read as follows:

"Sec. 15-____.8 Removal of unpermitted SMVs.

It is unlawful for an SMV business to park or deploy SMVs on any city property, including streets and sidewalks, without a valid SMV parking permit. When an SMV owned by an unpermitted SMV business is parked on city property and is found to be available for rent to the public, the city is authorized to remove and store the SMV. "

- M. In SECTION 2, renumbers new ROH Section 15-____.8 to Section 15-____.9, which reads as follows (and renumbers subsequent sections):

"Sec. 15-____.9 Administrative enforcement.

Enforcement of this article shall be done pursuant to the traffic code as set forth in Articles 4 and 26. If any operator is found to be in violation of its SMV parking permit, this chapter, or other applicable laws, the department may immediately suspend or revoke the operator permit, and refuse to issue subsequent SMV parking permits to that SMV business."

- N. In SECTION 2, adds a new ROH Section 15-____.10 to read as follows (and renumbers subsequent sections):

"Sec. 15-____.10 Fine--Costs.

When an SMV is removed by the director or designee, a department employee or agent, or police officer pursuant to this article, the department will assess a fine \$_____ per SMV to be paid by the operator to the city prior to the city's release of the SMV. In addition, the director may require an SMV business to reimburse any costs the city, department, or any other city agency or office incurs to address or abate the noncompliance with this article."

- O. Adds a new SECTION 3 to amend ROH Section 15-13.9(a) by adding two new circumstances in which HPD or CSD may remove and store vehicles, to read as follows:

"(24) When a vehicle is parked in a loading zone or an officially designated bus stop without a valid and current decal or other approved device

permitting parking in loading zones and official bus stops in accordance with Section 15-15.5; and

(25) When a shared micromobility vehicle is parked in a manner in violation of any provision of Section 15- .5."

- P. Renumbers prior SECTION 3 as "SECTION 4", and renumbers subsequent SECTIONS accordingly.
- Q. In renumbered SECTION 4:
1. Amends Section 28-3.3 relating to exceptions to the normal requirement that City concessions be bid out to update references to the "finance director" with references to the "director of budget and fiscal services."
 2. Revises subsection 28-3.3 to add a new exception in subdivision (j) to read as follows:

"(j) Parking Stalls for Shared Micromobility Vehicles. Concessions or concession spaces, including parking stalls, set aside for shared micromobility vehicle businesses."
- R. Makes miscellaneous technical and nonsubstantive amendments.

JOEY MANAHAN, Chair
Committee on Budget