



A BILL FOR AN ORDINANCE

RELATING TO THE CITY FERRY SYSTEM.

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

SECTION 1. **Purpose.** The purpose of the ordinance is to amend Chapter 13, Public Transit to add the City Ferry System.

SECTION 2. Chapter 13-1.1, Revised Ordinances of Honolulu 1990 ("Definitions"), is amended by adding five new definitions to read as follows:

"Ferry" means a marine vessel designed for carrying passengers and used for their transportation across water."

"Ferry management services contractor" means the private entity hired by the city to provide ferry services."

"Ferry personnel" mean persons employed by the ferry management services contractor for operations and maintenance of city ferries."

"City ferry system" means ferry service provided by the city through the use of ferries. The term includes:

- (1) Regularly scheduled ferry service provided through the use of ferries operated over state waterways in accord with the state boating law, and federal statutes and regulations governing vessel navigation.
- (2) Periodic or specially scheduled ferry service provided through the use of ferries for special events."

"City ferry" means a ferry used in the city ferry system."

SECTION 3. 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 who does not qualify as a "youth."



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"Annual bus pass" means a valid pass for unlimited riding of the city transit bus and city ferry system for a one-year period.

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

"Child" means any infant through the age of five accompanied by a passenger other than another child. If not so accompanied, any infant through the age of five shall be deemed a "youth."

"Medicare cardholder" means any person to whom a Medicare card has been issued, as established in Section 13-2.2(c).

"Monthly bus pass" means a valid pass for unlimited riding of the city transit bus and city ferry system for a one-month period.

"Person with a disability under ROH Section 13-2.2" means a person with an identification card issued under ROH Section 13-2.2.

"Person with a disability under ROH Section 13-4.3" means a person with a pass issued under ROH Section 13-4.3.

"Senior citizen" means a person 65 years of age or older with an identification card issued under Section 13-2.3.

"Single cash fare—standard" means the required payment for a ride on the city bus system and the city ferry system.

"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 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 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 shall apply to every person using the city bus system and the city ferry system, and every person riding the city bus system and the city ferry system shall pay the applicable fare.



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Passenger Category	Single Cash Fare—Standard	Monthly Bus Pass Fare	Annual Bus Pass Fare	Single Cash Fare—Stadium Limited
Adult	\$2.00 or 1 token	\$40.00	\$440.00	\$3.00
Youth	\$1.00	\$20.00	\$220.00	\$3.00
Child	\$0.00	\$0.00	Not applicable	\$3.00
Person with a Disability Under ROH Section 13-2.2	\$1.00	\$5.00	\$30.00	\$3.00
Person with a Disability Under ROH Section 13-4.3	\$0.00	Not applicable	Not applicable	\$3.00
Senior Citizen	\$1.00	\$5.00	\$30.00	\$3.00
Medicare Cardholders	\$1.00	\$5.00	\$30.00	\$3.00

- (c) The monthly bus pass fare plan shall be based upon individual issuance of different colored bus passes upon payment of the designated monthly bus fare at various locations to be selected and advertised by the department of transportation services. The department of transportation services, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when it is deemed to be in the best public interest for the sale and issuance of bus passes. The city council shall be informed within 30 days of the city's entering into any such arrangement. The monthly bus pass shall entitle the person to whom the bus pass is issued to an unlimited number of bus and ferry rides for the month.
- (d) The annual bus pass fare plan shall be based upon individual issuance of bus passes upon payment of the designated annual bus fare. The passes shall be issued at locations where monthly bus passes are issued. The annual bus pass shall entitle the person to whom the bus pass was issued to an unlimited number of bus and ferry rides for one year, commencing from the date of issuance and expiring at the end of the month that such pass was issued one year previously.
- (e) The department of transportation services may establish a program for the use of bus tokens which shall be based upon the issuance of bus tokens at the rate of 10 tokens for \$20.00. The bus tokens may be sold at various locations to be selected and advertised by the department of transportation services. The department of



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transportation services, through the department of budget and fiscal services, may enter into contractual arrangements with any parties, private or public, when it is deemed to be in the best public interest, for the sale and issuance of bus tokens. The city council shall be informed within 30 days of the city's entering into any such arrangement.

The bus tokens may be of a different design each year.

- (f) Transfers between city transit buses shall be permitted pursuant to rules adopted by the department of transportation services; provided that only one transfer shall be provided to any passenger and that only a passenger paying the single cash fare may be provided a transfer. Any transfer presented for passage on a city transit bus shall be collected by the bus operator.
- (g) Transfers between the city ferry system and city transit buses shall be permitted pursuant to rules adopted by the department of transportation services.
 - (1) Passengers transferring from a city bus to the ferry must present a bus transfer to the ferry operator for passage. Ferry operators shall not collect bus transfers from passengers boarding the ferry.
 - (2) Passengers paying the single cash fare on the ferry may be provided a bus transfer from the ferry operator. Only one bus transfer shall be provided to any ferry passenger requesting a bus transfer.
 - (3) Passengers transferring from the ferry to a city bus must present a bus transfer to the bus operator for passage. Bus operators shall collect bus transfers from passengers boarding the bus. Passengers transferring from the ferry to a city bus with a bus transfer shall be treated as if a person were transferring between city transit buses.
 - (4) The ferry fare structure shall conform to the fare structure established for the city bus system as set forth in Chapter 13, Article 2.
- [g](h) The stadium limited fare shall be charged on city transit buses operating to and from the Aloha Stadium on routes activated solely to serve events at that facility. It will not apply to city transit buses operating on normally established routes which incidentally serve Aloha Stadium.

Notwithstanding the provisions of Sections 13-2.2, 13-2.3, and 13-4.3, any individual with a person with a disability pass, a senior citizen pass, or a special



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transit service pass shall pay the regular fare of \$3.00 when using the stadium limited service.

- [h](l) The department of transportation services may establish a program for the use of a four-day bus pass at a rate of \$20.00 per pass.
- i The department of transportation services may allow a person to board a city transit bus and city ferry without being charged a cash fare as part of a promotional offer or package made available by the city.
- [j](k) The department of transportation services may adopt rules in accordance with HRS Chapter 91 which shall have the force and effect of law in the implementation of this section.
- [k](l) In the event of a strike or work stoppage which shuts down the city bus system, the department of transportation services may make such bus pass fare adjustments as in the judgment of the department are warranted by the particular circumstances.
- [l](m) The department of transportation services may establish a program for the issuance of college and university student, faculty and staff bus passes. Such passes may be issued to students, faculty and staff by a college or university and shall be subject to terms to be agreed upon between the college or university and the department of transportation services 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 (a).
- [m](n) The department of transportation services may establish a program for the issuance of free bus passes for city employees. Such passes may permit unrestricted use of the bus and city ferry by the employee to whom the passes are issued.
- [n](o) A child riding a city transit bus or city ferry for free shall not occupy a seat to the exclusion of another passenger."

SECTION 4. Section 13-2.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:



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"Sec. 13-2.2 Person with a disability.

- (a) Single Fare. A person with a disability with a valid identification card issued by the department of transportation services 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 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 an identification card from the department and is certified to have a permanent disability shall be issued the same upon payment of a \$10.00 processing fee to 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 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 \$10.00 as provided above. In the event of theft, loss, or destruction of such identification card, a person with a disability may obtain a replacement identification card for \$10.00.
- (b) 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 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 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.
- (c) Definition. For the purpose of this section, a person with a disability who qualifies for the bus pass fare plan shall include any individual under the age of 65 who presents a Medicare card duly issued to that person 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., and any individual 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



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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 and city ferry;
 - (3) Using the city transit bus and city ferry due to confusion or disorientation;
 - (4) Reading informational signs; or
 - (5) Walking more than 200 feet.
- (d) **Supporting Evidence of Disability.** In the event the physical or mental disability of a person is not readily observable or discernable and cannot be adequately ascertained without supporting evidence for purposes of this section, the applicant 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 licensed medical physician or any governmental agency involved in a physical or mental disability program and recognized by the department of transportation services.
- (e) **Issuance of Bus Passes.** Any person with a valid identification card issued to that person pursuant to subsection (a) and who applies for a monthly or annual person with a disability bus pass from the department of transportation services shall be issued the pass upon the appropriate payment.

In the event of theft, loss, or destruction of an annual bus pass or a bus pass issued under subsection (g), a person with a disability may obtain a replacement pass for \$10.00. The replacement pass shall be valid only for the time period remaining on the originally issued bus pass.

- (f) **Effective Date.** The annual bus pass shall be effective for one year, commencing from the date of issuance and expiring at the end of the month that such pass was issued one year ago. It may be renewed thereafter upon the expiration of the prior term; provided, the person requesting such renewal demonstrates at each renewal date that the person's mental or physical condition warrants continued status as a



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person with a disability as defined in this section and upon appropriate payment as provided in subsection (e). The monthly bus pass shall be effective for a one-month period as determined by the department of transportation services.

- (g) Temporary Disability. A person with a disability bus pass may be issued for a period of more than one month, but less than one year to a person whose disabling condition is expected to be temporary. Such person with a disability bus pass shall be issued for the expected duration of a person's disabling condition for a fare which shall 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.
- (h) Bus Pass Renewal. An application for a renewal of an annual bus pass may be made up to 60 days prior to the date of expiration.
- (i) 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 of transportation services for recertification or statistical purpose. The department may extend the effective date of the bus pass when the bus pass is recalled for recertification or statistical purpose to reduce large fluctuations in bus pass renewals in future years.

Bus passes issued after a recall may have physical characteristics different from those issued before the recall.

- (j) Bus Pass Forfeiture. Any person holding a bus pass issued under this section shall relinquish such bus pass if such person is issued a special transit service pass under Section 13-4.3.
- (k) Attendant of a Person with a Disability. A person with a disability unable to board, ride, and alight from city transit buses or city ferries independently must be accompanied and assisted by an attendant to board, ride and alight from these buses and ferries to prevent injury and harm to the person's self and other passengers. An attendant who accompanies and physically assists the person with a disability to board, ride and alight from the city transit bus shall pay no fare when performing the service.
- (l) Appeal. A person denied a bus pass under this section shall receive a notice in writing from the department of transportation services stating the reasons for denial. Within 30 days of receipt of such notice or such additional time as may be permitted by the director of transportation services, such person may appeal the decision to the director or a hearings officer appointed by the director. The appeal shall be



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effected by filling out the notice of appeal in a form prescribed by the department of transportation services and filing the same with the department.

- (m) Hearing. Within 20 working days from the filing of such notice of appeal, the director of transportation services or the appointed hearings officer shall conduct 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 of the department of transportation services' staff 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."

SECTION 5. Section 13-2.3, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-2.3 Senior citizens.

- (a) Single Fare. A person 65 years of age or older 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 identification card issued to that person by the department of transportation services, except when a fare for a special service is charged under Section 13-2.1. Any senior citizen who applies for an identification card with the department shall be issued the same upon payment of a \$10.00 processing fee. 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 \$10.00 processing fee. In the event of theft, loss, or destruction of such identification card, a senior citizen may obtain a replacement identification card for \$10.00.

For the purpose of this section, "senior citizen" means a person of age 65 years or older.



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- (b) Bus Pass. There is established a senior citizens monthly or annual 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 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 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.
- (c) Issuance and Effective Date. Upon application, showing of a valid identification card issued to that person pursuant to subsection (a), and appropriate payment by a senior citizen, the department of transportation services shall issue a monthly or annual bus pass to the senior citizen. The annual bus pass shall be valid for a term of one year, commencing from the date of issuance and expiring at the end of the month that such pass was issued one year ago; except that the bus pass shall not be valid for any period of suspension pursuant to Section 13-2.7.
- If, not more than 60 days prior to the expiration of the validity of an annual senior citizen bus pass, the senior citizen applies for and is issued a new bus pass, the date of issuance shall be deemed to be the first day following the expiration of the prior bus pass. The term of validity of the new bus pass shall commence from that date.
- (d) Replacement Bus Pass. If an annual bus pass of a senior citizen is lost, destroyed, or damaged, the senior citizen may apply to the department of transportation services for a replacement bus pass or a new one-year bus pass. Upon receipt of an application and satisfactory proof that the senior citizen has been previously issued a bus pass, the department shall issue to the senior citizen a replacement bus pass for \$10.00. The replacement bus pass shall be valid only for the time period remaining on the originally issued bus pass.
- (e) Expired Bus Pass. The department of transportation services may:
- (1) Require a senior citizen with an expired senior citizen bus pass to return the bus pass to the department; and



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- (2) Authorize any officer or employee of the city or transit 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.
- (f) Bus Pass Forfeiture. A senior citizen shall relinquish the senior citizen's bus pass to the department of transportation services upon receiving a special transit service pass under Section 13-4.3.
- (g) Bus Pass Recall. Bus passes may be recalled from time to time at the discretion of the department of transportation services for recertification or statistical purpose. The department may extend the effective date of the bus pass when the bus pass is recalled for recertification or statistical purpose to reduce large fluctuations in bus pass renewals in future years.
- Bus passes issued after a recall may have physical characteristics different from those issued before the recall.
- (h) Rules. The department of transportation services may adopt rules in accordance with HRS Chapter 91 to implement this section."

SECTION 6. Section 13-2.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"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 of transportation services 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 of transportation services 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 7. Section 13-2.6, Revised Ordinances of Honolulu 1990, is amended to read as follows:



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"Sec. 13-2.6 Suspension of fares for promotional and demonstration purposes.

(a) The council shall have the authority to suspend, by resolution passed on one reading, the fare structure or any part thereof in Section 13-2.1 and/or the fare in Section 13-4.5 for:

- (1) Promotional purposes for a period not exceeding one week; provided, that any such suspension of the fare structure and/or fare shall not decrease the total average monthly fare collection of the city bus system, the city ferry system, or the special transit service, [or both,] as appropriate, when full fares are collected, by more than five percent; and provided further, that such suspension shall be for the purposes of promoting the public ridership of the city bus system and/or the city ferry system and/or ridership of the city's special transit service by eligible persons.

If a private organization requests, pursuant to this subdivision, that the department of transportation services suspend bus fares and/or ferry fares and/or the special transit fare to promote the city's transit bus and/or city ferry and/or special transit service as part of that organization's function or event, the organization shall submit a request in writing to the department of transportation services for the suspension of the fares. In its written request, the organization shall:

- (A) Provide proof that it is a nonprofit organization exempt or qualified for an exemption from federal income tax under Section 501(c)(3) of the United States Internal Revenue Code;
- (B) Submit a current audited financial statement of its organization and, if the organization was required to file a federal income tax return for that year, to submit its federal income tax return for the year prior to the submittal of the request;
- (C) Submit a statement describing the scope of its events and activities, and copies of all of the required approvals and permits which the organization must obtain in order to hold the function or event;
- (D) Demonstrate the community benefits the city will gain from the promotion; and



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(E) Demonstrate that a minimum of 30,000 persons will participate over a 24-hour period in the events and activities related to the organization's function or event;
and

(2) Demonstration projects for a period not exceeding 180 days; provided, that such suspension of the fare structure and/or the special transit service fares shall be for the purpose of demonstrating the need for bus services and/or ferry services and/or special transit service, the economic viability of the demonstration projects, and operational efficiencies of the city's bus system and/or the city's ferry system and/or the city's special transit service; and provided further, that a minimum of 50 percent of the promotional, marketing and operating cost of such demonstration project shall be funded from private sector sources other than the city. The private sector sources shall make a commitment to the city prior to the approval of the demonstration project that they will fund their share of the costs of the demonstration project.

Organizations that are eligible to request a demonstration project involving the suspension of fares include the department of transportation services, other government agencies, private firms, business organizations, community groups, or any combination of the foregoing organizations. Organizations shall submit in writing a request to the department of transportation services that a demonstration project be conducted. In its request, the organization shall demonstrate the community benefits, such as increased mobility, stimulation of the economy, and improved convenience to bus riders and/or ferry riders and/or special transit service riders, that will be gained as a result of the demonstration project.

(b) The department of transportation services shall transmit to the council in writing its recommendation to approve or disapprove any proposal submitted to the department of transportation services to conduct a promotional or demonstration project pursuant to this section. With its written recommendation, the department of transportation services shall submit the reason or reasons for the department's recommendation.

If the department of transportation services recommends approval of the promotional or demonstration project, the department shall also submit a draft council resolution providing for the suspension of the fares. Included in the draft resolution shall be the specific criteria that the department of transportation services will use to evaluate the success or failure of the promotional or demonstration



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project. If the promotional or demonstration project involves the city bus system and/or the city ferry system, the department shall transmit with its recommendation a map of the bus route or ferry route or routes that city buses and/or the city ferry will follow during the promotional or demonstration project. If the bus and/or the ferry route or routes to be followed during the demonstration project is or are proposed to be changed, the department of transportation services shall submit to the council, at least seven days prior to the implementation of the new route or routes, a revised map of the new route or routes to be followed.

- (c) Within 60 days of the completion of the promotional or demonstration project, the department of transportation services shall submit a report in writing to the council. In the report, the department of transportation services shall at a minimum:
- (1) Discuss the community benefits, if any, gained from the project, including an estimate, where possible, of the number of new daily riders of the city bus system and/or city ferry system and/or of new special transit service riders resulting from the project;
 - (2) Include data on the number of riders using city transit buses and/or city ferries and/or special transit service vehicles during and as part of the promotional or demonstration project and the cost to the city of the project;
 - (3) Evaluate the overall success or failure of the project based on whether the project met the specific criteria set forth in the council resolution approving the project, which may include criteria specified by the council; and
 - (4) Make recommendations on any future actions on similar requests to conduct promotional or demonstration projects.
- (d) The private contractor providing city transit bus services and/or city ferry services and/or special transit service shall provide ridership data to assist the department of transportation services in evaluating the success or failure of the promotional and demonstration projects approved in accordance with this section."

SECTION 8. Section 13-2.8, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-2.8 Penalty for counterfeiting or using counterfeit tokens, coupons or approved cards.



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Any person who makes or issues any imitation or counterfeit of a bus token, coupon or approved card, or knowingly uses such a token, coupon, or approved card for bus fare and/or ferry fare shall be fined not more than \$2,000.00 or imprisoned for not more than one year, or both."

SECTION 9. Section 13-2.9, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-2.9 Police officers.

Notwithstanding anything to the contrary in this article, uniformed and nonuniformed police officers of the Honolulu police department carrying proper identification, whether on duty or not, shall be allowed to use the city bus system and/or city ferry system without paying any fare."

SECTION 10. Section 13-3.1, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles—Authority of drivers—Violations.

(a) For purposes of this section:

"Disability" shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Individual with a disability" shall have the same meaning ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Service animal" shall have the same meaning as ascribed to that term in 49 CFR Section 37.3, as the same may from time to time be amended.

"Transit system" includes the department of transportation services and the entity or entities [who] that operate the city bus system and the city ferry system and special transit service.

(b) It shall be a violation of this section for a person, who is doing or has done any of the following activities on a city transit bus or city ferry or special transit vehicle, to either refuse or fail to immediately cease and desist from doing any of the following activities after being requested to do so by the driver, the ferry operator or another agent of the transit system, or any police officer, or to fail or refuse to immediately



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exit a city transit bus or city ferry or special transit vehicle if requested to do so by the driver of the bus or vehicle, or operator of the ferry or another agent of the transit system, or a police officer:

- (1) Consuming any form of food or beverage or carrying or possessing any food or beverage in a container other than a container that is tightly closed, covered or packaged so as to minimize the possibility of accidental spillage when the container is shaken or dropped; provided that nothing contained in this subdivision shall be construed as prohibiting the carrying or possession of groceries in a suitable bag or other container;
- (2) Using or playing any electronic device, musical instrument, or other sound-producing or sound-emitting device:
 - (A) Unless the device is connected to a headphone or earphone which limits the sound produced or emitted to the individual user; or
 - (B) In the case of a telephone, cell phone, pager, or other two-way communication device, unless it is placed on "silent" or "vibrate" mode which prevents the sound produced or emitted from being audible to other passengers.

Nothing contained in this subdivision shall be construed as prohibiting the driver of the bus or vehicle or the operator of the ferry from using or playing such devices for official business, or as prohibiting passengers from using telephones and pagers for communication purposes; provided they are used in accordance with subdivision (b)(2)(A) and (B). As used in this subdivision, "electronic device" includes but is not limited to televisions, radios, recording devices, portable stereos, electronic games, telephones, cell phones, walkie-talkies, and pagers;

- (3) Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by the individual with a disability owning the service animal or to whom the service animal has been furnished, and except for small animals properly kept in enclosed containers; provided that nothing contained in this subdivision shall be construed as prohibiting a police officer from carrying or possessing an animal used for law enforcement purposes;



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- (4) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS Section 339-1, in or from the bus or vehicle or the ferry, except into receptacles designated for that purpose;
- (5) Failing or refusing to vacate seats designated as priority seating for elderly or disabled passengers or the fold-down or other movable seat area designated for wheelchair securement, when requested to do so by the driver, the ferry operator or any other agent of the transit system, or a police officer; provided that nothing contained in this subdivision shall be construed as requiring other elderly or disabled passengers to vacate seats designated as priority seating for elderly or disabled passengers; and provided further that nothing contained in this subdivision shall be construed as requiring the driver or the ferry operator or other agent of the transit system to enforce a request that other passengers move from the priority seating area or wheelchair securement area;
- (6) Carrying or possessing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article or material 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 shall be construed as prohibiting a person from carrying or possessing any match or any cigar, cigarette, or pipe lighter, which is not lighted or smoldering;
- (7) Spitting, expectorating, urinating or defecating in, on or from the bus or vehicle or the ferry; provided that nothing contained in this subdivision shall be construed as applying to any person who cannot comply with this subdivision as a result of a disability, age, or a medical condition;
- (8) Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or vehicle or ferry or any driver or ferry operator or other agent of the transit system in the performance of that individual's official duties;
- (9) Boarding the bus through the rear exit door, unless directed to do so by the driver, any other agent of the transit system, or a police officer; or
- (10) When boarding a bus or ferry or special transit vehicle:
 - (A) Knowingly failing or refusing to pay the applicable fare for transportation on the bus or vehicle or the ferry in cash or, if available,



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through the use of tokens, coupons or approved cards in the required manner; or

(B) Presenting a pass, transfer, badge or other fare medium for transportation on such bus or ferry or special transit vehicle, when the person presenting such fare medium knows it has not been provided, authorized, or sold by or for the transit system, or knows that the pass, transfer, badge or other fare medium is not valid for the place, time and manner in which it is presented, or knows that presentation of the pass, transfer, badge or other fare medium violates a restriction on the transfer or use of such fare medium imposed by city ordinances or rules.

(c) The driver of any city transit bus or operator of any city ferry or special transit service vehicle or any other agent of the transit system or any police officer may refuse to allow any person to board the bus or vehicle or ferry:

- (1) When the person appears to be intoxicated on liquor or drugs;
- (2) When the person is engaged in activities that, if such activities occurred in the bus or vehicle or ferry, would violate the provisions of subsection (b) if conducted in violation of the request of the driver, agent, or police officer;
- (3) When the person is engaged in activities that, if such activities occurred in the bus or vehicle or ferry, would violate any other law or ordinance; or
- (4) When it appears that the person intends to engage in any of the activities referred to in subdivision (2) or (3) in the bus or vehicle or ferry.

In addition, the driver of any city transit bus or operator of any city ferry or special transit service vehicle or any other agent of the transit system may refuse to transport any such person who has already boarded the bus or vehicle or ferry and the driver, operator, agent or any police officer may cause such person to be ejected from the bus or vehicle or ferry. It shall be a violation of this section for a person to board a city transit bus or city ferry or special transit service vehicle after being requested not to do so by the driver, operator, another agent of the transit system or police officer for the reasons specified in this subsection, or for a person to refuse or fail to immediately exit a city transit bus or city ferry or special transit vehicle when requested by the driver, operator, another agent of the transit system, or police officer to do so for any of the reasons specified in this subsection."



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SECTION 11. Section 13-3.2, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-3.2 Signs required.

The department of transportation services shall require the conspicuous display within each city transit bus, city ferry, and special transit service vehicle of a sign clearly setting forth all of the prohibitions of Section 13-3.1."

SECTION 12. Section 13-3.4, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-3.4 Placing lighted objects close to combustible matter.

No person shall throw or place hot burning substances or objects such as cigars, cigarettes or the contents of a burning pipe in, upon or in close proximity to any object or structure in a city transit bus or city ferry or special transit service vehicle which is combustible or liable to damage by heat, fire or explosion."

SECTION 13. Section 13-3.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-3.5 Penalty.

- (a) Any person violating Section 13-3.1(b)(1), (2), (3), (4), or (5) or aiding, abetting or assisting in any manner whatsoever another person in violating any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100.00 or be imprisoned for a period not exceeding 10 days or be both so fined and imprisoned.
- (b) Any person violating Section 13-3.1(b)(6), (7), (8), (9) or (10), 13-3.1(c), 13-3.3 or 13-3.4, or aiding, abetting, or assisting in any manner whatsoever another person to violate any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$500.00 or be imprisoned for a period not exceeding six months or be both so fined and imprisoned.
- (c) Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such under this section.



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- (d) Any authorized police officer, upon arresting a person for a violation of this article, shall take the name and address of the alleged violator and shall issue thereto in writing a summons or citation hereinafter described, notifying such person to answer to the complaint to be entered against such person at a place and at a time provided in the summons or citation, except that the officer may make a physical arrest in instances when:
- (1) The alleged violator refuses to provide the officer with such person's name and address or any proof thereof as may be reasonably available to the alleged violator;
 - (2) The alleged violator fails or refuses to immediately cease and desist from such person's prohibited activity or to immediately exit the city transit bus or the city ferry or special transit service vehicle, as determined by the driver of the bus or vehicle, operator of the ferry, and/or other agent of the transit system, or a police officer if the officer is on the ferry or vehicle, after the alleged violator is issued a summons or citation; or
 - (3) The alleged violator has previously been issued a summons or citation for a substantially similar offense within a one-year period.
- (e) There shall be provided for use by police officers a form of summons or citation for use in citing violators of this article where the circumstances do not mandate the physical arrest of such violators. The form of the summons or citation shall be commensurate with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the same valid within the laws and rules of the State of Hawaii and the city. The form and content of such summons or citation shall be adopted or prescribed by the administrative judge of the district court; provided that the administrative judge may approve the use of a form of summons or citation previously adopted or prescribed for other offenses and such approval shall be deemed to meet the requirements of this subsection. In every case where a citation is issued, the original of the same shall be given to the alleged violator; provided that the administrative judge of the district court may prescribe that the alleged violator be given a carbon copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be consecutively numbered, and each carbon copy shall bear the same number as its original.
- (f) The provisions of this article are in addition to and shall in no way limit the provisions of any other federal, state or city law, ordinance, or rule."



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SECTION 14. Section 13-4.5, Revised Ordinances of Honolulu 1990, is amended to read as follows:

"Sec. 13-4.5 Fare.

- (a) Any person issued a pass under Section 13-4.3 and a companion utilizing the special transit service shall pay a fare of \$2.00 per person per one-way passenger trip, except as provided in Section 13-2.6. Revenues from the fare shall be deposited into the bus transportation fund.
- (b) Any person to whom a current bus pass has been issued under Section 13-4.3 shall pay no fare at any time when using regular city transit bus service or the city ferry service.
- (c) A personal care attendant registered with the department of transportation services shall pay no fare at any time when accompanying an eligible individual."

SECTION 15. Chapter 13, Revised Ordinances of Honolulu 1990, is amended by adding a new article to be appropriately designated by the revisor of ordinances and to read as follows:

"Article __. City Ferry System

Sec. 13-__.1 City ferry system.

- (a) The department of transportation services shall be responsible for the operation and maintenance of the city ferry system:
 - (1) In accordance with the charter, this chapter, and other applicable ordinances; and
 - (2) Within the limits of available council appropriations and:
 - (A) In the most efficient and effective manner; and
 - (B) In accordance with sound management practices.
- (b) Subject to council appropriations, the department of transportation services shall establish the routes, schedules and levels of service of the city ferry system. The routes, schedules and levels of service shall be in conformance with the short-range transit plan and any update.



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- (c) Fares for passengers of the city ferry system shall be as established under Article 2. The department of transportation services shall not:
 - (1) Charge a single cash fare, monthly bus 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 pass, unless expressly authorized under Article 2.

- (d) The department of transportation services shall have the power to establish or designate park-and-ride facilities to be served by the city bus system and/or the city ferry system. Park-and-ride facilities established or designated by the department shall be:
 - (1) In conformance with the short-range transit plan and any update; and
 - (2) In compliance with development plan and zoning ordinances and maps, the building code, fire code, and other applicable laws or ordinances concerning land use, planning and building construction.

Park-and-ride facilities "established" by the department mean facilities under the management of the department. Park-and-ride facilities "designated" by the department mean those which, although served by the city bus system or the city ferry system, are not under the management of the department.

Sec. 13-__2 Contract for management, operation and maintenance of city ferry system.

The department of transportation services shall contract a private company to manage, operate, and maintain the city ferry system on behalf of the city.

Sec. 13-__3 Operating revenues.

- (a) All operating revenues derived from the city ferry system shall be public funds. "Operating revenues derived from the city ferry system" include revenues from:



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- (1) Cash fares;
 - (2) Contracts authorizing the use of the city ferry system logo as provided in Section 13-___.6;
 - (3) Advertising spaces in city ferries; and
 - (4) Rental or lease of or concessions on real property managed by the department of transportation services or ferry management services contractor and used for the city ferry system.
- (b) Operating revenues derived from the city ferry system shall be deposited into the highway fund.

Sec. 13-___.4 Advertising inside city ferries.

- (a) The department of transportation services, through the department of budget and fiscal services, may rent or let advertising spaces inside city ferries; provided, that the following types of advertising shall not be accepted:
- (1) Advertising which bears the name, signature, picture or likeness of any elected federal, state or city official or of any candidate for federal, state or city elective office;
 - (2) Advertising which, by reason of design, format or subject matter, promotes or appeals to racial, religious or ethnic prejudice or violence;
 - (3) Advertising which contains pictures, words or symbols of an obscene, lewd, lascivious or indecent character;
 - (4) Advertising which promotes any illegal, indecent or immoral purpose; and
 - (5) Advertising of any product or service which is prohibited by law to be sold or offered for sale to minors or an age-based subgroup of minors.
- (b) Standard advertising spaces inside each city ferry shall be made available for announcements of a public service, civic or charitable nature. Fifty percent (50%) of the spaces shall be made available free of charge to organizations exempt from federal income taxation under Section 501(c)(3) of the federal Internal Revenue Code.



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A tax-exempt organization shall not be denied the use of advertising space in a city ferry solely because the announcement or advertisement refers to the location of an event sponsored by the tax-exempt organization, even if the location of the event is not owned or operated by a tax-exempt organization.

For the purpose of this subsection, "standard advertising space" means a space 11 inches wide and 28 inches long.

- (c) The department of transportation services shall set the rates for the renting or letting of advertising spaces. Rates shall be set by rule adopted in accordance with HRS Chapter 91.

Sec. 13-__5 Advertising on exterior of city ferries.

- (a) Except as otherwise provided under subsection (b), no advertising shall be allowed on the exterior of a city ferry.
- (b) Any word, phrase or logo identifying the city, department of transportation services, transit management services contractor, or trade name of the city ferry system may be placed on the exterior of a city ferry.
- (c) Any letter, word, phrase or number on the exterior of a city ferry which identifies the route, origin, destination or fleet inventory designation of the ferry shall not be deemed advertising prohibited under this section.

Sec. 13-__6 Logo of city ferry system.

- (a) The department of transportation services may adopt an official logo for the city ferry system. The logo may be used for official business purposes and revenue-raising activities authorized by the department. The logo may be the same as that previously adopted for the city ferry system.
- (b) If necessary, the department of transportation services shall copyright the adopted ferry system logo under federal law and register its copyrighted ownership. The department of transportation services may request the department of budget and fiscal services to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the ferry system logo to raise revenues for the city ferry system. A copy of each contract relating to the use of the ferry system logo shall be sent to the city clerk within 30 days of execution of the contract.



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- (c) Any person who manufactures, reproduces, distributes, or sells any article imprinted with the ferry system logo without the express written approval of the department of transportation services shall be guilty of a misdemeanor."

SECTION 16. Ordinance material to be deleted is bracketed. New ordinance material is underscored. When revising, compiling or printing this ordinance for inclusion in the Revised Ordinances of Honolulu, the revisor of ordinances need not include the brackets, bracketed material or the underscoring.



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SECTION 17. This ordinance shall take effect upon its approval.

INTRODUCED BY:

Barbara Marshall (BR)

DATE OF INTRODUCTION:

February 20, 2007
Honolulu, Hawaii

Councilmembers

APPROVED AS TO FORM AND LEGALITY:

Raid M. Hamad
Deputy Corporation Counsel

APPROVED this 17th day of May, 2007.

Mufi Hannemann
MUFU HANNEMANN, Mayor
City and County of Honolulu

(OCS/032807/ct)

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

ORDINANCE 07-13

BILL 25 (2007), CD1

Introduced: 02/20/07 By: BARBARA MARSHALL (BR)

Committee: TRANSPORTATION

Title: A BILL FOR AN ORDINANCE RELATING TO THE CITY FERRY SYSTEM.

Links: [BILL 25 \(2007\)](#)
[BILL 25 \(2007\), CD1](#)
[D-111\(07\)](#)
[CR-116](#)

COUNCIL	03/14/07	BILL PASSED FIRST READING AND REFERRED TO COMMITTEE ON TRANSPORTATION.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
TRANS	03/29/07	CR-116 – BILL REPORTED OUT OF COMMITTEE FOR PASSAGE ON SECOND READING AND SCHEDULING OF A PUBLIC HEARING AS AMENDED IN CD1 FORM.				
PUBLISH	03/31/07	PUBLIC HEARING NOTICE PUBLISHED IN THE HONOLULU STAR-BULLETIN.				
COUNCIL/PUBLIC HEARING	04/11/07	BILL PASSED SECOND READING AS AMENDED (BILL 25 (2007), CD1) AND CR-116 ADOPTED, PUBLIC HEARING CLOSED AND REFERRED TO BUDGET COMMITTEE.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		
PUBLISH	04/16/07	SECOND READING NOTICE PUBLISHED IN THE HONOLULU STAR BULLETIN.				
TRANS	04/19/07	CR-163 – BILL 25 (2007), CD1 REPORTED OUT OF COMMITTEE FOR PASSAGE ON THIRD READING.				
COUNCIL	05/02/07	BILL 25 (2007), CD1 PASSED THIRD READING AND CR-163 ADOPTED.				
	APO Y	CACHOLA Y	DELA CRUZ Y	DJOU Y	GARCIA Y	
	KOBAYASHI Y	MARSHALL Y	OKINO Y	TAM Y		

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this BILL.


DENISE C. DE COSTA, CITY CLERK


BARBARA MARSHALL, CHAIR AND PRESIDING OFFICER