

200

DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

RULES AND REGULATIONS RELATING TO ADMINISTRATIVE PROCEDURES FOR THE
DEPARTMENT OF TRANSPORTATION SERVICES, CITY AND COUNTY OF HONOLULU

CHAPTER 00

SPECIAL TRANSIT SERVICES (TheHandi-Van)

Subchapter 1: General Provisions

- §00-00-01 Purpose and definition
- §00-00-02 Methods whereby the public may obtain information
- §00-00-03 Submittal or requests for information
- §00-00-04 Information - Special Transit Service
- §00-00-05 to 00-00-10 (Reserved)

Subchapter 2: Special Transit Service

- §00-00-11 Special Transit Service
- §00-00-12 Section 504 Grievance Procedure
- §00-00-13 to 00-00-20 (Reserved)

Subchapter 3: Activities Prohibited on Public Conveyances

- §00-00-21 Activities prohibited on special transit service vehicles
- §00-00-22 Signs required
- §00-00-23 Removal or defacing of signs
- §00-00-24 Placing lighted objects close to combustible matter
- §00-00-25 Penalty
- §00-00-26 to 00-00-40 (Reserved)

Subchapter 4: Rules and Regulations, Special Transit Service

- §00-00-41 Definitions
- §00-00-42 Eligibility and Identification Card Issuance
- §00-00-43 Door-to-Door Service
- §00-00-44 Curb-to-Curb Service
- §00-00-45 Fares
- §00-00-46 Service Request
- §00-00-47 Subscription Service
- §00-00-48 Requesting and Canceling Service

§00-00-49	Personal Care Attendant or Companion
§00-00-50	Destination (Arrival)
§00-00-51	Operator's Responsibility
§00-00-52	Passenger's Responsibility
§00-00-53	No-Shows
§00-00-54	Bundles and Personal Articles
§00-00-55	Restraining and Safety Devices
§00-00-56	Misconduct (Except for Extreme Misconduct)
§00-00-57	Suspension of Special Transit Service
§00-00-58	Extreme Misconduct
§00-00-59	Appeal (Except for Extreme Misconduct)
§00-00-60	Prohibition
§00-00-61	Emergency Service
§00-00-62 to 00-00-70	(Reserved)

Subchapter 1: General Provisions

§00-00-01 Purpose and Definition. The purpose of this chapter is to establish and promulgate rules and regulations pertaining to the City and County of Honolulu's Special Transit Service established by Chapter 13 Public Transit Revised Ordinances of Honolulu and also referred to as TheHandi-Van .

§00-00-02 Methods Whereby the Public May Obtain Information. The public may obtain information as to matters within the jurisdiction of the Department of Transportation Services (DTS) by inquiring at:

(a) The Office of the City Clerk, City Hall, where all rules of DTS are on file.

(b) The Administrative Office of the DTS, Honolulu Municipal Building 3rd Floor, 650 S. King Street, Honolulu, Hawaii 96813, regarding policies. Public information regarding Special Transit Service rider eligibility and service is available on the 2nd floor, Honolulu Municipal Building, 650 S. King Street, Honolulu, Hawaii 96813.

§00-00-03 Submittal or Requests for Information. Inquiry may be made in person, telephone or by submitting a request for information to the Director, Department of Transportation Services, City and County of Honolulu, in writing.

§00-00-04 Information -Special Transit Service. Information concerning the operations can be obtained by calling (808) 523-4083, Monday through Friday, 7:45 a.m. to 4:00 p.m. excluding holidays.

Information regarding lost and found, trip reservations, cancellations, and customer service inquiries shall be directed to Oahu Transit Services, Inc., (OTS) Paratransit Customer Service, 811 Middle Street, Honolulu, Hawaii 96819, (808) 454-5050.

Subchapter 2: Special Transit Service

§00-00-11 Special Transit Service -- Section 13-4, Revised Ordinances, Honolulu, 1990 as amended.

(a) Special transit service is 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 eligible by DTS. (Section 13-1.1)

(b) Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the department of transportation services.

(c) An applicant must be certified to be paratransit eligible according to the Americans with Disabilities Act of 1990 (ADA); CFR 49, Part 37, Subpart F, Section 37.123 to use the special transit service. Such certification shall be made by either the department or by any person it so authorizes.

(d) The following persons are ADA paratransit eligible:

(1) Any person with a disability who is unable, as a result of a physical or mental impairment and without the assistance of another person, to board or disembark from any city transit bus which is readily accessible to persons with disabilities.

(2) Any person with a disability who needs the assistance of a wheelchair lift or other boarding assistance device and is able to board, ride and disembark from any city transit bus which is readily accessible to persons with disabilities if the person wants to travel on a route of the city bus system at a time when a city transit bus does not provide designated bus service on the route.

(A) A person is eligible under this section with respect to travel on an otherwise accessible route if the city transit bus is precluded because the lift cannot be deployed, the lift will be damaged if it is deployed, or temporary conditions at the stop, not under the control of the department of transportation services, preclude the safe use of the stop by all passengers.

(B) A person using a common wheelchair is eligible under this section if the person's wheelchair cannot be accommodated on an existing city transit bus even if that city transit bus is accessible to other persons with disabilities and their mobility devices.

(3) Any person with a disability who has a specific impairment-related condition which prevents such person from traveling to and from official bus stops on the city bus system.

(A) Only a specific impairment-related condition which prevents the person from traveling to and from official bus stops is a basis for eligibility under this section. A condition which makes traveling to and from official bus stops more difficult for a person with a specific impairment-related condition than for a person who does not have the condition, but does not prevent travel, is not a basis for eligibility under this section.

(B) Architectural barriers not under the control of the department of transportation services providing fixed route service and environmental barriers do not form a basis for eligibility under this section. The interaction of such barriers

with a person's specific impairment-related condition may form a basis for eligibility, if the effect is to prevent the person from traveling to and from official bus stops.

(e) Application procedures, appeals, hearing procedures and final decisions are the same as that which are applied to a person with a disability bus pass and are set forth below. **RULES AND REGULATIONS, SPECIAL TRANSIT SERVICE**, is included hereto as Subchapter 4.

(1) Applications: A person with a disability may obtain an application for ADA paratransit eligibility determination from the following locations:

(A) OTS Office, 811 Middle Street, Honolulu, Hawaii 96819 or receive in mail by calling 848-4444.

(B) DTS, Honolulu Municipal Building 2nd Floor, 650 S. King Street, Honolulu, Hawaii 96813, or receive in mail by calling 523-4083.

(C) Satellite City Halls.

(D) Social service departments of most major hospitals.

(2) After the ADA paratransit eligibility application is completed, it should be forwarded by the applicant or the servicing agency DTS, Honolulu Municipal Building 3rd Floor, 650 S. King Street, Honolulu, Hawaii 96813 for review and approval.

(3) Once final approval is completed, DTS will forward the application to TheBus Pass Office. The applicant will be notified by DTS to proceed to 811 Middle Street for picture taking. Until such time that a special transit photo identification card is issued, the applicant cannot ride TheBus fare free.

(f) The ADA paratransit eligibility photo identification card shall be effective up through the expiration date shown on the card. Eligibility should be renewed thereafter no more than 60 days prior to the expiration of the prior term to ensure uninterrupted service, provided the person requesting such renewal demonstrates at each renewal date that their mental or physical condition warrants their continued status by resubmitting a completed ADA paratransit eligibility application.

(g) A temporary photo identification card may be issued to an ADA paratransit eligible person whose disabling condition is not expected to remain permanently. ADA paratransit eligibility shall be effective up through the expiration date shown on the card. Such cards may also be renewed, if warranted, for any additional period equal to the expected disabling conditions and limits listed above, and a completed ADA paratransit eligibility application has been approved.

(h) Visitors showing proof of ADA paratransit eligibility elsewhere, will be provided special transit service for up to 21 days after registering with the Department of Transportation Services. If a visitor needs service longer than 21 days, he/she must comply with application procedures and qualifications set forth above.

(i) When the ADA paratransit eligibility photo identification card is lost, destroyed, damaged, or stolen, report to TheBus Pass Office at 811 Middle Street, Monday through Friday, except Holidays, between 7:30 a.m. and 3:30 p.m. and a replacement card will be issued to the rider for the duration left on the original application at no cost.

(j) Any person issued a ADA paratransit eligibility photo identification card under this subsection who is convicted under Section 13-2.7, Non-transference of pass and identification card - - Penalty, shall be denied the use of the photo identification card to ride TheBus fare free for one (1) year from the date of such conviction.

(k) Any person issued a ADA paratransit eligibility photo identification card under Section 13-4.3 shall pay no fare at any time when using the city transit bus service (TheBus).

(l) A personal care attendant for an ADA paratransit eligibility cardholder, who is registered with DTS is not considered a companion and shall pay no fare when accompanying the qualified rider on the special transit service.

(m) Additional Information. Any application containing insufficient information or justification will be returned to the applicant with an appropriate request for additional information and/or re-verification by a licensed health care professional.

(n) Appeal. A person denied ADA paratransit eligibility shall receive a notice in writing from the Department of Transportation Services stating the reasons for denial. Within 60 calendar days of receipt of such notice or such additional time as may be permitted by the Director (of DTS), such person may appeal the decision to the Director or to a hearing officer appointed by the Director. The appeal shall be effected by filling out the notice of appeal in a form prescribed by the Department of Transportation Services and filing the same with the Director (of DTS).

(o) Hearing. Within twenty working days from the filing of such notice of appeal, the Director or the appointed hearing officer shall conduct a hearing at which time 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 fact showing the reason why the denial was in error. The Director or the appointed hearing officer shall have the power to affirm, reverse or modify the decision of the DTS's staff based upon findings of fact which justify the decision. This 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 hearing officer shall be in written form, kept on file and open to public inspection.

(p) Non-transference of Passes, Identification Card, and Penalty, Section 13.2.7 Revised Ordinances, Honolulu, 1990, as amended. Any pass issued under this Section 13-2.2, Section 13-2.3 or 13-4.3 and identification card issued under Section 13-2.2 or Section 13-2.3 are non-transferable and shall not be used by any person other than by the person to whom it was issued. Any person issued such pass or identification card based upon false application/certification or who knowingly permits another to use the pass/identification card or who alters their pass/identification card shall be penalized by having their pass/identification card revoked for a period of one year from the date of conviction. As stated in Section 13-3.5, the penalty for any person who uses such pass/identification card issued to another shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding twenty-five dollars (\$25.00) or be imprisoned for period not exceeding ten (10) days or be both so fined and imprisoned.

§00-00-12 Section 504 Grievance Procedure.

(a) The Department of Transportation Services has adopted an internal grievance procedure providing for prompt and equitable resolution of complaints alleging any action prohibited by the U. S. Department of Transportation regulations implementing Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. 794). Section 504 states, in part, that "no otherwise qualified individual...shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance...." Complaints should be addressed to: Director, Department of Transportation Services, DTS, Honolulu Municipal Building 3rd Floor, 650 S. King Street, Honolulu, Hawaii 96813, (808) 527-6890, who has been designated to coordinate Section

504 compliance efforts.

(b) A complaint should be filed in writing or verbally, contain the name and address of the person filing it, and briefly describe the alleged violation of the regulations.

(c) A complaint should be filed within thirty (30) calendar days after the complainant becomes aware of the alleged violation. (Processing of allegations of discrimination which occurred before this grievance procedure was in place will be considered on a case-by-case basis.)

(d) An investigation, as may be appropriate, shall follow a filing of a complaint. The investigation shall be conducted by the Director. These rules contemplate informal but thorough investigations, affording all interested persons and their representatives, if any, an opportunity to submit evidence relevant to a complaint. Under the U. S. Department of Transportation regulations, the Department of Transportation Services need not process complaints from applicants for employment or from applicants for admission to post-secondary educational institutions.

(e) A written determination as to the validity of the complaint and a description of the resolution, if any, shall be issued by the Director and a copy forwarded to the complainant no later than thirty (30) calendar days after its filing.

(f) The Section 504 coordinator shall maintain the files and records of the Department of Transportation Services relating to the complaints filed.

(g) The complainant can request a reconsideration of the case in instances where he or she is dissatisfied with the resolution. The request for reconsideration should be made within thirty (30) calendar days to the Director.

(h) The right of a person to a prompt and equitable resolution of the complaint filed hereunder shall not be impaired by the person's pursuit of other remedies such as the filing of a Section 504 complaint with the responsible federal department or agency. Utilization of this grievance procedure is not a prerequisite to the pursuit of other remedies.

(i) These rules shall be construed to protect the substantive rights of interested persons, to meet appropriate due process standards, and to assure that the Department of Transportation Services complies with Section 504 and implementing regulations.

Subchapter 3: Activities Prohibited on Public Conveyances

§00-00-21 Activities prohibited on special transit service vehicles.

(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 operate the city bus 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 special transit service 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 operator, another agent of the transit system, or any police officer, or to fail or refuse to immediately exit a city transit bus or special transit service vehicle if requested to do so by the operator of the bus or special transit service vehicle, 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 television, radio, recording playback device, musical instrument, or other sound-producing device, unless the device is connected to a headphone or earphone which limits the sound to the individual user; provided that nothing contained in this subdivision shall be construed as prohibiting the operator of the bus or special transit service vehicle from using or playing such devices for official business, or as prohibiting the use of telephones 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;
- (4) Discarding, disposing of, placing, throwing, or dropping any litter, as defined in HRS Section 339-1, in or from the bus or special transit service vehicle, except into receptacles designated for that purpose;
- (5) 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;
- (6) Spitting, expectorating, urinating or defecating in, on or from the bus or special transit service vehicle; 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;
- (7) Obstructing, impeding, hindering, interfering with or otherwise disrupting the safe and efficient operation of the bus or special transit service vehicle or any operator or other agent of the transit system in the performance of that individual's official duties;
- (8) When boarding a bus or special transit service vehicle:
 - (A) Knowingly failing or refusing to pay the applicable fare for transportation on the bus or special transit service vehicle in cash, coupons, or tokens in the required manner; or
 - (B) Presenting a pass, transfer, badge or other fare medium for transportation on such bus or special transit service 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 operator of any city transit bus 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 special transit service vehicle:

- (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 special transit service vehicle, would violate the provisions of subsection (b) if conducted in violation of the request of the operator, agent, or police officer;
- (3) When the person is engaged in activities that, if such activities occurred in the bus or special transit service vehicle, 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 special transit service vehicle.

In addition, the operator of any city transit bus 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 special transit service vehicle and the operator, agent or any police officer may cause such person to be ejected from the bus or special transit service vehicle. It shall be a violation of this section for a person to board a city transit bus or special transit service vehicle after being requested not to do so by the 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 special transit service vehicle when requested by the operator, another agent of the transit system, or police officer to do so for any of the reasons specified in this subsection. (Sec. 28-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-67, 97-02)

§00-00-22 Signs required. The department of transportation services shall require the conspicuous display within each city transit bus and special transit service vehicle of a sign clearly setting forth all of the prohibitions of Section 13-3.1. (Sec. 28-3.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 97-02)

§00-00-23 Removal or defacing of signs. No person shall remove or deface signs required to be erected by or under the authority of this article. (Sec. 28-3.3, R.O. 1978 (1983 Ed.))

§00-00-24 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 special transit service vehicle which is combustible or liable to damage by heat, fire or explosion. (Sec. 28-3.4, R.O. 1978 (1983 Ed.); Am. Ord. 91-27)

§00-00-25 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.

(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 special transit service vehicle, as determined by the operator of the bus or special transit service vehicle, other agent of the transit system, or a police officer if the officer is on the 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. (Sec. 28-3.5, R.O. 1978 (1983 Ed.); Am. Ord. 96-67)

Subchapter 4: Rules and Regulations, Special Transit Service

§00-00-41 Definitions

(a) Same Day Service is defined as service demanded and/or requested on the day of the demand or request. Also includes modifying trips and service already booked or arranged with the paratransit service contractor.

(b) Personal Care Attendant (PCA) is defined as someone designated or employed specifically to help the eligible individual meet his or her personal needs. A companion (defined below) does not count as a personal care attendant unless the eligible individual makes use of a personal care attendant and the companion is actually acting in that capacity. (49 CFR Part 37, 37.123-5)

(c) Door-to-Door is defined as service provided from the door of the pick-up location to the door of the drop-off location.

(d) Curb-to-Curb is defined as service provided from safe pick-up and drop-off points which are curbside adjacent to public streets, roadways, or any appropriate off-street locations.

(e) Other Mobility Aids is defined as aids to the ADA paratransit eligible individuals mobility and life support equipment. This includes service animals, respirators, portable oxygen, and other life support equipment.

(f) Passenger is defined as any individual other than the operator, who boards a special transit service vehicle. This includes the ADA paratransit eligible cardholder, Personal Care Attendant, companions, and service animals.

(g) Cardholder is defined as the individual who is registered with DTS as the person eligible for ADA paratransit service. Cardholder status cannot be assigned or transferred.

(h) Subscription Service is defined as service delivered to a cardholder without calling to book a reservation at least every 7 days in advance.

(i) Companion is defined as an individual accompanying the eligible individual.

(j) Service animals means any guide dog, signal dog, or other animal individually trained to work or perform tasks for an individual with a disability, including but limited to, guiding individuals with impaired vision alerting individuals with impaired hearing to intruders or sounds, providing minimal protection or rescue work, pulling a wheelchair, or fetching dropped items. (49 CFR Subpart A 37.3)

(k) wheelchair (common) measuring up to 30 inches wide by 48 inches long at a level 2 inches above the ground and weighing no more than six hundred (600) pounds when occupied.

§00-00-42 Eligibility and Identification Card Issuance. DTS shall certify applicants for special transit service as ADA paratransit eligible if they fall into one of the following categories and their application has been verified by their licensed health care professional:

(a) Any person with a disability who is unable, as a result of a physical or mental impairment and without the assistance of another person, to board or disembark from any city transit bus which is readily accessible to persons with disabilities.

(b) Any person with a disability who is able to use accessible city transit bus, but accessible city transit bus is not available.

(c) Any person with a disability who has a specific impairment-related condition which prevents such person from traveling to and from official bus stops on the city transit bus system.

Every qualified applicant shall be issued a ADA paratransit eligibility photo identification card. The card must have a picture of the rider and the picture must be taken at TheBus Pass Office within 30 days of the date of notification. The card is non-transferable and is for the exclusive use of the bearer. Duplicates for lost cards may be issued upon request but shall be limited to three per year. Abuse of the card privilege may be cause for revocation or suspension thereof for a period of not longer than twelve months at the discretion of the Director of the Department of Transportation Services, City and County of Honolulu (DTS), hereinafter referred to as the Director.

§00-00-43 Door to door Service. The special transit service shall not be a door-to-door service.

§00-00-44 Curb-to-Curb Service. Transportation service provided by the special transit service contractor, hereinafter referred to as the Contractor, shall be to and from accessible pick-up and drop-off points which are curbside adjacent to public streets, roadways, or any appropriate off-street locations. Private driveways may be utilized with a notarized authorization to the Contractor from the property owner. Approval for entry to private property will be investigated and approved by the Contractor on a case by case basis.

Operators will leave after waiting at least five minutes beyond the scheduled pick-up time or five minutes after they arrive if they arrive later than the scheduled pick-up time.

§00-00-45 Fares.

(a) The City ordinance pertaining to special transit service fare states that:

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. Revenues from the fare shall be deposited into the general fund.

The ADA paratransit eligible cardholder and companion(s) must pay a fare for each one-way passenger trip. Cash or coupons offered by the Contractor are the only acceptable fare media.

(b) The Contractor may refuse service to a cardholder and companion(s) if exact fare is not provided upon boarding.

(c) Service animals shall ride fare free.

(d) The ADA paratransit cardholder may utilize the card to ride the city transit service, TheBus, fare free.

00-00-46 Service Request. Service requests must be made to the Contractor at least one day and up to seven (7) days in advance. Same day service will be accepted on a space available basis.

00-00-47 Subscription Service. Subscription service may be provided by the Contractor. Cardholder qualification criteria are set forth below.

- (a) Trip purposes shall be exclusively for medical, school, training, day care, and/or work.
- (b) There shall be no more than one (1) companion or PCA to accompany a cardholder. A companion and a PCA both cannot ride as a subscription.
- (c) Subscription service shall be subject to the fare ordinance for subscription service.
- (d) A cardholder requesting subscription service shall not be prevented from requesting non-subscription service otherwise specified in these rules.

§00-00-48 Requesting and Canceling Service. If a cardholder is unable to request and/or cancel service due to his or her disability, an individual responsible for the cardholder or the sponsoring agency may do so on behalf of the cardholder by providing trip information and the ADA paratransit eligibility photo identification card number.

§00-00-49 Personal Care Attendant or Companion. If the health care professional has specified that the cardholder requires a Personal Care Attendant said personal care attendant is not considered a companion and shall pay no fare.

A cardholder is permitted to have one companion to ride with him or her. Said companion is considered a passenger and must pay the prevailing fare. More than one companion may be accommodated on a space available basis. Each companion shall pay the prevailing fare.

A Personal care attendant and/or companion must enter and exit the vehicle at the same location as the cardholder.

§00-00-50 Destination (Arrival). The Contractor is responsible for the safe curb-to-curb transportation of the passengers only. The Contractor does not provide door-to-door service.

Any cardholder who is unable to care for himself or herself due to a physical or mental disability shall be met by a responsible individual upon arrival at the destination. If no such individual is available, the operator shall notify dispatch and wait for instructions. The operator shall prepare an incident report recording the date and time of the incident as well as the cardholder name and drop-off address. This incident shall be deemed misconduct and subject to paragraphs 00-00-56 and 00-00-57 of these rules.

§00-00-51 Operator Responsibility. The responsibilities of the special transit service Operator shall be as follows:

- (a) To assist all passengers while boarding or alighting.
- (b) To assure that all wheelchairs and other mobility aids are secured and attached to the vehicle.
- (c) To inspect and assure that all passengers are properly secured by means of seat belts, harnesses, and/or other restraining devices before the vehicle is put into motion for safety purposes.

- (d) To assist passengers who are unable to fasten restraining devices due to a disability.
- (e) To report all cases of misconduct in writing.

§00-00-52 Passenger Responsibility. The responsibilities of the ADA paratransit eligible cardholder are as follows:

To make reservations for service at least one day in advance. Inform reservation personnel if accompanied by a personal care attendant and/or companion.

(a) To be at the proper pick-up point at the scheduled time. The passenger should allow at least thirty (30) minutes after the scheduled pick-up time to call regarding late service, accounting for possible variations in the operator's schedule.

(b) To cancel service if the trip is not needed. If the trip is not canceled at least two hours before the scheduled pick-time, the cardholder will be considered a "No-Show."

(c) To display his or her ADA paratransit eligibility photo identification card at the pick-up if requested by the driver. Passengers without their ADA paratransit eligibility photo identification card may not be allowed to ride in the vehicle. If a passenger is unable to assume this responsibility and is not traveling with a personal care attendant or companion, it shall be the responsibility of the person who arranged the trip to display the passenger's identification card, if asked to do so by the operator.

(d) To provide industry approved seat belts for wheelchairs and to assure that such seat belts are fastened prior to boarding the wheelchair lift.

(e) To provide and use on the special transit service an adequate child auto restraint for any child less than forty pounds.

(f) To make sure that all sores, wounds, cuts, abrasions, etc., are properly covered and bandaged.

§00-00-53 No-Shows. A cardholder who is a "No-Show" three or more times in a month may be subject to the suspension of special transit service to him/her at the discretion of the Director or Department of Transportation Services Hearing Officer. The first such suspension of special transit service shall be for not longer than one (1) month. Suspensions for violations of this rule after the first suspension shall be for not more than six months.

Prior to suspending service to any cardholder, the Director or his/her authorized representative shall send at least one (1) written notice warning the cardholder that a subsequent failure of the cardholder to appear at the scheduled pick-up time will result in suspension.

§00-00-54 Bundles and Personal Articles. Any bundle or personal article that can be stored under a passenger's seat or on a passenger's lap without interfering with the comfort or endangering the safety of other passengers shall be allowed on board special transit service vehicles. Passengers in possession of bundles or personal articles that cannot be stored as indicated above shall be denied entry to special transit service vehicles by the operator.

The Director shall from time to time grant waivers to this rule in the event a cardholder demonstrates qualified public purpose. The Contractor will inform the Director of such requests

for waivers, confirm the availability of space on the special transit service vehicle(s), and any operational impacts this request may create.

§00-00-55 Restraining and Safety Devices. Passengers who refuse to use or allow to be used wheelchair tie-down or other restraining and safety devices as required for their safety and the safety of others while the vehicle is in motion shall not be allowed to ride in special transit service vehicles.

§00-00-56 Misconduct (except for Extreme Misconduct). Any passenger who, after being warned by the operator, repeatedly misbehaves or who is considered offensive to others, or is a threat to others, may be denied special transit service.

The Contractor shall report incidents of misconduct in writing to the Director. After review of the incident, the Director or his/her authorized representative shall take appropriate action as deemed necessary, including but not limited to:

(a) Providing a oral or written warning to the cardholder that special transit services to him or her shall be suspended pursuant to Paragraphs 00-00-21 and 00-00-56 of these regulations if such misconduct is repeated; or

(b) Suspending special transit service to the cardholder pursuant to Paragraph 00-00-21 and 00-00-56 of these regulations.

§00-00-57 Suspension of Special Transit Service. Special transit service to a cardholder or passenger may be suspended for a period of not longer than twelve (12) months at the discretion of the Director or the DTS Hearing Officer for any violation of the rules or regulations of DTS or any other law or rule relative to the special transit service program or the use thereof.

DTS reserves the right to determine if a Personal Care Attendant (PCA) is needed for the safety of all passengers and safe vehicle operations.

§00-00-58 Extreme Misconduct. Except as otherwise provided, the Contractor may deny special transit service to any cardholder or passenger when the cardholder or passenger caused or may cause an immediate danger or harm to other passengers or the operator. The Contractor shall notify the Director immediately in writing when such action is taken. DTS shall immediately hold an administrative hearing upon the written request of the cardholder or passenger denied special transit service. The Hearing Officer shall decide whether probable cause exists to immediately suspend special transit service to the cardholder or passenger.

§00-00-59 Appeal (Except for Extreme Misconduct). Written notice of a revocation or suspension indicating the reason(s) for the suspension shall be given to any cardholder whose service or card has been suspended or revoked at least fifteen days prior to the effective day of the revocation or suspension. Such cardholder may request a hearing within said fifteen-day period or such additional time as may be permitted by the Director. The request for a hearing to appeal the

suspension or revocation shall be made on a form provided by the Department of Transportation Services. Within twenty working days from the filing of such notice of appeal, the Director or his/her appointed Hearings Officer shall conduct a hearing at which time 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 fact showing the reason why the suspension or revocation was in error.

The Director or his/her appointed Hearings Officer shall have the power to affirm, reverse or modify the decision based upon findings of facts. This decision shall be the final decision of the City.

The notice and hearing requirements shall conform to the applicable provisions of Hawaii Revised Statutes Chapter 91.

All findings of fact and conclusions of law and decisions and orders of the Director or appointed Hearings Officer shall be in written form, kept on file and open to public inspection.

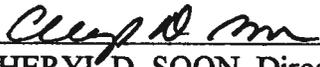
§00-00-60 Prohibition. Pursuant to Subchapter 3 - Activities Prohibited on Public Conveyances, 00-00-21 Activities prohibited on special transit service vehicles,-- of these rules and regulations, eating, drinking, and smoking aboard special transit service vehicles by the operator and/or passengers is prohibited while the vehicles are in service. The use or playing of radios (except radio used in dispatching) or any other recording/playback device is allowed by passengers only, as long as an earphone system for silent operation is used.

§00-00-61 Emergency Service. The purpose of the service is solely to provide public transportation to individuals who are ADA paratransit eligible. The special transit service shall not provide ambulance-type emergency service to cardholder, PCAs, or other passengers requiring immediate medical attention.

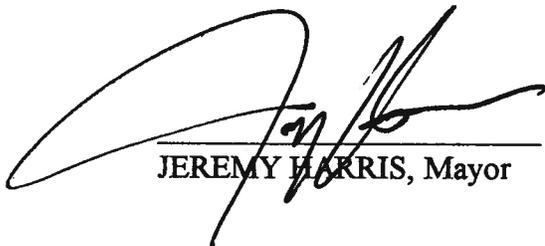
DEPARTMENT OF TRANSPORTATION SERVICES
CITY AND COUNTY OF HONOLULU
STATE OF HAWAII

Chapter 00-00, Rules and Regulations Relating to Administrative Procedures for The Department of Transportation Services, City and County of Honolulu (DTS) was adopted on February 17, 2004, following a public hearing held on Wednesday, June 25, 2003, at the Honolulu Municipal Building, 650 South King Street, 2nd Floor, after public notice was given in the RFD Publications, Inc. aka Mid-Week on Friday May 23, 2003, and again on Wednesday, June 18, 2003.

The adoption of chapter 00-00 shall take effect ten days after filing with the Office of the City Clerk.

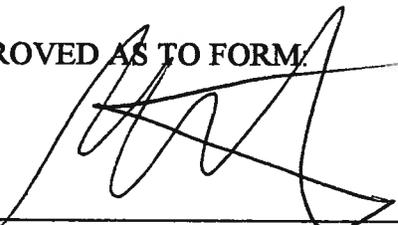

CHERYL D. SOON, Director

APPROVED:


JEREMY HARRIS, Mayor

Dated: October 1, 2004

APPROVED AS TO FORM:

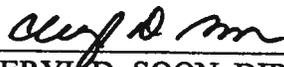

DEPUTY CORPORATION COUNSEL

October 6, 2004

Filed

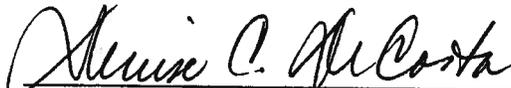
CERTIFICATION

I, Cheryl D. Soon, in my capacity as Director of the Department of Transportation Services, City and County of Honolulu, do hereby certify that the foregoing is a full, true, and correct copy of the Rules and Regulations relating to Special Transit Services which were adopted by said Director of the Department of Transportation Services, City and County of Honolulu on February 17, 2004, following a public hearing held on Wednesday, June 25, 2003, at the Honolulu Municipal Building, 650 South King Street, 2nd Floor after public notice was given on Friday May 23, 2003, and again on Wednesday, June 18, 2003, in the RFP Publications, Inc. aka Mid-Week.



CHERYL D. SOON, DIRECTOR
Department of Transportation Services
City and County of Honolulu

Received this 6th day of
October, 2004.



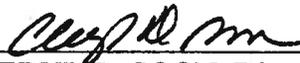
City Clerk
DENISE C. DE COSTA

EFFECTIVE DATE OF RULES:
OCTOBER 16, 2004

EFFECTIVE DATE OF THESE RULES

These Rules shall become effective ten days after filing with the Office of the City Clerk.

ADOPTED this 17th day of February, 2004, by the Director, Department of Transportation Services, City and County of Honolulu, State of Hawaii.



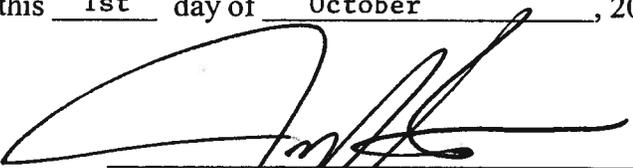
CHERYL D. SOON, Director
Department of Transportation Services
City and County of Honolulu

APPROVED AS TO FORM AND LEGALITY:



Deputy Corporation Counsel

APPROVED this 1st day of October, 2004.



JEREMY HARRIS, Mayor
City and County of Honolulu