

Chapter 13

PUBLIC TRANSIT

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Article 1. Definitions

Sections:

13-1.1 Definitions.

Sec. 13-1.1 Definitions.

Except as otherwise provided, for the purposes of this chapter:

"Bus" means a motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons. The term shall not include a vehicle designed for operation on a fixed rail guideway.

"Bus management services contractor" means the private, nonprofit corporation which, on March 31, 1997, held the contract to manage the city bus system.

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

"Bus personnel" means personnel employed by the transit management services contractor exclusively or predominantly for the operation and maintenance of the city bus system.

"Child" means any person five years of age or younger.

"City bus system" means the public mass transit service provided by the city through the use of buses. The term includes:

- (1) Regularly scheduled public mass transit service provided through the use of buses operating over fixed routes; or
- (2) Periodic or specially scheduled public mass transit service provided through the use of buses for special events.

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

"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 transit bus" means a bus used in the city bus system and owned by:

- (1) The city; or
- (2) A contractor with the city.

"Department" means the department of transportation services.

"Director" means the director of transportation services or designated representative. As appropriate to the circumstances, approval by the director shall include approval by designated representatives.

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

"Health care professional" includes a clinical social worker, occupational therapist, physiatrist, physical therapist, rehabilitation specialist, medical physician, registered nurse, psychologist or similar professional duly licensed to practice in the State of Hawaii.

"Identification card" includes the following:

- (1) Paratransit eligibility identification cards distributed as approved by the department for the duration as

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. (Added by Ord. 96-55; Am. Ord. 07-13)

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

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

(Added by Ord. 03-27; Am. Ord. 09-17)

Article 3. Activities Prohibited on Public Conveyances

Sections:

- 13-3.1 Activities prohibited on transit buses, on ferries, and special transit service vehicles—Authority of drivers—Violations.**
- 13-3.2 Signs required.**
- 13-3.3 Removal or defacing of signs.**
- 13-3.4 Placing lighted objects close to combustible matter.**
- 13-3.5 Penalty.**

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 and the entity or entities 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 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;
 - (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, 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;
- (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; or
- (5) When the person is a child who is not accompanied by a fare-paying passenger, a city employee, or an employee of the transit management services contractor or ferry management services contractor.

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.

(Sec. 28-3.1, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 96-67, 97-02, 03-27, 06-52, 07-13, 08-20)

Sec. 13-3.2 Signs required.

The department 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. (Sec. 28-3.2, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 97-02, 07-13, 08-20)

Sec. 13-3.3 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.))

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. (Sec. 28-3.4, R.O. 1978 (1983 Ed.); Am. Ord. 91-27, 07-13)

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.
- (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