

COUNCIL OF THE COUNTY OF MAUI
PUBLIC SERVICES COMMITTEE

March 20, 2009

**Committee
Report No.**

09-32

Honorable Chair and Members
of the County Council
County of Maui
Wailuku, Maui, Hawaii

Chair and Members:

Your Public Services Committee, having met on March 4, 2009, makes reference to County Communication No. 09-27, from the Director of Transportation, transmitting a proposed bill entitled "A BILL FOR AN ORDINANCE ADDING A NEW TITLE TO THE MAUI COUNTY CODE, ENTITLED PUBLIC TRANSIT".

The purpose of the proposed bill is to adopt regulations pertaining to the County's public transit system (Maui Bus) in order to provide reliable transportation services that protect the health, safety, and welfare of the people.

Your Committee received a presentation from the Department of Transportation regarding the need to codify the County's growing public transit system. The Director of Transportation stated that the proposed bill was modeled after the City and County of Honolulu's ordinance.

Your Committee recognizes that passage of the proposed bill will provide a framework within which the public transit system may continue to operate and grow.

Your Committee voted 7-0 to recommend passage of the proposed bill and filing of the communication. Committee Chair Nishiki, Vice-Chair Pontanilla, and members Johnson, Kaho`ohalahala, Mateo, Medeiros, and Victorino voted "aye".

Your Public Services Committee RECOMMENDS the following:

1. That Bill No. _____ (2009), attached hereto, entitled "A BILL FOR AN ORDINANCE ADDING A NEW TITLE TO THE MAUI COUNTY CODE, ENTITLED PUBLIC TRANSIT", be PASSED ON FIRST READING and be ORDERED TO PRINT; and
2. That County Communication No. 09-27 be FILED.

COUNCIL OF THE COUNTY OF MAUI
PUBLIC SERVICES COMMITTEE

March 20, 2009
Page 2

Committee
Report No. 09-32

Adoption of this report is respectfully requested.



WAYNE K. NISHIKI, Chair

ps:cr:09004aa:scj

ORDINANCE NO. _____

BILL NO. _____ (2009)

A BILL FOR AN ORDINANCE ADDING A NEW TITLE TO THE MAUI COUNTY CODE,
ENTITLED PUBLIC TRANSIT

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. The Maui County Code is amended by adding a new title to be
appropriately designated and to read as follows:

“Title 11

PUBLIC TRANSIT

Chapters:

Chapter 11.01	Purpose and Intent
Chapter 11.02	County Bus System
Chapter 11.03	Islandwide Fare Structure
Chapter 11.04	Prohibited Activities on County Bus System
Chapter 11.05	Special Transit Service
Chapter 11.06	Administration

Chapter 11.01

PURPOSE AND INTENT

Sections:

11.01.010	Purpose and intent.
11.01.020	Definitions.

11.01.010 Purpose and intent. The purpose and intent of this title is to regulate the public transit system for the County of Maui to provide reliable transportation services while protecting the health, safety, and welfare of the people.

11.01.020 Definitions. For the purpose of this title, unless it is plainly evident from the context that a different meaning is intended, the following words and terms shall be defined as follows:

“ADA” means the Americans with Disabilities Act of 1990, as amended.

“Adult” means any person age eighteen years and over who does not qualify as a “student”.

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

“Bus contractor” means a private, for-profit or non-profit entity, which the County has contracted with in accordance with this title to manage, operate, and maintain the County bus system and special transit service.

“Bus personnel” means personnel employed by a bus contractor exclusively or predominately for the operation and maintenance of the County bus system.

“CFR” means Code of Federal Regulations.

“Child” means any person under the age of six who does not qualify as an “infant”.

“County bus system” means the public mass transit bus service that receives moneys from the County by contract or grant agreement. The term includes regularly scheduled public mass transit service provided through the use of buses operating over fixed routes, or periodic or specially scheduled public mass transit service provided through the use of buses for special events.

“County transit bus” means a bus, other than a special transit service vehicle, owned by the County or used in the County bus system.

“Department” means the department of transportation of the County of Maui.

“Director” means the director of the department.

“Disability” shall have the same meaning ascribed to that term in 49 CFR section 37.3, as amended.

“Electronic device” includes, but is not limited to, televisions, radios, recording devices, portable stereos, electronic games, telephones, cellular phones, walkie-talkies, and pagers.

“Individual with a disability” shall have the same meaning ascribed to that term in 49 CFR section 37.3, as amended.

“Infant” means a person under two years of age, traveling with an adult.

“Monthly bus pass” means a valid pass for unlimited riding of the County transit bus for a one-month period.

“Park-and-ride facilities established by the department” means park-and-ride facilities under the management of the department.

“Park-and-ride facilities designated by the department” means park-and-ride facilities which, although served by the County bus system, are not under the management of the department.

“Person with a disability” means a person with an identification card issued under section 11.03.050 of this code.

“Personal care attendant” means a person who is required by the ADA eligible individual for travel.

“Service animal” shall have the same meaning as ascribed to that term in 49 CFR section 37.3, as amended.

“Single cash fare” means the required payment for a ride on the County bus system.

“Senior citizen” means a person age 55 years or older.

“Special transit service” means a public transit service that supplements the County bus system to serve persons who are paratransit eligible according to 49 CFR section 37.123, as amended, or persons certified as eligible by the department.

“Special transit service personnel” means personnel employed by a bus contractor exclusively or predominantly for the operation and maintenance of the special transit service.

“Special transit service vehicle” means a vehicle owned by the County and used in the special transit service.

“Standard advertising space” means a space 10.50 inches high, of which a quarter inch on the top and bottom would be hidden, and 24 inches long.

“Student” means any person age 6 through 17, subject to the presentation of a valid identification card establishing the age of the person. The term includes high school students up to 19 years of age with a valid high school identification card establishing the age of the high school student and the high school student’s current enrollment, but excludes college, university, and vocational training students age 18 years and older.

“Transit system” includes the department and the entity or entities that operate the County bus system and special transit service.

Chapter 11.02

COUNTY BUS SYSTEM

Sections:

- 11.02.010 County bus system.
- 11.02.020 Contract for management, operation, and maintenance of County bus system.
- 11.02.030 Operating revenues.
- 11.02.040 Advertising inside County transit buses.
- 11.02.050 Advertising on exterior of County transit buses.
- 11.02.060 Advertising on County bus passes.
- 11.02.070 Logo of County bus system.

11.02.010 County bus system. A. The department shall be responsible for the operation and maintenance of the County bus system in accordance with the charter, this chapter, and applicable statutes and ordinances.

B. The department shall establish the routes, schedules, and levels of service of the County bus system. The routes, schedules, and levels of service shall be in conformance with the short-range transit plan and any update.

C. The department may establish or designate park-and-ride facilities to be served by the County bus system. Park-and-ride facilities established or designated by the department shall be:

1. In conformance with all applicable transit plans of the department and any updates thereto; and
2. In compliance with general plan and zoning ordinances and maps, the building code and fire code, and other applicable laws or ordinances concerning land use, planning, and building construction.

11.02.020 Contract for management, operation, and maintenance of County bus system. The department may contract for services to manage, operate, and maintain the County bus system on behalf of the County.

11.02.030 Operating revenues. All operating revenues derived from the County bus system shall be deposited into the County general fund. Operating revenues derived from the County bus system shall include, but not be limited to, revenues from:

1. Cash fares;
2. Bus pass sales;
3. Sales of bus tokens, coupons, or approved cards;
4. Contracts authorizing the use of the County bus system logo;
5. Advertising in County transit buses or on bus passes; and
6. Rental or lease of, or concessions on, real property managed by the department or a bus contractor and used for the County bus system.

11.02.040 Advertising inside County transit buses. A. The department may rent or let advertising spaces inside County transit buses; provided that the following types of advertising shall not be accepted:

1. Advertising that bears the name, signature, picture, or likeness of any publicly-elected official or of any candidate for elective office;
2. Advertising that, by reason of design, format or subject matter, promotes or appeals to racial, religious, or ethnic prejudice or violence;
3. Advertising that contains pictures, words or symbols of an obscene, lewd, lascivious, or indecent character;
4. Advertising that promotes illegal, indecent, or immoral activities; and
5. Advertising of any product or service that is prohibited by law to be sold or offered for sale to minors.

B. A tax-exempt organization shall not be denied the use of advertising space in a County transit bus 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 the tax-exempt organization.

C. Rates for renting or letting of advertising spaces in County transit buses shall be established as provided by law.

11.02.050 Advertising on exterior of County transit buses. A. Except as otherwise provided under subsection B, no advertising shall be allowed on the exterior of County transit buses.

B. Any word, phrase, or logo identifying the department, a bus contractor, or trade name of the County bus system may be placed on the exterior of County transit buses.

C. Any letter, word, phrase, or number on the exterior of a County transit bus that identifies the route, origin, destination, or fleet inventory designation of the bus shall not be deemed advertising prohibited under this section.

11.02.060 Advertising on County bus passes. A. The department, through the department of finance, may allow advertisements on bus passes issued under the County bus system fare structure.

B. The types of advertising prohibited under section 11.02.040(A) shall not be permitted on County bus system passes.

11.02.070 Logo of County bus system. A. The department may adopt an official logo for the County bus system. The logo may be used for official business purposes and revenue-raising activities authorized by the department.

B. The department may trademark and/or copyright the official logo for the County bus system pursuant to applicable law. The department may request the department of finance to enter into contracts with private parties for the manufacture, reproduction, distribution, and sale of articles imprinted with the official logo of the County bus system to raise revenues for the County bus system.

C. Any person who manufactures, reproduces, distributes, or sells any article imprinted with the official logo of the County bus system without the prior written approval of the department shall, upon conviction, be guilty of a petty misdemeanor.

Chapter 11.03

ISLANDWIDE FARE STRUCTURE

Sections:

- 11.03.010 Fare structure.
- 11.03.020 Boarding instructions.
- 11.03.030 Baggage.
- 11.03.040 Senior citizens.
- 11.03.050 Person with a disability.
- 11.03.060 Transit voucher program.
- 11.03.070 Police officers.
- 11.03.080 Nontransference of bus pass and identification card –
Penalty.

11.03.090 Penalty for counterfeiting or using counterfeit tokens, coupons, passes, or approved cards.

11.03.010 Fare structure. A. Except as otherwise provided under subsection B, bus fares shall apply to every person using the County bus system, and every person riding the County bus system shall pay the applicable fare set forth in the annual County budget ordinance.

B. No bus fare shall apply to an infant riding on the lap of an accompanying adult, provided that the adult may not carry more than one infant on the adult's lap. For purposes of this section, any infant not riding on the lap of an accompanying adult shall be considered a "child".

11.03.020 Boarding instructions. To board a County transit bus, a passenger shall deposit the exact fare in cash into the fare box of the bus, provided that if a passenger overpays the fare, the passenger shall not receive any refund for the overpayment. If the department establishes a bus token, coupon, or approved card program, a passenger may substitute the appropriate token, coupon, or approved card in lieu of cash to pay the fare.

11.03.030 Baggage. Baggage that can be stored under a passenger's seat or held on a passenger's lap, and which will not protrude to another seat or otherwise interfere with other passengers, will be admitted at no additional charge. Any large, bulky, dangerous, or offensive baggage that may cause harm or discomfort to any passenger shall not be admitted. No baggage shall be stored in the aisle or left unattended on a seat.

11.03.040 Senior citizens. A. There is established a senior citizen monthly bus pass fare for a single route or all County routes as set forth in the annual County budget ordinance.

B. A senior citizen who has been issued a senior citizen monthly bus pass shall be entitled to an unlimited number of rides for a single route or all County routes, as applicable, on the regular County transit bus service during the month the pass is valid.

11.03.050 Person with a disability. A. There is established a person with a disability identification card and a disability bus pass fare.

B. A person with a disability shall be deemed to include a person with any incapacity or disability which results in the inability of the person to perform one or more of the following functions necessary for the effective use of the County bus system's facilities without significant difficulty:

1. Negotiating a flight of stairs, escalator or ramp;
2. Boarding or alighting from a County transit bus;
3. Reading informational signs; or
4. Walking more than two hundred feet.

C. If the physical or mental disability of a person is not readily observable or discernable and cannot be adequately ascertained without

supporting evidence, an applicant for a person with a disability identification card and 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.

D. A person with a disability unable to board, ride, or alight from County transit buses independently shall be accompanied and assisted by an attendant to board, ride, or alight from these buses to prevent injury and harm to the person and other passengers. An attendant who accompanies and physically assists the person with a disability to board, ride, and alight from the County transit bus shall pay no fare.

E. A person denied a disability bus pass under this section shall receive a notice in writing from the department stating the reasons for denial. Within thirty days of receipt of such notice, such person may appeal the decision to the director by filing a notice of appeal with the department in a form prescribed by the department.

F. Within twenty days of receipt of a notice of appeal, the director or the director's designee shall conduct a hearing at which the appellant shall be entitled to be heard in person or through counsel and may present any facts or other circumstances which may justify the appeal. Within twenty days of the conclusion of the hearing, the director or the director's designee shall, in writing, affirm, reverse, or modify the decision of the department. The decision shall be the final decision of the County, and shall advise the appellant of any applicable appeal rights pursuant to chapter 91, Hawaii Revised Statutes, as amended.

11.03.060 Transit voucher program. A. There shall be established as part of the County bus system a transit voucher program that will provide for the sale of transit vouchers to employers in the County of Maui. The fee for the transit vouchers shall be set forth in the annual County budget ordinance, and shall be consistent with the amount employers are allowed to provide each employee as a tax-free benefit for transit commuting costs pursuant to Internal Revenue Code, 26 United States Code section 132, as amended. The program shall include:

1. Development and dissemination of public information to inform commuters and employers in the County of Maui of the transit voucher program;
2. Development and sale of transit vouchers to employers in the County of Maui; and
3. Redemption of transit vouchers for bus passes, or any form of bus fare payment coupons, tokens, or remaining credit on approved cards at County service facilities and other locations in the County where bus passes, or any form of bus fare payment tokens, coupons, or approved cards are sold.

B. The department may extend the transit voucher program to alternate modes of commuter transit that may be operated under the authority of the department and may coordinate the transit voucher program with alternate modes of commuter transit operated by other companies or agencies.

11.03.070 Police officers. Notwithstanding anything to the contrary in this article, uniformed and nonuniformed officers of the police department carrying proper identification, and with a police purpose, shall be allowed to use the County bus system without paying any fare.

11.03.080 Nontransference of bus pass and identification card-Penalty. Any pass or identification card issued shall be nontransferable, and shall not be used by any person other than the person to whom it was issued. No person shall obtain or attempt to obtain a pass or identification card based on false application or certification. No person shall alter a pass or identification card without prior authorization from the department. A person who obtains a pass or identification card based upon a false application or certification, or who knowingly permits another to use a pass or identification card, or who alters, without prior authorization from the department, a pass or identification card shall have the person's pass or identification card revoked and shall be prohibited from obtaining a pass or identification card for a period of one year from the date of the unauthorized act.

11.03.090 Penalty for counterfeiting or using counterfeit tokens, coupons, passes, or approved cards. Any person who makes or issues any imitation or counterfeit of a bus token, coupon, pass, or approved card, or knowingly uses such token, coupon, pass, or approved card for bus fare shall, upon conviction, be guilty of a petty misdemeanor.

Chapter 11.04

PROHIBITED ACTIVITIES ON COUNTY BUS SYSTEM

Sections:

- 11.04.010 Prohibited activities on County transit buses and special transit service vehicles—Authority of drivers—Violations.
- 11.04.020 Penalty.

11.04.010 Prohibited activities on County transit buses and special transit service vehicles—Authority of drivers—Violations. A. The following activities or conduct shall be prohibited on a County transit bus or special transit service vehicle:

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 this paragraph shall not be construed to prohibit 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, unless the device is

connected to a headphone or earphone that limits the sound produced or emitted to the individual user. This paragraph shall not be construed to prohibit the driver of the bus or vehicle from using or playing such devices for official business or to prohibit passengers from using telephones, cell phones, or pagers for communication purposes, provided said devices are placed on silent or vibrate modes;

3. Carrying or possessing any live animals, except a service animal properly harnessed and accompanied by an individual with a disability and small animals properly kept in an enclosed container; provided that this paragraph shall not 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 section 339-1 of the Hawaii Revised Statutes, as amended, in the bus or vehicle, 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, any other agent of the transit system, or a police officer;

6. Knowingly failing or refusing to pay the applicable fare for transportation on the bus or vehicle in cash, or through the use of properly issued tokens, coupons, or approved cards in the required manner;

7. Presenting a pass, transfer, badge, or other fare medium for transportation on such bus 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 the presentation of the pass, transfer, badge, or other fare medium violates a restriction on the transfer or use of such fare medium imposed by County ordinances or rules;

8. Carrying, possessing, igniting, or releasing any flammable, combustible, explosive, corrosive, or highly toxic liquid or other substance, article, or material that may cause harm to others or emit any foul or noxious dust, mist, fume, gas, vapor, or odor; provided that this paragraph shall not be construed to prohibit a person from carrying or possessing any unlighted match or lighter, or any cigar, cigarette or pipe that is not lighted or smoldering;

9. Spitting, expectorating, urinating, or defecating in, on, or from the bus or vehicle; provided that this paragraph shall not apply to any person who cannot comply with this paragraph as a result of disability, age, or medical condition;

10. Obstructing, impeding, hindering, interfering with, or otherwise disrupting the safe and efficient operation of the bus or vehicle

or any driver or other agent of the transit system in performance of that individual's official duties;

11. Boarding the bus through the rear exit door, unless specifically directed to do so by the driver, any other agent of the transit system, or a police officer;

12. Throwing or placing hot burning substances or objects such as lighted cigars, cigarettes, or the contents of a burning pipe in, upon, or in close proximity to any object or structure in a County transit bus or special service vehicle that may be combustible or damaged by heat, fire, or explosion;

13. Refusing or failing to immediately cease and desist from doing any of the activities described in this subsection after being specifically requested to cease and desist by the driver, any agent of the transit system, or any police officer; and

14. Refusing or failing to immediately exit a County transit bus or special transit service vehicle after being specifically requested to do so by the driver, any agent of the transit system, or any police officer.

B. The driver of any County transit bus or special transit service vehicle, any agent of the transit system, or any police officer may refuse to allow any person to board the bus or vehicle:

1. When the person appears to be under the influence of liquor or drugs; or

2. When the person is engaged in, or appears to be engaged in, activities that, if such activities occurred in the bus or vehicle, would violate subsection A of this section or any other law or ordinance.

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

11.04.020 Penalty. A. Any person violating sections 11.04.010(A)(1) through (7), or aiding, abetting, or assisting another person in violating any of such provisions shall, upon conviction thereof, be fined in an amount not exceeding \$100.

B. Any person violating sections 11.04.010(A)(8) through (14), or aiding, abetting, or assisting another person in violating any of such provisions shall, upon conviction thereof, be guilty of a petty misdemeanor.

C. Each violation of any of the prohibited activities set forth in section 11.04.010(A) shall constitute a separate offense and shall be punishable as such under this section.

D. Any police officer, upon identifying a person for a violation of this chapter, shall issue thereto in writing a summons or citation notifying such person to file an 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 police officer may make a physical arrest in instances when:

1. The alleged violator refuses to provide the police officer with the person's name and address or any proof thereof as may be reasonably necessary for the police officer;

2. The alleged violator fails or refuses to immediately cease and desist from a prohibited activity or to immediately exit the County transit bus or special transit service vehicle, as determined by the driver of the bus or vehicle, any agent of the transit system, or any police officer if the police officer is on the vehicle, after the alleged violator is issued a summons or citation; or

3. The alleged violator has violated sections 11.04.010(A)(8) through (14).

E. There shall be provided for use by police officers a form of summons or citation for use in citing violators of this chapter where circumstances do not require the physical arrest of violators. The form of the summons or citation shall be consistent with the form of other summonses or citations used in modern methods of arrest, so designed to include all necessary information to make the summons or citation valid within the laws and rules of the State of Hawaii and the County. 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 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 copy of the citation and provide for the disposition of the original and any other copies. Every citation shall be consecutively numbered, and each copy shall bear the same number as its original.

Chapter 11.05

SPECIAL TRANSIT SERVICE

Sections:

11.05.010	Authorization.
11.05.020	Service.

- 11.05.030 Eligibility.
- 11.05.040 Personal care attendant.
- 11.05.050 Special transit service card.
- 11.05.060 Appeal.
- 11.05.070 Fare.

11.05.010 Authorization. The department shall provide a special transit service and establish policies and guidelines for its operation. The policies and guidelines shall conform to applicable transit plans of the department. The department may contract with a private entity to manage, operate, and maintain the special transit service on behalf of the County.

11.05.020 Service. The department shall provide special transit service by reservation, subscription, call response, or combination thereof, to most effectively meet the needs of persons with disabilities.

11.05.030 Eligibility. A. Any person desiring a certification to use the special transit service shall first file an application on forms furnished by the department or the department's special transit service system operator.

B. An applicant must be certified by the director or the director's designee to be paratransit eligible in accordance with the Americans with Disabilities Act of 1990 (ADA) and 49 CFR section 37.123, as amended, to use the special transit service.

C. 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 County transit bus which is readily accessible to persons with disabilities;

2. Any person using a wheelchair if the person's wheelchair cannot be accommodated on a County transit bus, even if that County transit bus is accessible to other persons with disabilities and their wheelchairs;

3. Any person with a disability who has a specific impairment-related condition that prevents such person from traveling to and from official bus stops on the County bus system; or

4. Any person who has been certified by a medical physician that the person has a physical or mental disability that precludes the person from using the County bus system.

D. Architectural or environmental barriers not under the control of the department shall not serve as a basis for eligibility under this section. Interference by such barriers with a person's specific impairment-related condition may form a basis for eligibility if the result is to prevent the person from traveling to and from official bus stops.

11.05.040 Personal care attendant. Persons accompanying an ADA paratransit eligible passenger shall be provided service as follows:

1. An ADA paratransit eligible passenger may be accompanied by a personal care attendant.

2. If the ADA paratransit eligible passenger is traveling with a personal care attendant, one person may accompany the eligible passenger in addition to the personal care attendant. To be considered as "accompanying" the eligible passenger, the accompanying person shall have the same origin and destination as the eligible passenger.

3. The accompanying person may be provided service if space is available for the person on the paratransit vehicle carrying the ADA paratransit eligible passenger and transportation of the accompanying person will not result in a denial of service to other ADA paratransit eligible passengers.

11.05.050 Special transit service card. A. Each certified paratransit eligible passenger shall be issued a special transit service card without charge, specifically endorsed for the special transit service by the department or its designated representative. The special transit service card shall be shown to the operator when so requested.

B. A special transit service card shall be effective for two years from the applicant's last birthday. The special transit service card may be renewed prior to the expiration of the prior term, provided the person requesting renewal demonstrates at each renewal date that the person's medical or physical condition warrants continued status as an ADA paratransit eligible passenger.

C. A special transit service card effective for less than two years may be issued to a person with a disability that is not expected to remain for two years, as determined by the applicant's certifying health care professional. The card shall be effective for any appropriate period equal to the expected duration of the person's disability, but for no longer than one year. Should a person's disability continue beyond the one year period, the person shall reapply for a special transit service card.

D. An application for renewal of a special transit service card shall be submitted at least sixty days prior to the date of expiration.

E. Special transit service cards may be recalled at the discretion of the director or the director's designee for recertification or statistical purposes. The director or the director's designee may extend the effective date of a card when the card is recalled for recertification or statistical purposes to reduce large fluctuations in card renewals in future years. Cards issued after a recall may have physical characteristics different from those issued before the recall.

G. Any person holding a special transit service card shall relinquish such card if issued a card under sections 11.03.040 and 11.03.050 of this code.

11.05.060 Appeal. Any person denied a special transit service card may appeal the director's decision under the procedures established in section 11.03.050 of this code.

11.05.070 Fare. A. Any person issued a special transit service card under this chapter and an accompanying person utilizing the special transit service shall pay the fare as set forth in the annual County budget ordinance.

B. A personal care attendant shall pay no fare when accompanying an ADA paratransit eligible passenger.

Chapter 11.06

ADMINISTRATION

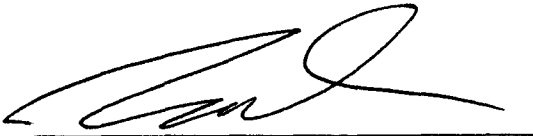
Sections:

11.06.010 Rulemaking.

11.06.010 Rulemaking. The department may adopt administrative rules to implement this title.”

SECTION 2. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM AND LEGALITY:



EDWARD S. KUSHI, JR.
Deputy Corporation Counsel
County of Maui

S:\ALL\ESK\Ords\public transit no. 2 dag esk.doc