

DEPARTMENT OF THE CORPORATION COUNSEL  
COUNTY OF MAUI  
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**MEMORANDUM**

June 1, 2012

**T O :** Joseph Pontanilla, Chair  
Budget and Finance Committee

**F R O M :** Jeffrey Ueoka, Deputy Corporation Counsel *JU*

**SUBJECT:** FISCAL YEAR 2013 BUDGET; MASS TRANSIT (CC-10) (BF-1)

This memorandum is in response to your memorandum dated May 30, 2012 requesting our Department to provide a response to the following questions:

1. Does Section 269-16(b), Hawaii Revised Statutes, apply to the mass transit services provided by the County of Maui? Are the County's mass transit services regulated by the Public Utilities Commission? Please explain.

The procedures set forth in Chapter 269, Hawaii Revised Statutes ("HRS"), pertaining to the Public Utilities Commission ("PUC"), do not apply to the mass transportation services provided by the County of Maui. Generally, the PUC has jurisdiction over entities providing mass transportation services, however, Section 51-1, HRS, exempts every county from the jurisdiction and control of the PUC when the county operates or contracts for mass transportation services.

Section 51-1, HRS, states, in relevant part:

Every county shall have power to provide mass transportation service, whether directly, jointly, or under contract with private parties, without the county or private parties being subject to the jurisdiction and control of the public utilities commission in any manner.

The terms "mass transit" and "mass transportation" mean transportation by bus, or rail or other conveyance, either publicly or privately owned, which provides to the public general or special service (but not including school buses or charter or sightseeing service) on a regular and continuing basis.

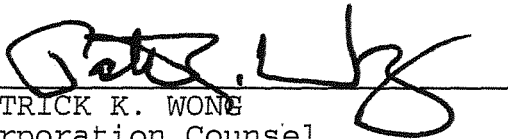
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2. Has the Council met public notice requirements for the proposed bus fare increases, as set forth in the proposed Fiscal Year 2013 Budget?

The Council has met all of the notice requirements for the proposed bus fare increases, assuming that all of the public notice requirements have been met for the proposed Fiscal Year 2013 Budget. Title 11, Maui County Code ("MCC"), pertaining to Public Transit, states in Sections 11.03.010.A and 11.05.070.A that the fares shall be set forth in the annual budget ordinance and does not set forth any special notice requirements for proposed fare increases.

Should you have any questions or concerns, please do not hesitate to contact me.

APPROVED FOR TRANSMITTAL:

  
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PATRICK K. WONG  
Corporation Counsel

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