



UNIVERSITY  
of HAWAII  
MĀNOA

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UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

September 10, 2015

**MEMORANDUM**

TO: Randolph G. Moore  
Chairperson, Board of Regents

VIA: David Lassner *David Lassner*  
President

VIA: Robert Bley-Vroman *for RBV*  
Chancellor, University of Hawai'i at Mānoa

VIA: Kathy Cutshaw *Kathy Cutshaw*  
Vice Chancellor for Administration, Finance, and Operations

FROM: *for* Deborah Huebler *DH*  
Director, UHM Campus Services

SUBJECT: REQUEST FOR PUBLIC HEARING ON PROPOSED  
AMENDMENTS TO CHAPTER 20-12 HAWAII ADMINISTRATIVE  
RULES, UNIVERSITY OF HAWAII AT MĀNOA PARKING  
REGULATIONS

UNIVERSITY OF HAWAII  
 BOARD OF REGENTS  
 15 SEP 14 9:18

SPECIFIC ACTION REQUESTED:

It is requested that in accordance with Section 91-3 of the Hawai'i Revised Statues, the Board of Regents approve a request for a public hearing on proposed amendments to Chapter 20-12 Hawai'i Administrative Rules (HRS), Parking and Operation of Motor Vehicles, University of Hawai'i at Mānoa (UHM).

RECOMMENDED EFFECTIVE DATE:

Upon approval.

ADDITIONAL COST:

None.

PURPOSE:

The purpose of the public hearing is to obtain feedback regarding proposed amendments to Chapter 20-12 Hawai'i Administrative Rules, Parking and Operation

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of Motor Vehicles, University of Hawai'i at Mānoa. Proposed amendments include increasing UHM parking rates and citation fines, and increasing the timeframe for when penalties may be imposed if citation fines are not paid or contested.

#### BACKGROUND INFORMATION:

##### *History*

UHM parking rates increased in fiscal years 2010 and 2011 for the first time since fiscal year 1997; as of September 2015, this translates to only two years of rate increases within the last 18 years. This minimal rate increase over time has negatively impacted UHM Commuter Services' ability to keep up with the inflation of its operating expenses and the costs for critical repair and maintenance projects.

UHM Commuter Services operates as a special fund. Hawai'i Revised Statute 37-52.3 states that special funds must demonstrate the capacity to be financially self-sustaining. Despite efforts to maintain or reduce operating costs and despite deferring millions of dollars' worth of repairs and maintenance, UHM Commuter Services can no longer maintain its self-sufficient status with its current rate structure.

The need to increase parking rates is also addressed in a peer review conducted in July 2010 by a team of four highly-qualified members from the Pacific Intermountain Parking and Transportation Association (PIPTA). For reference, the PIPTA report can be reviewed here: <http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingOperationsReviewJuly2010.pdf>

The PIPTA report indicated that UHM's annual parking permit rates appeared to be significantly underpriced compared to the local market and recommended that UHM consider adjusting its rates to support increased expenditures. Another finding noted that parking citation fees have not significantly changed since 1993. The PIPTA report recommended that UHM Commuter Services conduct a market analysis of the Honolulu area to determine if UHM citation fees are consistent with other entities. The evaluation performed by UHM Commuter Services in 2012 determined that UHM citation fees were below market and should be adjusted to be comparable to the local market. The results from the Parking Analysis may be viewed online here: [http://manoa.hawaii.edu/commuter/resources/PDFs/UHMExistingConditionsReport\\_November2011.pdf](http://manoa.hawaii.edu/commuter/resources/PDFs/UHMExistingConditionsReport_November2011.pdf)

In November 2013, Commuter Services began the process of requesting a five-year parking rate increase. After receiving authorization from the Board of Regents to conduct a public hearing, appropriate documentation was forwarded for Governor's approval. However, the Governor's approval was not received until October 2014. This lengthy approval process resulted in our proposed rates becoming obsolete and not implementable for the Fall 2014 semester.

The above circumstances led the University to make the decision to start the process over with a revised set of rates and budget projections, presented in Attachments 1 & 3.

Below are some of the major expenses that the proposed rate increase would address:

**Inflationary Factors:** Operating expenditures have increased each year for contracted shuttle bus and parking personnel services. The total cost of special events traffic control for major events (athletics events, graduation, etc), which require use of Special Duty Honolulu Police Officers, also increases annually.

**Ceded Land Payments:** Portions of parking areas on campus are located on properties identified as ceded land. The University of Hawai'i is required by law to make quarterly payments equal to 20% of gross revenues to the Office of Hawaiian Affairs for occupying these portions of ceded lands. UHM Commuter Services has been responsible for making these annual ceded land payments since 2009. In 2009, a retroactive payment was made for 2004-2008.

**Transportation Demand Management:** A critical component of our Commuter Services Department is focusing and facilitating alternative modes of transportation. A portion of the proposed rate increase is needed to maintain services vital to the smooth operations of the UHM Commuter Services' TDM (transportation demand management) program, which is dedicated to reducing single-occupancy vehicle traffic to campus. TDM is a term applied to a broad range of strategies that are primarily intended to reduce and reshape demand of the transportation system by creating alternative transportation opportunities for the benefit of commuters. This, in turn, will decrease the demand for on-campus parking. View the final Transportation Demand Management Plan, completed April 2012, here:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/FINALUHManoaCampusTDM.pdf>

One highly-utilized example of the TDM program is the Rainbow Shuttle, a transportation service provided at no cost to faculty, staff, and students who live within a three-mile radius of campus. At this time, UHM Commuter Services provides the Rainbow Shuttle at no cost as an incentive for reducing the number of single-occupancy vehicles on campus.

The Rainbow Shuttle System services eight routes for nearby residents and thereby reduces the demand for on-campus parking. The Rainbow Shuttle averages 40,000 riders a month during the school year (August – May). A recent UHM Commuter Services survey of Rainbow Shuttle riders revealed that the majority are satisfied with the service and suggested expanding routes to Waikiki, Makiki, Ala Moana, and Kapi'olani Community College.

**Repair and Maintenance:** A Parking Structure Condition Survey conducted on the Phase I and Phase II parking structures in fiscal year 2011 identified repair and maintenance (R&M) projects totaling over \$16,000,000. The survey also confirmed that the continual deferment of critical repair and maintenance projects would become health and safety issues if not addressed in the near future. The complete 2011 Parking Structure Condition Survey may be viewed online here:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingStructureConditionSurvey.pdf>

UHM Commuter Services evaluated the Parking Structure Condition Survey to identify priority repair and maintenance projects and advised University administration that the years of deferment of these R&M projects for parking structures and lots had reached the point where they had become health and safety issues. In order make our parking rates as affordable as possible for our employees and address these health & safety issues as soon as possible, we have determined that these R&M costs will be incorporated in our overall CRDM plan rather than incorporating them in our five year plan for parking rate increases.

### *Impact*

If the proposed parking rate increases are not approved, the current level of highly utilized TDM services such as the Rainbow Shuttle would be reduced or eliminated. With 48% of University affiliates using alternative modes of transportation, it is important to continue the TDM program to help reduce single-occupancy vehicle traffic to campus. Personnel services including enforcement, traffic control, and security for special events would also be reduced, which would contribute to increased congestion to an on campus, and would create unsafe conditions for both drivers and pedestrians.

### *Outreach*

In order to obtain feedback from various stakeholders regarding the Commuter Services programs, services, and fees, an advisory committee was formed in 2010 with representation from administration, faculty, staff, and students. Upon approval for a public hearing, additional efforts will be made to solicit feedback from, and promote discussion with, our campus community regarding the parking rate increase proposal.

### *Proposed Changes*

During discussions at the various advisory committee meetings held, committee members agreed that rate increases are necessary for UHM Commuter Services to meet its objectives and remain self-sustaining. In addition, two changes were proposed to the rate structure:

1. Create a third tier of fees for students. Currently, students pay the same annual parking rate as staff and faculty; however, UHM Commuter Services recognized the need to assist students with the cost of attendance to the University and also considered the shorter time span for which students tend to occupy the parking structures. To accommodate these factors, the proposed percentage parking rate increases for students are lower than for faculty and staff.
2. Increase the differential between upper and lower campus rates for faculty and staff. The number of upper campus parking stalls is decreasing each year due to construction of new buildings, making upper campus parking more prime than ever. As such, in year three of the proposed parking rate increase proposal, the upper campus parking rate for faculty and staff parking permits would be subject to a slightly higher percentage increase for these highly desired stalls.

Another change would increase the additional fee for employees eligible to purchase reserved stalls; such employees would pay an additional fee of 100% over the established parking permit rates, as opposed to the current 50%. Finally, the time period allotted to allow violators to pay or contest citations would increase from seven (7) days to fifteen (15) days.

### PROPOSED AMENDMENTS:

The proposed amendments related to parking permits would revise section 20-12-8 Hawai'i Administrative Rules, Parking and Operation of Motor Vehicles, University of Hawai'i at Mānoa, "Parking permits, fees and areas."

The proposed increases (Attachment 1) would affect annual parking permit rates over a five-year period as indicated below:

- Increases for fiscal year 2017:
  - Employees - Upper Campus:
    - Monthly increment will increase by \$7.25, from \$48.25 to \$55.50
    - Annual increase = 15%
  - Employees - Lower Campus
    - Monthly increment will increase by \$5.50, from \$35.50 to \$41.00
    - Annual increase = 15%
  - Students
    - Monthly increment will increase by \$3.75, from \$35.50 to \$39.25
    - Annual increase = 10%
  - Reserved stalls, additional 100% fee over established parking rates
- Increases for fiscal year 2018:
  - Employees - Upper Campus
    - Monthly increment will increase by \$8.50, from \$55.50 to \$64.00
    - Annual increase = 15%
  - Employees - Lower Campus
    - Monthly increment will increase by \$11.75, from \$41.00 to \$47.25
    - Annual increase = 15%
  - Students
    - Monthly increment will increase by \$2.00, from \$39.25 to \$41.25
    - Annual increase = 5%
  - Reserved stalls, additional 100% fee over established parking rates
- Increases for each of fiscal years 2019, 2020, and 2021:
  - Employees - Upper Campus, 10%, 5%, 5%
  - Employees - Lower Campus, 5%, 5%, 5%
  - Students, 5%, 5%, 5%
  - Reserved stalls, additional 100% fee over established parking rates

Citation fees would increase for each type of violation (Attachment 2).

The time period for which violators may pay or contest fines without incurring additional penalties would increase from seven (7) to fifteen (15) days.

**ACTION RECOMMENDED:**

It is recommended that in accordance with Section 91-3 of the Hawai'i Revised Statutes, the Board of Regents authorize a public hearing on proposed amendments to Chapter 20-12 Hawai'i Administrative Rules (HRS), Parking and Operation of Motor Vehicles, University of Hawai'i at Mānoa (UHM).

Attachments:

- 1) Proposed Parking Rates
- 2) Proposed Violations and Schedule of Penalties for UH/Mānoa
- 3) Commuter Services Budget Projections
- 4) Repair and Maintenance Schedule
- 5) July 2010 PIPTA UHM Parking Operations Review:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingOperationsReviewJuly2010.pdf>
- 6) November 2011 UHM Existing Conditions Parking report:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/UHMExistingConditionsReportNovember2011.pdf>
- 7) July 2011 Parking Structure Condition Survey:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/ParkingStructureConditionSurvey.pdf>
- 8) April 2012 UHM Transportation Demand Management Plan:  
<http://manoa.hawaii.edu/commuter/resources/PDFs/FINALUHManoaCampusTDM.pdf>

**PARKING RATES  
FY 2015-2021**

		<u>CURRENT</u>	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u>	<u>FY 2019</u>	<u>FY 2020</u>	<u>FY 2021</u>
<b>PARKING PERMITS</b>									
<b>EMPLOYEES:</b>									
<b>Annual Rates</b>			<b>0%</b>	<b>0%</b>	<b>15%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>
	UPPER CAMPUS	\$ 579.00	\$579.00	\$579.00	\$666.00	\$768.00	\$846.00	\$891.00	\$936.00
	Per Month	\$ 48.25	\$ 48.25	\$ 48.25	\$ 55.50	\$ 64.00	\$ 70.50	\$ 74.25	\$ 78.00
			<b>0%</b>	<b>0%</b>	<b>15%</b>	<b>15%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>
	LOWER CAMPUS	\$ 426.00	\$426.00	\$426.00	\$492.00	\$567.00	\$597.00	\$627.00	\$660.00
	Per Month	\$ 35.50	\$ 35.50	\$ 35.50	\$ 41.00	\$ 47.25	\$ 49.75	\$ 52.25	\$ 55.00
<b>STUDENTS:</b>									
<b>Semester Rates</b>			<b>0%</b>	<b>0%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>
	FALL	\$ 142.00	\$142.00	\$142.00	\$157.00	\$165.00	\$174.00	\$183.00	\$193.00
	SPRING	\$ 142.00	\$142.00	\$142.00	\$157.00	\$165.00	\$174.00	\$183.00	\$193.00
	SUMMER	\$ 142.00	\$142.00	\$142.00	\$157.00	\$165.00	\$174.00	\$183.00	\$193.00
	ANNUAL	\$ 426.00	\$426.00	\$426.00	\$471.00	\$495.00	\$522.00	\$549.00	\$579.00
	Per month	\$ 35.50	\$ 35.50	\$ 35.50	\$ 39.25	\$ 41.25	\$ 43.50	\$ 45.75	\$ 48.25
<b>EVENING PERMITS</b>									
<b>EMPLOYEES:</b>									
			<b>0%</b>	<b>0%</b>	<b>15%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>
	Per month	\$ 24.00	\$ 24.00	\$ 24.00	\$ 28.00	\$ 33.00	\$ 37.00	\$ 39.00	\$ 41.00
<b>STUDENTS:</b>									
			<b>0%</b>	<b>0%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>
	Per month	\$ 24.00	\$ 24.00	\$ 24.00	\$ 27.00	\$ 29.00	\$ 31.00	\$ 33.00	\$ 35.00
<b>MOPED/MOTORCYCLE</b>									
<b>EMPLOYEES:</b>									
			<b>0%</b>	<b>0%</b>	<b>15%</b>	<b>15%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>
	FALL	\$ 30.00	\$ 30.00	\$ 30.00	\$ 35.00	\$ 41.00	\$ 46.00	\$ 49.00	\$ 52.00
	SPRING	\$ 30.00	\$ 30.00	\$ 30.00	\$ 35.00	\$ 41.00	\$ 46.00	\$ 49.00	\$ 52.00
	SUMMER	\$ 30.00	\$ 30.00	\$ 30.00	\$ 35.00	\$ 41.00	\$ 46.00	\$ 49.00	\$ 52.00
	ANNUAL	\$ 90.00	\$ 90.00	\$ 90.00	\$105.00	\$123.00	\$138.00	\$147.00	\$156.00
<b>STUDENTS:</b>									
			<b>0%</b>	<b>0%</b>	<b>10%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>	<b>5%</b>
	FALL	\$ 30.00	\$ 30.00	\$ 30.00	\$ 33.00	\$ 35.00	\$ 37.00	\$ 39.00	\$ 41.00
	SPRING	\$ 30.00	\$ 30.00	\$ 30.00	\$ 33.00	\$ 35.00	\$ 37.00	\$ 39.00	\$ 41.00
	SUMMER	\$ 30.00	\$ 30.00	\$ 30.00	\$ 33.00	\$ 35.00	\$ 37.00	\$ 39.00	\$ 41.00
	ANNUAL	\$ 90.00	\$ 90.00	\$ 90.00	\$ 99.00	\$105.00	\$111.00	\$117.00	\$123.00

**PROPOSED VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MANOA**

**Attachment 2**

		<b>Effective July 1, 2016</b>	<b>DAGS/</b>
	<b>CURRENT</b>	<b>PROPOSED</b>	<b>CITY &amp; COUNTY</b>
<b><u>VIOLATIONS AND SCHEDULE OF PENALTIES</u></b>	<b><u>FINES</u></b>	<b><u>FINES</u></b>	<b><u>FINES</u></b>
1 Parking in prohibited areas	\$ 15.00	\$ 40.00	\$ 40.00
2 Parking in area not designated for that specific type of vehicle	\$ 15.00	\$ 40.00	\$ 40.00
3 Operating or parking a motor vehicle of any type, moped, motorcycle, or bicycle within a University building	\$ 15.00	\$ 40.00	\$ 40.00
4 Double parking or motor vehicles not placed wholly within the lines or boundaries of the parking space	\$ 15.00	\$ 40.00	\$ 40.00
5 Parking in a reserved stall	\$ 25.00	\$ 50.00	\$ 40.00
6 Person using a disabled placard who refuse to present a valid identification card issued under chapter 291, Hawai'i Revised Statutes, to an enforcement officer upon request	\$ 150.00	\$ 260.00	\$ 260.00
6a parking in a space reserved for person with disabilities and;			
i Failing to properly display a windshield placard or special license plate authorizing use of such parking space in accordance with Part III of Chapter 291, Hawai'i Revised Statutes; or			
ii Displaying an invalid windshield placard or special license plate; or			
iii Using a windshield placard or special license plate that was not issued the driver or to any passengers occupying the vehicle in the parking space	\$ 250.00	\$ 260.00	\$ 260.00
6b Parking in a space reserved for persons with disabilities by a person who has been issued a valid windshield placard or special license plate that is currently in effect, but failing to properly display the windshield placard or special license plate	\$ 25.00	\$ 260.00	\$ 260.00



**PROPOSED VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MANOA**

**Attachment 2**

		<b>CURRENT</b>	<b>Effective July 1, 2016</b>	<b>DAGS/</b>
	<b><u>VIOLATIONS AND SCHEDULE OF PENALTIES</u></b>	<b><u>FINES</u></b>	<b><u>PROPOSED</u></b>	<b><u>CITY &amp; COUNTY</u></b>
			<b><u>FINES</u></b>	<b><u>FINES</u></b>
6c	With or without a windshield placard or special license plate:			
i	parking in an access aisle adjacent to a parking space reserved for a person with a disability; or			
ii	obstructing the ingress or egress to a parking space reserved for a person with a disability	\$ 250.00	\$ 260.00	\$ 260.00
6d	Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawai'i Revised Statutes, or the rules adopted there under to an enforcement officer upon request	\$ 250.00	\$ 260.00	\$ 260.00
7	Parking in a loading zone longer than 15 minutes	\$ 25.00	\$ 50.00	\$ 50.00
8	Parking in the wrong zone	\$ 15.00	\$ 40.00	\$ 40.00
9	Parking without a permit	\$ 15.00	\$ 40.00	\$ 40.00
10	Failure to display permit or displaying it at an improper location	\$ 15.00	\$ 40.00	\$ 40.00
11	Failure to pay daily parking rate	\$ 15.00	\$ 40.00	\$ 40.00
12	Falsifying information on an application	\$ 20.00	\$ 50.00	Fine set by Court
13	Displaying or using invalid permit or pass	\$ 20.00	\$ 40.00	\$ 40.00
14	Possessing or using counterfeited, altered, defaced, illegally transferred, or stolen permit	\$ 25.00	\$ 100.00	Fine set by Court
15	Driving on areas other than streets, roads, or parking areas	\$ 15.00	\$ 97.00	\$ 97.00

**PROPOSED VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MANOA**

**Attachment 2**

		Effective July 1, 2016		DAGS/ CITY & COUNTY
<b><u>VIOLATIONS AND SCHEDULE OF PENALTIES</u></b>		<b><u>CURRENT</u></b>	<b><u>PROPOSED</u></b>	<b><u>FINES</u></b>
		<b><u>FINES</u></b>	<b><u>FINES</u></b>	
16	Exceeding the 15 mph or other posted speed limits on campus	\$ 20.00	\$ 97.00	\$ 97.00
17	Reckless driving	\$ 20.00	\$ 97.00	\$ 97.00
18	Failure to heed directions of a duly authorized officer	\$ 25.00	\$ 97.00	Arrest
19	Failure to heed directions on an official sign and/or symbols	\$ 15.00	\$ 97.00	\$ 97.00
20	Moving violations of the City & County of Honolulu Traffic code (not otherwise specified herein)	\$ 15.00	\$ 97.00	\$ 97.00
21	Parking or operating a bicycle or moped in violation of the City & County of Honolulu Traffic code (not otherwise specified herein)	\$ 15.00	\$ 72.00	\$ 72.00
22	Failure to make a complete stop at an official "STOP" sign	\$ 20.00	\$ 97.00	\$ 97.00
23	Transporting a bicycle, moped, or motorcycle in an elevator	\$ 15.00	\$ 40.00	\$ 40.00
24	Damaging campus signs, parking gates, or parking appurtenances	\$ 25.00	\$ 100.00	Arrest
25	Repeat or flagrant violation of parking regulations	\$ 25.00	\$ 100.00	\$ 300.00
26	Motor vehicle or its alarm system making excessive noise and/or causing a disturbance	\$ 15.00	\$ 72.00	\$ 72.00
27	Moving any barricade or parking within any barricaded area	\$ 15.00	\$ 97.00	\$ 97.00

**COMMUTER SERVICES BUDGET PROJECTIONS**  
**FY 2015 - 2021**

**Attachment 3**

		<b>Actual</b>	<b>-----Projected-----</b>						
		<b><u>FY 2014</u></b>	<b><u>FY 2015</u></b>	<b><u>FY 2016</u></b>	<b><u>FY 2017</u></b>	<b><u>FY 2018</u></b>	<b><u>FY 2019</u></b>	<b><u>FY 2020</u></b>	<b><u>FY 2021</u></b>
<b>REVENUES:</b>									
	<b>Permit Parking</b>	\$ 2,676,429	\$ 2,540,400	\$ 2,540,400	\$ 2,890,960	\$ 3,245,033	\$ 3,486,035	\$ 3,668,609	\$ 3,861,053
	<b>Daily Parking</b>	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118	\$ 2,501,118
	<b>Parking Passes</b>	\$ 512,048	\$ 512,048	\$ 512,048	\$ 538,463	\$ 566,173	\$ 588,343	\$ 602,428	\$ 616,853
	<b>Investment Income</b>	\$ 3,202	\$ 3,202	\$ 3,202	\$ 3,202	\$ 3,202	\$ 3,202	\$ 3,202	\$ 3,202
	<b>Other</b>	\$ 496,644	\$ 496,644	\$ 496,644	\$ 496,644	\$ 496,644	\$ 496,644	\$ 496,644	\$ 496,644
	<b>Total Revenues</b>	\$ 6,189,440	\$ 6,053,412	\$ 6,053,412	\$ 6,430,387	\$ 6,812,170	\$ 7,075,342	\$ 7,272,001	\$ 7,478,870
<b>EXPENDITURES:</b>									
	<b>Personnel Services</b>	\$ 1,305,331	\$ 1,357,544	\$ 1,411,846	\$ 1,468,320	\$ 1,512,369	\$ 1,557,741	\$ 1,604,473	\$ 1,652,607
	<b>Utilities</b>	\$ 453,127	\$ 498,440	\$ 548,284	\$ 603,112	\$ 663,423	\$ 729,766	\$ 802,742	\$ 883,016
	<b>Outside Services</b>	\$ 3,030,781	\$ 3,121,704	\$ 3,215,356	\$ 3,311,816	\$ 3,411,171	\$ 3,513,506	\$ 3,618,911	\$ 3,727,478
	<b>Student Payroll</b>	\$ 181,589	\$ 187,037	\$ 192,648	\$ 198,427	\$ 204,380	\$ 210,511	\$ 216,827	\$ 223,332
	<b>Other Current Expenditures</b>	\$ 534,648	\$ 550,687	\$ 567,208	\$ 584,224	\$ 601,751	\$ 619,804	\$ 638,398	\$ 657,550
	<b>Ceded Land Payment</b>	\$ 284,968	\$ 284,968	\$ 284,968	\$ 302,523	\$ 323,105	\$ 338,845	\$ 347,925	\$ 347,925
	<b>Retirement of Indebtedness</b>	\$ 55,854	\$ 58,365	\$ 61,039	\$ 63,917	\$ -	\$ -	\$ -	\$ -
	<b>Renewal and Replacements</b>	\$ 821,313	\$ -	\$ 1,422,000	\$ -	\$ -	\$ 100,000	\$ -	\$ -
	<b>Total Expenses</b>	\$ 6,667,612	\$ 6,058,746	\$ 7,703,348	\$ 6,532,339	\$ 6,716,200	\$ 7,070,171	\$ 7,229,275	\$ 7,491,908
	<b>Operating Income (loss)</b>	\$ (478,172)	\$ (5,334)	\$ (1,649,936)	\$ (101,952)	\$ 95,970	\$ 5,171	\$ 42,726	\$ (13,038)
	<b>OPERATING CASH BALANCE</b>	\$ 1,202,716	\$ 1,865,260	\$ 215,324	\$ 113,371	\$ 209,342	\$ 214,512	\$ 257,238	\$ 244,200
	<b>R&amp;R RESERVE CASH BALANCE</b>	\$ 667,877							
	<b>NET CASH BALANCE</b>	\$ 1,870,594	\$ 1,865,260	\$ 215,324	\$ 113,371	\$ 209,342	\$ 214,512	\$ 257,238	\$ 244,200

**REPAIR AND MAINTENANCE SCHEDULE  
FY 2016 -2021**

**Attachment 4**

<b>DESCRIPTION OF JOB</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b><u>GENERAL REPAIRS</u></b>						
Phase I Planters Makai.Mauka Walkway	877,000					
Railing Repair Phase I	165,000					
Railing Repair Phase II	65,000					
Emergency Repair Phase I	250,000					
Phase I & II Parking Structure Conditions Report Update	65,000					
<b>TOTAL:</b>	<b>1,422,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>
						<b>1,422,000</b>

Chapter 20-12  
Violations and Schedule  
of Penalties for UH/Manoa  
(Clean)

EXHIBIT B

VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MĀNOA  
( )

(a) Violations and Schedule of Penalties:

	<u>Original</u> <u>Fine</u>	<u>15-Day</u> <u>Non-Payment</u> <u>Penalty</u>
(1) Parking in prohibited areas including but not limited to the following: -lawns, planted areas, and grounds under repair; -medial strips, sidewalks, driveways, and crosswalks; -"No Parking" areas or along curbs painted red; -(obstructing) fire hydrant or (parking in) fire lane; -(obstructing) vehicular or pedestrian traffic; -official bus or shuttle stop.....	\$40.00	\$50.00
(2) Parking in area not designated for that specific type of vehicle.....	40.00	50.00
(3) Operating or parking a motor vehicle of any type, moped, motorcycle, or bicycle within a University building.	40.00	50.00
(4) Double parking or motor vehicles not placed wholly within the lines or boundaries of the parking space.....	40.00	50.00

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(5) Parking in a reserved  
stall..... 50.00          60.00

(6) Persons using a  
disabled placard who refuse  
to present a valid  
identification card issued  
under chapter 291, Hawai'i  
Revised Statutes, to an  
enforcement officer upon  
their request..... 260.00      270.00

(6a) Parking in a space  
reserved for persons with  
disabilities and:

(i) Failing to properly  
display a windshield placard  
or special license plate  
authorizing use of such  
parking space in accordance  
with Part III of Chapter 291,  
Hawai'i Revised Statutes; or

(ii) Displaying an invalid  
windshield placard or  
special license plate; or

(iii) Using a windshield  
placard or special license  
plate that was not issued  
to the driver or to any  
passengers occupying the  
vehicle in the parking  
space..... 260.00      270.00

(6b) Parking in a space  
reserved for persons with  
disabilities by a person

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who has been issued a valid windshield placard or special license plate that is currently in effect, but failing to properly display the windshield placard or special license plate .....260.00      270.00

(6c) With or without a windshield placard or special license plate:

(i) Parking in an access aisle adjacent to a parking space reserved for a person with a disability; or

(ii) Obstructing the ingress or egress to a parking space reserved for a person with a disability..... 260.00      270.00

(6d) Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawai'i Revised Statutes, or the rules adopted thereunder to an enforcement officer upon request..... 260.00      270.00

(7) Parking in a loading zone longer than 15 minutes..... 50.00      60.00

(8) Parking in wrong zone..... 40.00      50.00

(9) Parking without a permit.. 40.00      50.00

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(10) Failure to display permit or displaying it at an improper location.....	40.00	50.00
(11) Failure to pay daily parking rate.....	40.00	50.00
(12) Falsifying information on an application.....	50.00	60.00
(13) Displaying or using invalid permit or pass.....	40.00	50.00
(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit.....	100.00	110.00
(15) Driving on areas other than streets, roads, or parking areas.....	97.00	107.00
(16) Exceeding the 15 mph or other posted speed limits on campus.....	97.00	107.00
(17) Reckless driving.....	97.00	107.00
(18) Failure to heed directions of a duly authorized officer...	97.00	107.00
(19) Failure to heed directions on an official sign and/or symbols.....	97.00	107.00
(20) Moving violations of the City & County of Honolulu Traffic code not otherwise specified		



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in these regulations.....	97.00	107.00
(21) Parking or operating a bicycle or moped in violation of the City & County of Honolulu Traffic Code (not otherwise specified herein).....	72.00	82.00
(22) Failure to make a complete stop at an official "STOP" sign.....	97.00	107.00
(23) Transporting a bicycle, moped, or motorcycle in an elevator.....	40.00	50.00
(24) Damaging campus signs, parking gates, or parking appurtenances.....	100.00	110.00
		+ cost of repair or replacement
(25) Repeat or flagrant violation of parking regulations.....	100.00	110.00
(26) Motor vehicle or its alarm system making excessive noise and/or causing a disturbance...	72.00	82.00
(27) Moving any barricade or parking within any barricaded area.....	97.00	107.00

(b) Violators shall be subject to any of the following:

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- (1) A citation and fine as outlined in section  
“(a)”;
- (2) Vehicle removal or impoundment;
- (3) Recommended hold placed on University  
registration and records;
- (4) Revocation or suspension of parking  
privileges;
- (5) Referral to Student Conduct Board.

EXHIBIT B

VIOLATIONS AND SCHEDULE OF PENALTIES FOR UH/MĀNOA  
( )

(a) Violations and Schedule of Penalties:

	<u>Original</u> <u>Fine</u>	<u>[7-Day]</u> <u>15-Day</u> <u>Non-Payment</u> <u>Penalty</u>
(1) Parking in prohibited areas including but not limited to the following: -lawns, planted areas, and grounds under repair; -medial strips, sidewalks, driveways, and crosswalks; -"No Parking" areas or along curbs painted red; -(obstructing) fire hydrant or (parking in) fire lane; -(obstructing) vehicular or pedestrian traffic; -official bus or shuttle stop.....	[\$15.00 \$40.00]	\$25.00 \$50.00]
(2) Parking in area not designated for that specific type of vehicle.....	[15.00 40.00]	25.00 50.00]
(3) Operating or parking a motor vehicle of any type, moped, motorcycle, or bicycle within a University building.	[15.00 40.00]	25.00 50.00]



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passengers occupying the vehicle in the parking space.....	[250.00	260.00]
	<u>260.00</u>	<u>270.00</u>

(6b) Parking in a space reserved for persons with disabilities by a person who has been issued a valid windshield placard or special license plate that is currently in effect, but failing to properly display the windshield placard or special license plate .....	[25.00	35.00]
	<u>260.00</u>	<u>270.00</u>

(6c) With or without a  
windshield placard or  
special license plate:

(i) Parking in an access  
aisle adjacent to a  
parking space reserved  
for a person with a  
disability; or

(ii) Obstructing the ingress or egress to a parking space reserved for a person with a disability.....	[250.00	260.00]
	<u>260.00</u>	<u>270.00</u>

(6d) Parking in a space reserved for persons with disabilities and refusing or failing to present an identification card issued under Chapter 291, Hawai`i Revised Statutes, or the rules adopted thereunder to an enforcement officer upon request.....	[250.00	260.00]
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	<u>260.00</u>	<u>270.00</u>
(7) Parking in a loading zone longer than 15 minutes.....	[25.00	35.00]
	50.00	<u>60.00</u>
(8) Parking in wrong zone.....	[15.00	25.00]
	40.00	<u>50.00</u>
(9) Parking without a permit..	[15.00	25.00]
	40.00	<u>50.00</u>
(10) Failure to display permit or displaying it at an improper location.....	[15.00	25.00]
	40.00	<u>50.00</u>
(11) Failure to pay daily parking rate.....	[15.00	25.00]
	40.00	<u>50.00</u>
(12) Falsifying information on an application.....	[20.00	30.00]
	50.00	<u>60.00</u>
(13) Displaying or using invalid permit or pass.....	[20.00	30.00]
	40.00	<u>50.00</u>
(14) Possessing or using counterfeit, altered, defaced, illegally transferred, or stolen permit.....	[25.00	35.00]
	100.00	<u>110.00</u>
(15) Driving on areas other than streets, roads, or parking areas.....	[15.00	25.00]
	97.00	<u>107.00</u>
(16) Exceeding the 15 mph or other posted speed limits on campus.....	[20.00	30.00]
	97.00	<u>107.00</u>
(17) Reckless driving.....	[20.00	30.00]
	97.00	<u>107.00</u>
(18) Failure to heed directions of a duly authorized officer..	[25.00	35.00]
	97.00	<u>107.00</u>

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(19) Failure to heed directions on an official sign and/or symbols.....	[15.00	25.00]
	<u>97.00</u>	<u>107.00</u>
(20) Moving violations of the City & County of Honolulu Traffic code not otherwise specified in these regulations.....	[15.00	25.00]
	<u>97.00</u>	<u>107.00</u>
(21) Parking or operating a bicycle or moped in violation of the City & County of Honolulu Traffic Code (not otherwise specified herein).....	[15.00	25.00]
	<u>72.00</u>	<u>82.00</u>
(22) Failure to make a complete stop at an official "STOP" sign.....	[20.00	30.00]
	<u>97.00</u>	<u>107.00</u>
(23) Transporting a bicycle, moped, or motorcycle in an elevator.....	[15.00	25.00]
	<u>40.00</u>	<u>50.00</u>
(24) Damaging campus signs, parking gates, or parking appurtenances.....	[25.00	35.00]
	<u>100.00</u>	<u>110.00</u>
	+ cost of repair or replacement	
(25) Repeat or flagrant violation of parking regulations.....	[25.00	35.00]
	<u>100.00</u>	<u>110.00</u>
(26) Motor vehicle or its alarm system making excessive noise and/or causing a disturbance..	[15.00	25.00]
	<u>72.00</u>	<u>82.00</u>

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(27) Moving any barricade or parking within any barricaded area.....	[15.00	25.00]
	<u>97.00</u>	<u>107.00</u>

(b) Violators shall be subject to any of the following:

- (1) A citation and fine as outlined in section "(a)";
- (2) Vehicle removal or impoundment;
- (3) Recommended hold placed on University registration and records;
- (4) Revocation or suspension of parking privileges;
- (5) Referral to Student Conduct Board.



UNIVERSITY OF HAWAI'I

Amendments to Chapter 20-12  
Hawai'i Administrative Rules  
( )

1. Section 20-12-5, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-5 Application procedure.

- (a) Application for parking permits. Any employee or student seeking a parking permit shall complete an online parking permit application or obtain an application form from the [parking] Commuter Services office or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees and students shall follow established parking permit purchasing procedures as designated by the chancellor or a designee and shall be required to show proof of:
- (1) Valid driver's license;
  - (2) Vehicle registration [certificate];
  - (3) Employment verification [letter or valid faculty or staff identification card (employee)];
  - (4) Student registration [verification slip or valid student identification card (student)];
  - (5) Student housing [receipt] residency ([dorm] student residents).

\*\*\*

[Eff 6/22/81; am 4/01/93; am DEC 18 2000;  
am \_\_\_\_\_] (Auth: HRS §§304-4, 306-2, 308-1)  
(Imp: §§294-10, 304-4, 306-9, 308-1)

- (b) When and where to get permits. Permits will be sold at times and places designated by the chancellor or a designee, provided that the chancellor shall announce in advance by

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appropriate media the intent to make a change in such timing or location which may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change.

- (c) Only one permit shall be sold to each applicant and such permit shall not be transferable except as otherwise provided.
- (d) Permit fees may be refunded in accordance with policy as established by the chancellor. [Eff 6/22/81; am APR 01 1993; am \_\_\_\_\_] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§294-10, 304-4, 306-9, 308-1)

2. Section 20-12-6, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-6 Chancellor's authority and priorities.  
The chancellor shall have authority to:

- (1) Establish, implement, and administer policies and procedures to regulate traffic and parking;
- (2) Establish, implement, and administer policies and procedures for issuance of permits to employees and students;
- (3) Designate reserved parking for university vehicles, [handicapped] disabled employees and students, and special events at the university;
- (4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus.
- (5) Do such other things as necessary to control traffic and parking. [Eff 6/22/81; am APR 01 1993; am \_\_\_\_\_] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

3. Section 20-12-8, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-8 Parking permits, fees and areas.

- (a) Fees for regular parking permits and for hourly or daily parking shall be as reflected in Exhibit A, entitled "Regular Parking Fees for UH/Manoa" dated \_\_\_\_\_, which is made a part hereof and located at the end of this chapter.
- (b) Other fees.
  - (1) The board may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to set the fees which setting may directly affect either students or employees, so that both the groups or their representatives shall have an opportunity to submit comments or recommendations on the matter prior to the board's decision to set the fees.
  - (2) The board may establish service fees.
  - (3) The board may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing. [Eff 6/22/81; am 4/01/93; am 12/18/00; am AUG 21 2009; am \_\_\_\_\_] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

4. Section 20-12-9, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-9 Violations and penalties.

- (a) Violations and their corresponding penalties shall be as reflected in Exhibit B, entitled "Violations and Schedule of Penalties for UH/Manoa" dated \_\_\_\_\_, which is made a

part hereof and located at the end of this chapter.

- (b) Violators shall be subject to a fine, removal or immobilization of motor vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.
- (c) Additional penalties may be imposed if the fine is not paid or contested within [seven] fifteen days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa" dated \_\_\_\_\_.
- (d) Fines imposed shall be over and beyond removal and storage charges, if any.
- (e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in subsections (a), (b), and (c), except in the case of a moving violation in which case the driver shall be subject to the applicable penalties.
- (f) All fines shall be paid at the [parking] Commuter Services office. [Eff 6/22/81; am 4/01/93; am 12/18/00; am AUG 21 2009; am \_\_\_\_\_]  
(Auth: HRS §§304-4,306-2,308-1) (Imp: §§304-4,306-9,308-1,308-3)

5. Section 20-12-10, Hawai'i Administrative Rules, is amended to read as follows:

§20-12-10 Appeals process.

- (a) Each person receiving a citation is entitled to a [formal] hearing on the citation. Requests for [formal] hearings must be submitted in writing or submitted online within [seven] fifteen days after issuance of the citation on a form to be provided by the university. Such forms shall be made available at the [parking] Commuter Services office or at the Commuter Services website.
- (b) The following rules of practice on parking and traffic matters including both formal and informal procedures are adopted:

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(Ramseyer)

- (1) Informal procedures. Persons who believe that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the [parking] Commuter Services manager or other authorized person designated to manage the university's parking and traffic program within [seven] fifteen days of the issuance of the citation or notice or of the removal of a vehicle. Such managers may waive said period for good cause shown. Such managers may void citations, waive towing and storage charges and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citations or notice so as to contest them within [seven] fifteen days of issuance.
- (2) Formal Procedures. A person requesting a hearing on a parking or traffic citation in accordance with (a) of this section shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:
  - (A) The date, time, place and nature of hearing.
  - (B) The legal authority under which the hearing is to be held.
  - (C) The particular sections of the statutes and rules involved.
  - (D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.
  - (E) The fact that any party may retain counsel if so desired.

Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as maybe required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If it is the hearing office who hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.

Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.

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- (c) The parking board shall be composed of a student, a faculty member and a staff member appointed by the chancellor. The decision of the parking board shall be final within the university.
- (d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the [parking] Commuter Services office.
- (e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the University of Hawai'i stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.
- (f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the University of Hawai'i stating the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff 6/22/81; am April 01 1993; am \_\_\_\_\_] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

UNIVERSITY OF HAWAI'I

Amendments to Chapter 20-12  
Hawai'i Administrative Rules  
( )

SUMMARY

1. §20-12-5 is amended.
2. §20-12-6 is amended.
3. §20-12-8 is amended.
4. §20-12-9 is amended.
5. §20-12-10 is amended.



§20-12-5 Application procedure.

- (a) Application for parking permits. Any employee or student seeking a parking permit shall complete an online parking permit application or obtain an application form from the Commuter Services office or at a place designated by the chancellor. The information requested in the application form must be completed fully and accurately or it shall be rejected. Employees and students shall follow established parking permit purchasing procedures as designated by the chancellor or a designee and shall be required to show proof of:
- (1) Valid driver's license;
  - (2) Vehicle registration;
  - (3) Employment verification;
  - (4) Student registration;
  - (5) Student housing residency (student residents).

\*\*\*

[Eff 6/22/81; am 4/01/93; am DEC 18 2000;  
am ] (Auth: HRS §§304-4, 306-2,308-1)  
(Imp: §§294-10, 304-4, 306-9, 308-1)

- (b) When and where to get permits. Permits will be sold at times and places designated by the chancellor or a designee, provided that the chancellor shall announce in advance by appropriate media the intent to make a change in such timing or location which may directly affect either students or employees, so that both said groups or their representatives shall have opportunity to submit comments or recommendations on the matter prior to the chancellor's decision to promulgate said change.
- (c) Only one permit shall be sold to each applicant and such permit shall not be transferable except as otherwise provided.
- (d) Permit fees may be refunded in accordance with policy as established by the chancellor. [Eff 6/22/81; am APR 01 1993; am ]

(Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§294-10, 304-4, 306-9, 308-1)

§20-12-6 Chancellor's authority and priorities.

The chancellor shall have authority to:

- (1) Establish, implement, and administer policies and procedures to regulate traffic and parking;
- (2) Establish, implement, and administer policies and procedures for issuance of permits to employees and students;
- (3) Designate reserved parking for university vehicles, disabled employees and students, and special events at the university;
- (4) Engage a private concessionaire or contractor to operate the parking and traffic program or a portion thereof on campus.
- (5) Do such other things as necessary to control traffic and parking. [Eff 6/22/81; am APR 01 1993; am                   ] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

§20-12-8 Parking permits, fees and areas.

- (a) Fees for regular parking permits and for hourly or daily parking shall be as reflected in Exhibit A, entitled "Regular Parking Fees for UH/Manoa" dated \_\_\_\_\_, which is made a part hereof and located at the end of this chapter.
- (b) Other fees.
  - (1) The board may set fees for other periods of time not covered under these rules without the necessity of following the provisions of sections 91-3, 91-4 and 91-5, HRS, provided that the chancellor shall announce in advance by appropriate media the intent to set the fees which setting may directly affect either students or employees, so that both the groups or their representatives shall have an opportunity to submit comments or recommendations on the matter prior to the board's decision to set the fees.
  - (2) The board may establish service fees.
  - (3) The board may establish equitable refundable deposit requirements for returnable items such as gate cards, keys, etc., without the necessity of public hearing. [Eff 6/22/81; am 4/01/93; am 12/18/00; am AUG 21 2009; am \_\_\_\_\_ ] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

§20-12-9 Violations and penalties.

- (a) Violations and their corresponding penalties shall be as reflected in Exhibit B, entitled "Violations and Schedule of Penalties for UH/Manoa" dated \_\_\_\_\_, which is made a part hereof and located at the end of this chapter.
- (b) Violators shall be subject to a fine, removal or immobilization of motor vehicle, or disciplinary action, or revocation or suspension of permit, or all of the foregoing.
- (c) Additional penalties may be imposed if the fine is not paid or contested within fifteen days after the issuance of the citation as indicated in "Violations and Schedule of Penalties for UH/Manoa" dated \_\_\_\_\_.
- (d) Fines imposed shall be over and beyond removal and storage charges, if any.
- (e) The applicant or the registered owner of the motor vehicle, or both, shall be subject to the applicable penalties described in subsections (a), (b), and (c), except in the case of a moving violation in which case the driver shall be subject to the applicable penalties.
- (f) All fines shall be paid at the Commuter Services office. [Eff 6/22/81; am 4/01/93; am 12/18/00; am AUG 21 2009; am \_\_\_\_\_ ]  
(Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1, 308-3)

§20-12-10 Appeals process.

- (a) Each person receiving a citation is entitled to a hearing on the citation. Requests for hearings must be submitted in writing or submitted online within fifteen days after issuance of the citation on a form to be provided by the university. Such forms shall be made available at the Commuter Services office or at the Commuter Services website.
- (b) The following rules of practice on parking and traffic matters including both formal and informal procedures are adopted:
  - (1) Informal procedures. Persons who believe that they have received a parking or traffic citation or notice of citation in error or whose vehicle was towed away by the university may discuss their complaint or problem in person with the Commuter Services manager or other authorized person designated to manage the university's parking and traffic program within 15 days of the issuance of the citation or notice or of the removal of a vehicle. Such managers may waive said period for good cause shown. Such managers may void citations, waive towing and storage charges and reduce the fine imposed upon review of the facts of each case and upon a finding that the parking or traffic citation was improperly issued or that the person did not know of said citations or notice so as to contest them within 15 days of issuance.
  - (2) Formal Procedures. A person requesting a hearing on a parking or traffic citation in accordance with (a) of this section shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, HRS. Essentially, that chapter provides as follows: The notice shall include a statement of:

- (A) The date, time, place and nature of hearing.
- (B) The legal authority under which the hearing is to be held.
- (C) The particular sections of the statutes and rules involved.
- (D) An explicit statement in plain language of the issues involved and the facts alleged by the officer issuing the citation in support thereof.
- (E) The fact that any party may retain counsel if so desired.

Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct such cross-examination as maybe required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence.

The hearing shall be conducted either by a hearing officer appointed by the parking board, or by the parking board itself. If it is the hearing officer who hears and examines all the evidence, the hearing officer shall submit findings of fact and conclusions of law to the parking board and to the party. The party may file written exceptions and present arguments to the parking board which shall personally consider the whole record or such portions thereof as may be cited by the party. If the party does not file written exceptions within thirty days after receipt of the report, the decision of the hearing officer shall be final.

In the event a party does not appear at the date, time and place appointed for the hearing, either before the parking board or the hearing officer, the party may be denied another hearing on the matter.

Every decision and order adverse to a party to the proceeding shall be in writing

or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party. If the citation is upheld, the parking board or the hearing officer may direct payment of all or a portion of the fine or charge.

- (c) The parking board shall be composed of a student, a faculty member and a staff member appointed by the chancellor. The decision of the parking board shall be final within the university.
- (d) The public may obtain information or make submittals or requests relative to parking and traffic matters by addressing a letter to the Commuter Services office.
- (e) Petitions for the adoption, amendment, or repeal of rules shall be in the form of a letter to the chancellor of the University of Hawai'i stating with particularity the rule or rules proposed to be adopted, amended or repealed and also stating the reasons for such action. The chancellor may confer with appropriate administrative or legal staff, or both. The chancellor shall within thirty days of receipt of the petition either deny the petition in writing, stating reasons for such denial or initiate proceedings in accordance with section 91-3, HRS. The chancellor may also initiate action on his own motion to adopt, amend or repeal rules and regulations pursuant to chapter 91, HRS.
- (f) Petitions for declaratory rulings as to the applicability of any statutory provision concerning parking or operation of motor vehicles on the campus or any rule under this subchapter shall be in the form of a letter to the chancellor of the University of Hawai'i stating



the interest of the petitioner in the matter, the reasons for requesting the ruling and specific nature of the ruling being requested. The chancellor may confer with appropriate administrative or legal staff, or both, and shall render in writing a declaratory ruling or other order disposing of the matter. [Eff 6/22/81; am April 01 1993; am ] (Auth: HRS §§304-4, 306-2, 308-1) (Imp: §§304-4, 306-9, 308-1)

UNIVERSITY OF HAWAI'I

Amendments to chapter 20-12, Hawai'i Administrative Rules, on the Summary page dated \_\_\_\_\_, were adopted on \_\_\_\_\_ following a public hearing held on \_\_\_\_\_ after public notice was given in the Honolulu Star Advertiser on \_\_\_\_\_.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

\_\_\_\_\_  
Randolph G. Moore  
Chairperson  
Board of Regents  
University of Hawai'i

APPROVED AS TO FORM:

\_\_\_\_\_  
Carrie K.S. Okinaga, Esq.  
Vice President Legal Affairs  
and University General Counsel  
University of Hawai'i

APPROVED:

\_\_\_\_\_  
DAVID IGE  
Governor  
State of Hawai'i

Date: \_\_\_\_\_

\_\_\_\_\_  
Filed