



## **Board Governance Retreat**

Saturday, September 21, 2019

Chemeketa Center for Business & Industry (CCBI)  
Room 115, 626 High Street NE, Salem OR 97301

### **AGENDA**

8:30 AM Welcome - Coffee, tea, and pastries

9:00 AM Opening Remarks - President Ian Davidson and General Manager Allan Pollock

9:20 AM Board/ELT Discussion

- Oregon Public Transportation Plan (OPTP) Overview
- ORS 267 Mass Transit Districts
- Resolution 2015-04 Rules governing proceedings and conduct of the Board
- Board Code of Conduct
- 2018 Strategic Plan
- Organization and Division Overviews
- Board Governance Discussion

11:30 AM Lunch and Discussion of Next Steps

1:00 PM Adjourn





# Oregon Public Transportation Plan

## Executive Summary



The Oregon Public Transportation Plan is available online at:  
<https://www.oregon.gov/ODOT/Planning/Pages/Plans.aspx>

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For more public transportation related information, contact:  
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# A New Vision for Public Transportation in Oregon

This executive summary highlights key elements in the 2018 Oregon Public Transportation Plan (OPTP), which is the end result of a two-year process informed by research, committee deliberations, and valuable input from public transit providers and riders, and many other stakeholders, including Oregonians from throughout the state and all walks of life.

Over the life of this plan, intended to provide guidance for up to 25 years, Oregon and its transportation system will see many changes. Oregon's population will grow and demographics will shift; new technology will influence transportation, with options on the horizon such as alternative fuels, connected vehicles, and advances not even yet imagined. This plan considers those trends and others, and delivers a long-term vision describing how Oregonians expect public transportation to contribute to their communities and to the transportation system statewide.

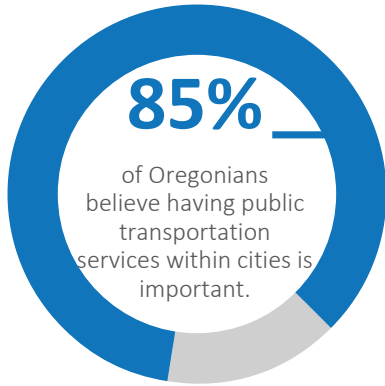
## Vision for Public Transportation

In 2045, public transportation is an integral, interconnected component of Oregon's transportation system that makes Oregon's diverse cities, towns, and communities work. Because public transportation is convenient, affordable, and efficient, it helps further the state's quality of life and economic vitality and contributes to the health and safety of all residents, while reducing greenhouse gas emissions.



Increasing the role of transit and other forms of multi-passenger public transportation is an essential common element in most prescriptions for achieving many of Oregon's statewide goals: fostering a strong statewide economy; increasing freight mobility; preparing for large-scale emergencies; discouraging sprawl; improving public health; reducing greenhouse gas emissions; conserving energy; and advancing mobility equity across the state. This new OPTP provides guidance for decisions about enhancing public transportation services through the year 2045. If this long-range plan is fully embraced and aggressively implemented by both rural and urban public agencies and service providers, all parts of Oregon can be even more pleasant, more robust places to live than they are today.

*David Lohman, City of Ashland, OPTP Policy Advisory Committee (PAC) Chairman*



## Why Create a Public Transportation Plan?

Oregonians take over 100 million public transportation trips each year. In both urban and rural areas, these trips get people to jobs and medical appointments, offer choices for residents and visitors alike, and provide options that reduce the environmental impacts of the transportation system as well as congestion in Oregon’s busy metropolitan areas. Public transportation is vital to the state’s economy and the well-being of its people. This plan considers the benefits of a well-connected, efficient public transportation system and offers a framework to help cities, counties, transit providers, tribes, and the state make smart investment choices.



I appreciate the plan’s ability to demonstrate the connections between providing resources for public transportation and the opportunity to increase economic and community vitality. Ensuring a holistic approach to transportation planning, which considers the impact on economic development, ensures that our public transportation system provides employers the ability to attract and retain workers and enhances accessibility for individuals to access jobs.

*Amanda Hoey, Mid-Columbia Economic Development District, PAC Member*



On average, public transportation users **take 30% more steps each day** compared to those who don’t use public transportation.

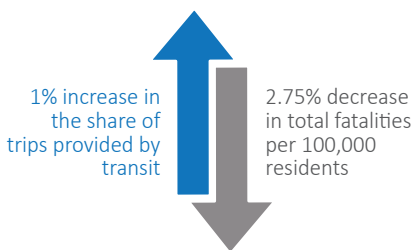
## The Many Benefits of a Strong Public Transportation System

Public transportation connects people and places in both urban and rural areas. As a reliable commute option, it supports economic vitality by attracting businesses and workers. It enables rural residents to travel for jobs and services. It improves community health by supporting a more active lifestyle and by reducing congestion and greenhouse gas emissions.

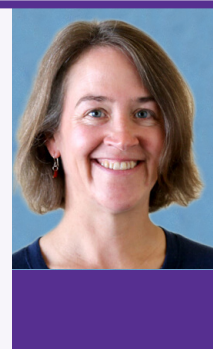
Across the state, an efficient public transportation system also improves the movement of trucks and commercial vehicles by freeing up roadway capacity. Transit discourages sprawl and encourages efficient land uses. Public transportation can also enhance the ability to prepare for and respond to emergencies and natural disasters, in particular with evacuations and recovery.

Public transportation is an important tool for making access to opportunity more equitable, including employment, education, and other community resources. Public transportation is an alternative to private automobiles for youth, older adults, and people with disabilities who cannot drive, and it provides affordable transportation for people with lower incomes.

A strong public transportation system also enhances safety for all transportation users. When use of public transportation increases in a community, crash rates tend to decline for everyone, including pedestrians, bicyclists, motorists, and transit passengers.



Investing in more reliable, convenient, affordable, and clean public transportation is one of the most important investments we can make as a state. Transit helps people with transportation barriers (such as Oregonians with low incomes and those who are unable to drive because of age or disability) meet their daily needs and participate in their communities. It also improves air quality and reduces our impact on the climate. The OPTP is the “bus route” for equity and opportunity and for a cleaner, healthier environment.

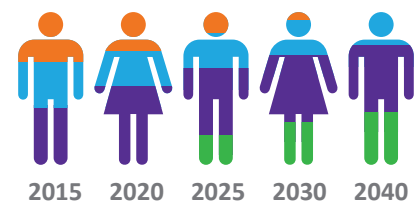


*Chris Hagerbaumer, Oregon Environmental Council, Technical Advisory Committee Member*

## Evaluating the Trends

Communities throughout Oregon are working to meet growing needs and reflect the changing travel preferences of the population. Understanding trends is critical, and the plan looks in-depth at key trends affecting public transportation today as well as into the future:

- Oregon is growing rapidly.** The state’s population has increased by about 1 million new residents since the first OPTP was adopted in 1997. Oregon is expected to grow by a million more people by 2045, with the greatest increase in urban areas.
- Younger and older riders rely on public transportation.** Increasingly, older adults are using public transportation, and many depend on it for transportation. In addition, younger generations are driving less and relying on a broader range of transportation options, while youth need service to schools, after-school programs, and jobs.
- Both minority and low-income populations are more likely to use public transportation.** Demand for public transportation service tends to increase with any growth in either of these populations, or transportation disadvantaged groups.
- Increasing costs make keeping up with service needs difficult.** Costs to purchase, operate, and maintain vehicles continue to rise. This makes it difficult to sustain existing services, let alone expand.



- Boomers, Born 1946-1964
- Gen X, Born 1965-1980
- Millennials, Born 1981-1996
- Next Gen, Born 1996 to Present

As Millennials continue to comprise a greater share of the adult population and work force, their transportation preferences will have an outsized influence on the need for public transportation service.



The new OPTP strives to create a statewide public transportation network, and help the state and local communities develop transit options that best meet their need. A foundational element of the this plan is a desire to think of transit much like a universal public utility that warrants a level of service that is appropriate to each community.

People in rural communities are often without means of transportation much like those in urban areas, but this is often complicated by distance, making rural connections within town and to regional centers all the more important. The OPTP recognizes those challenges and will help measure success for rural areas in ways that may not be considered “success” in a dense urban area.

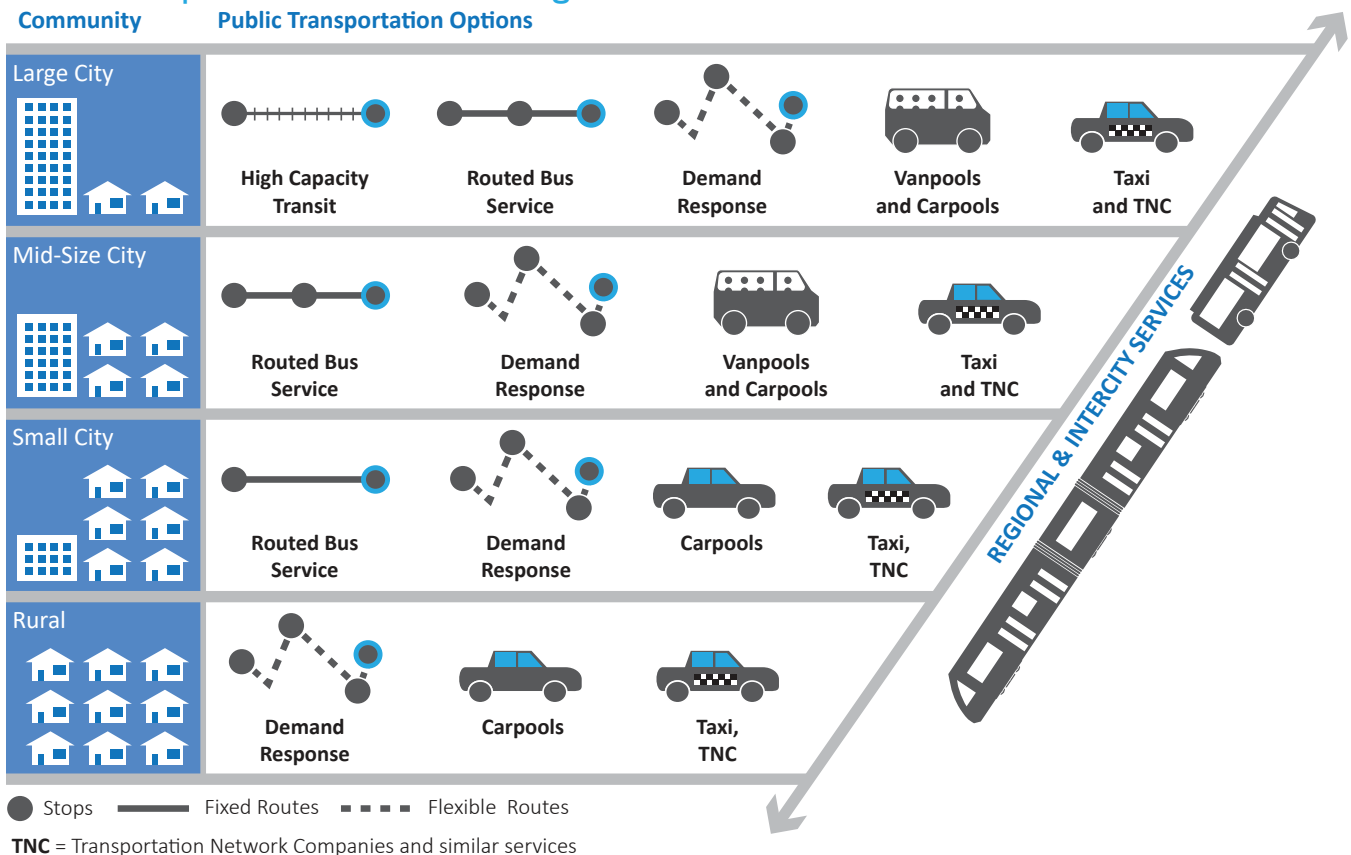
*J.D. Tovey, Confederated Tribes of the Umatilla Indian Reservation, PAC Member*

# Today: Where We Are

Oregon has a number of public transportation districts in addition to various city, county, private nonprofit, private for-profit, and tribal public transportation service providers. The work of the public providers is complemented by private companies and nonprofit entities that deliver transportation to the public. Examples include Greyhound and Bolt buses, taxis, airport shuttles, and others such as senior centers, churches, and human service providers that offer special transportation services for their clients.

The OPTP establishes statewide policies and strategies relating to traditional public transportation, and considers the relationship of the traditional services to others such as taxis, transportation network companies (TNCs, including Uber and Lyft), carsharing, carpooling, and vanpooling. Services respond to the needs of individual communities, considering unique constraints and characteristics such as population, development patterns, prior investment decisions, and available funding. This results in a wide variety of public transportation services throughout the state. In general, services tend to get more numerous and more complex as the size of the community grows. Below is a chart showing the different types of public transportation you might find in communities across Oregon.

## Public Transportation Services in Oregon



# Opportunities and Challenges for Oregon Public Transportation

The OPTP responds to challenges and opportunities for public transportation that were identified and discussed throughout the plan development process, including:

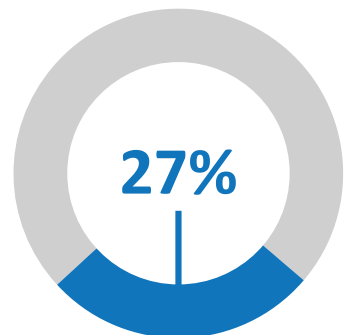
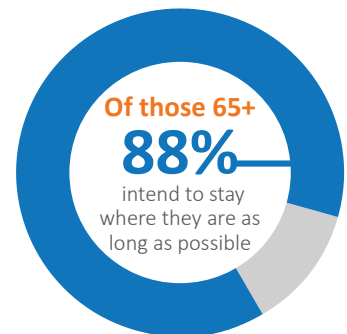
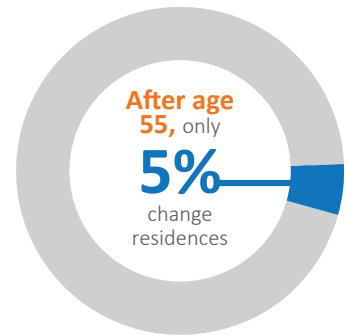
- A need for **enhanced collaboration and coordination** throughout transportation planning and service delivery. This includes coordination at multiple levels: community to community, provider to provider, and among local, tribal, regional, state, and federal agencies. Collaboration and integrated planning can make systems seamless and efficient by leveraging strengths and resources.
- **Improving regional and intercity connections** would benefit visitors and Oregonians who travel to other places for jobs, services, or other needs. Potential improvements include websites that share information about connections between multiple systems; one-call centers to facilitate trips; mobility hubs where multiple services meet; and creative partnerships, such as among providers, businesses, and institutions, to find opportunities for more efficient services.
- **Changing technology**, new information systems, connected and automated vehicles, fare payment methods, and new fuels and safety features can help public transportation be more efficient and easier for riders to use.
- Improving **connections for pedestrians and bicycle riders to public transportation**, known as the first/last mile connection, is essential for public transportation to function. This includes improved sidewalks and safe crossings, as well as potential hubs with multiple modes and mobility solutions sharing a facility.

## Our Future: Goals, Policies, and Strategies to Guide the Way

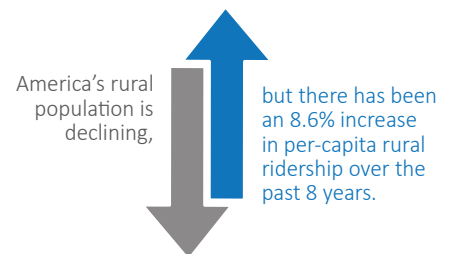
The goals, policies, and strategies of the Oregon Public Transportation Plan support the vision for the future and provide a path towards achieving the vision.

Each goal is accompanied in the plan by policies and strategies that respond to today’s opportunities while considering trends that may affect public transportation in the future. The goals, policies, and strategies are designed to be adaptable to local conditions throughout the state, and to provide guidance as communities and the transportation system change over time.

### The numbers tell the story:



**Millennials** have become America’s largest generation, representing **27% of Oregonians** and they generally drive less than their parents and regularly use multiple transportation modes.

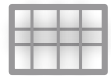


## Oregon Public Transportation Plan Goals



### **Goal 1: Mobility - Public Transportation User Experience**

People of all ages, abilities, and income levels move reliably and conveniently between destinations using an affordable, well-coordinated public transportation system. People in Oregon routinely use public transportation to meet their daily needs.



### **Goal 2: Accessibility and Connectivity - Getting from Here to There**

Riders experience user-friendly and convenient public transportation connections to and between services and travel modes in urban, suburban, rural, regional, and interstate areas.



### **Goal 3: Community Livability and Economic Vitality**

Public transportation promotes community livability and economic vitality by efficiently and effectively moving people of all ages to and from homes, jobs, businesses, schools and colleges, and other destinations in urban, suburban, and rural areas.



### **Goal 4: Equity**

Public transportation provides affordable, safe, efficient, and equitable transportation to jobs, services, and key destinations, improving quality of life for all Oregonians.



### **Goal 5: Health**

Public transportation fosters improved health of Oregonians by promoting clean air, enhancing connections between people, enabling access to services such as health care and goods such as groceries, and by giving people opportunities to integrate physical activity into everyday life through walking and bicycling to and from public transportation.



### **Goal 6: Safety and Security**

Public transportation trips are safe; riders feel safe and secure during their travel. Public transportation contributes to the resilience of Oregon communities.



### **Goal 7: Environmental Sustainability**

Public transportation contributes to a healthy environment and climate by moving more people with efficient, low-emission vehicles, reducing greenhouse gases and other pollutants.



### **Goal 8: Land Use**

Public transportation is a tool that supports Oregon's state and local land use goals and policies. Agencies collaborate to ensure public transportation helps shape great Oregon communities providing efficient and effective travel options in urban, suburban, and rural areas.



### **Goal 9: Funding and Strategic Investment**

Strategic investment in public transportation supports the overall transportation system, the economy, and Oregonians' quality of life. Sustainable and reliable funding enables public transportation services and infrastructure to meet public needs.



### **Goal 10: Communication, Collaboration, and Coordination**

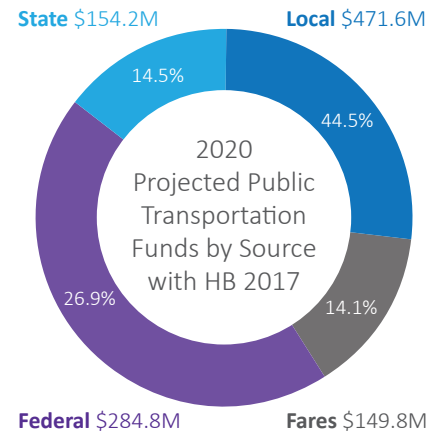
Public and private transportation providers and all levels of government within the state and across state boundaries work collaboratively and foster partnerships that make public transportation seamless regardless of jurisdiction.





## Funding and Investment

Each provider is unique, and so is each provider’s particular mix of funding; sources reflect agency type, location, services offered, and other variables. Overall, Oregon’s public transportation system is funded by a mix of local, state, and federal funding programs, in addition to transit system-generated revenues such as passenger fares, advertising revenue, and building leases. The graph at right shows the projected statewide funding mix for 2020, when the Keep Oregon Moving Act is fully implemented.



Funding amounts vary from year to year and do not meet all statewide needs. In local government budgets, as well as the state budget, public transportation services compete for funds with many other infrastructure and service needs. One key component of each investment scenario is that any new funding remains supported by existing revenue sources rather than replacing them.

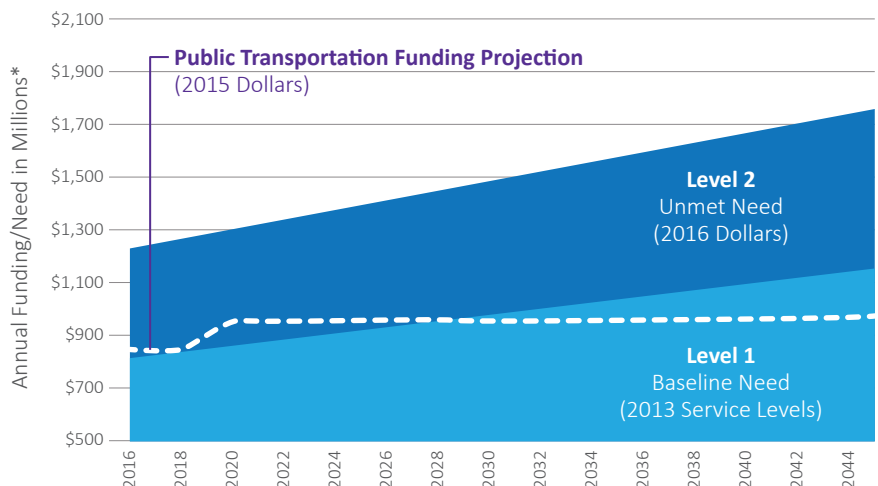
In 2017, the state legislature passed the Keep Oregon Moving Act. It provides a new and consistent source of funds for public transportation. This is a very important investment that will enable service improvements throughout the state, but it still does not meet all needs, and will not achieve the OPTP vision. The inset on the new law explains the new funding source.

### Keep Oregon Moving Act

The Keep Oregon Moving Act provides ongoing funding for public transportation through a statewide employee payroll tax of 0.10 percent. This tax is anticipated to generate approximately \$100 million for public transportation after it fully takes effect, increasing to \$140 million annually by 2024. Most of this funding is designated for local providers to develop and operate public transportation services.

The OPTP studies public transportation needs in terms of how well investment levels can maintain at least the current level of transit service per person in the state. Level one is maintaining current service levels, and level two reflects raising service levels in communities to at least the average level of service in Oregon communities of similar size (see the OPTP for more details). The graph at right shows how the current funding projection, including the new Keep Oregon Moving Act funds, helps keep up with population growth for about ten years, but then funding starts to fall below the amount needed to maintain today’s level of service per person.

## Oregon Public Transportation Funding and Needs



\*All figures are corrected to 2016 purchasing power

## Investment Scenarios

Achieving the plan’s vision of a reliable, interconnected system will require significant investment and cooperation. Because today’s level of available funding does not adequately support implementing the plan’s vision, there are several investment scenarios in the plan that provide a snapshot of how the public transportation system might look given progressively increasing levels of investment. They describe possible paths for incremental development of the system.

Costs to provide service are increasing over time and therefore, despite efficiencies gained through partnerships, technology, and other solutions, the level of funding available strongly affects outcomes. Exploring these outcomes, the OPTP investment scenarios represent a continuum of services and improvements corresponding with different levels of investment. The examples described in the scenarios reflect the plan goals and policies. Following the plan strategies, they emphasize first preserving current service, then improving frequency and reliability, and finally adding services to meet further transportation needs.

It’s important to note: The OPTP does not direct investments. Instead, it serves as a framework to support local decisions and investment choices that reflect community values, characteristics, and system needs. The investment scenarios describe examples of possible outcomes of investment at three increasing levels. All investment scenarios assume that the various current local, state, and federal funding sources continue into the future, growing moderately, in proportion to population growth.

**Scenario 1: Preservation and Critical Improvements.** Current funding, including new funding from the Keep Oregon Moving Act, and modest increases in other sources.

- If funding is maintained at current levels, some improvements will be made to the system but these will not keep up with population for long. Service will again fall behind demand, become less attractive to riders, and not successfully support livable communities or economic development over time.

**Scenario 2: Expanding Services.** Ambitious funding, assuming twice the funding from the Keep Oregon Moving Act is available, in addition to modest increases in other sources.

- If more is invested, the system can be maintained and expanded, meeting more needs, improving service, and encouraging more trips on public transportation, but it may not serve all the trips people might like to take via transit.





**Scenario 3: Realizing the Vision.** Aspirational scenario, assuming additional investment that funds most public transportation needs.

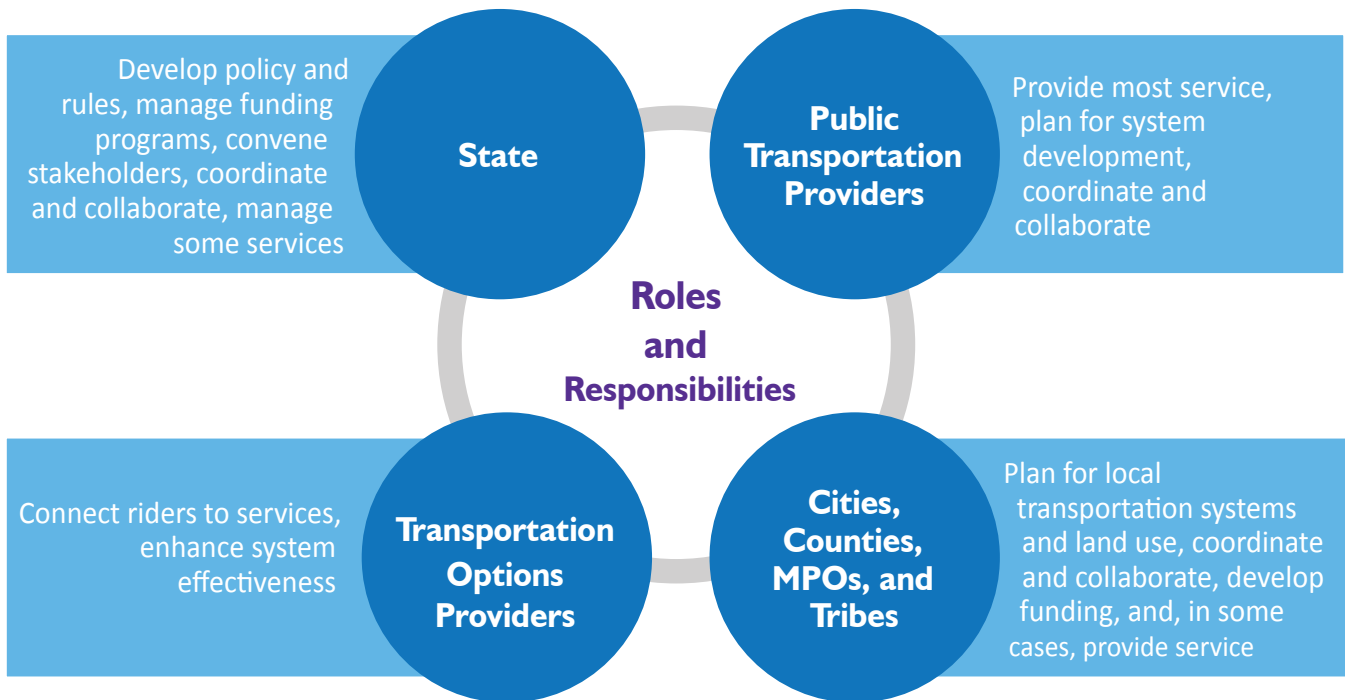
- If funding is substantially increased, and those funds are strategically invested to meet needs and improve service, the system can approach the OTP vision and provide public transportation services that meet the needs of Oregonians.

## A Starting Point

Working together is critical to achieving the OTP’s vision and goals. Local providers, state and federal agencies, cities, counties, regional governments, tribes, private transportation operators, and other public transportation stakeholders, all have different and important roles to play in OTP implementation. The participation of all these stakeholders will be essential to the success of the OTP. Responsibility for implementing policies and strategies may shift over time, as funding, policy, or organizational responsibilities evolve. The following graphic shows the typical roles for several key participants in the public transportation system. Ongoing relationships and coordinated efforts by these participants are needed for an optimal public transportation system.

### Investment Scenario Themes

- Service increased in frequency, extensions and new routes when needed.
- Improved connections and fewer missing links.
- Increased use of technology for safety, communications and rider information, fare payment, lower emissions.
- Improved coordination between providers and local and state agencies.





The implementation of this plan is really going to be about forging partnerships with agencies and others that embrace shared goals. Developing this plan brought together different agencies and different interests. We learned a lot from one another, and the OPTP reflects all those interests coming together. For example, the Land Conservation and Development Commission works on land use, and there is a section of the plan that addresses how public transportation and land use interests can work together and support one another's goals. If we use our resources in disparate or uncoordinated ways going forward, we will not achieve the OPTP goals.

*Robin McArthur, Land Conservation and Development Commission, PAC Member*

## Key Initiatives

Key initiatives respond to important themes emphasized by stakeholders throughout OPTP development and serve as a starting point for implementing the OPTP. The initiatives address multiple goals, are critical to OPTP implementation, and require further development. While the Oregon Department of Transportation (ODOT) may be able to initiate some short-term work related to these initiatives, most will require long-term effort and collaboration among multiple partners.



### Public Transportation Plan Integration

This key initiative promotes an effective, efficient, and seamless public transportation system, building on the need to plan for transportation together. The focus is to help agencies further integrate their planning activities and coordinate efforts throughout their organizations. ODOT will look for ways to assist local agencies and providers with these efforts.

### Regional and Intercity Service

Regional and intercity public transportation emerged as an important topic throughout OPTP development. This key initiative considers how best to provide public transportation service between cities and regions as well as connecting Oregon communities to other states. ODOT's statewide perspective can assist providers, help fill gaps, and promote a logical system that links areas throughout the state.



## Public Transportation Technology

Transportation technology is rapidly changing and will undoubtedly have an impact on public transportation. This key initiative focuses on efforts to better understand and effectively use that technology to help Oregonians meet routine needs via public transportation. The OPTP provides a flexible framework to enable ODOT, local governments, and providers to adapt to these changes as they occur.



We are moving forward into the future where we are going to see big changes. We need a relevant starting point, and we need a dynamic plan that doesn't lock us into the technologies or the solutions of today but must remain relevant to the changing needs of our communities. This plan is that starting point.

*Stephen Dickey, Salem-Keizer Cherriots, PAC Member*

Successfully implementing the OPTP will include working together with coordinated actions responding to the goals, policies, and strategies, and advancing the key initiatives such that:

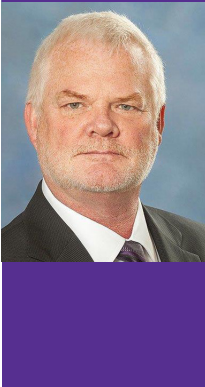
- Public transportation supports healthy, equitable, and thriving Oregon communities, economies, and individuals.
- Public transportation is easy to use and a viable option for many trips.
- People for whom public transportation is essential can meet their needs on transit.
- Public transportation is routinely considered in planning and development decisions.

## Tracking Progress

Performance measures provide a means to track progress with regard to the OPTP's goals, policies, and strategies, the key initiatives described above, and plan implementation and general outcomes. OPTP performance measures are designed to be used at a statewide level; they complement and do not replace local performance measures tracked and reported by providers. The OPTP performance measures are listed to the right; read more about them in the plan.

### OPTP Performance Measures

- Statewide public transportation ridership per capita.
- Public transportation revenue hours per capita.
- Cost per boarding for fixed route service (adjusted for inflation).
- Percent of public transportation vehicle fleet that is low- or zero-emission.
- Transit vehicle condition: percent of public transit buses exceeding useful life.



The OPTP is important because we now have a current vision for public transportation that reflects the perspectives of stakeholders and the public throughout Oregon. The OPTP represents a work plan for ODOT and our regional and local partners to get to that vision; and now there is also a consistent source of funding to start that work. There is a new, clear future for public transportation in the State of Oregon, and I look forward to being part of new services, connections, and technologies that will provide opportunities for people throughout the state.

*Hal Gard, ODOT Rail and Transit Division Administrator*

## Moving Forward Together

The OPTP sets a path forward for maintaining and improving the public transportation system across the state. It calls for further integrating public transportation with the transportation system and for making its use a convenient, easy, reliable choice.

Realizing the vision, reaching the goals, and successfully implementing the policies and strategies will require a new level of collaboration between all of the agencies and stakeholders that fund, develop, and operate the public transportation system.

Working closely together will be required, but accomplishing the OPTP vision for public transportation will benefit everyone, communities, businesses, residents, and visitors alike. Progress toward the vision benefits anyone who values a safe, economically vital state with healthy, vibrant communities where all can meet their travel needs with a variety of efficient transportation options.

You are invited to read the OPTP online, and thank you for your support of Oregon's public transportation system!



## Acknowledgments

The OPTP is the result of the dedication and thoughtful contributions of the public; local, regional, and state agency staff statewide, and the OPTP Policy Advisory Committee members:

**David Lohman** – Oregon Transportation Commission (Chair)

**Craig Campbell** – AAA Oregon

**Stephen Dickey** – Cherriots (Salem-Keizer Transit)

**Ben Duncan** – Multnomah County

**Karen Girard, Heather Gramp, and Steve White** – Oregon Health Authority

**Amanda Hoey** – Mid-Columbia Economic Development District

**Sharon Konopa** – City of Albany

**Robin McArthur, Bill Holmstrom, and Matt Crall** – Land Conservation and Development Commission and Department of Land Conservation and Development

**Neil McFarland and Kate Lyman** – TriMet

**Jeff Monson** – Commute Options

**Susan Morgan** – Association of Oregon Counties

**Tonia Moro** – Rogue Valley Transit District and Metropolitan Planning Organization (MPO)

**Cosette Rees** – Lane Transit District

**Bob Russell** – Oregon Trucking Association

**Lisa Scherf** – City of Corvallis

**John David (JD) Tovey** – Confederated Tribes of the Umatilla Indian Reservation

**Elaine Wells** – Ride Connection

The Oregon Transportation Commission adopted the OPTP in September 2018. The Oregon Transportation Commission members were:

**Tammy Baney, Chair**

**Alando Simpson**

**Sean O'Hollaren**

**Bob Van Brocklin**

**Martin Callery**

The OPTP and additional information is available online at:  
<https://www.oregon.gov/ODOT/Planning/Pages/Plans.aspx>

## Vision for Public Transportation

In 2045, public transportation is an integral, interconnected component of Oregon's transportation system that makes Oregon's diverse cities, towns, and communities work. Because public transportation is convenient, affordable, and efficient, it helps further the state's quality of life and economic vitality and contributes to the health and safety of all residents, while reducing greenhouse gas emissions.

## Oregon Public Transportation Plan

[www.oregon.gov/ODOT/Planning/Pages/Plans.aspx](http://www.oregon.gov/ODOT/Planning/Pages/Plans.aspx)



## Chapter 267 — Mass Transit Districts; Transportation Districts

ORS sections in this chapter were amended or repealed by the Legislative Assembly during its 2018 regular session. See the table of ORS sections amended or repealed during the 2018 regular session: 2018 A&R Tables

New sections of law were enacted by the Legislative Assembly during its 2018 regular session and pertain to or are likely to be compiled in this ORS chapter. See sections in the following 2018 Oregon Laws chapters: 2018 Session Laws 0004

### 2017 EDITION

#### MASS TRANSIT AND TRANSPORTATION DISTRICTS

#### PUBLIC ORGANIZATIONS FOR COMMUNITY SERVICE

#### VEHICLE REGISTRATION FEES

**267.001** Authority of certain mass transit and transportation districts to impose vehicle registration fees

#### MASS TRANSIT DISTRICTS

##### (Generally)

**267.010** Definitions for ORS 267.010 to 267.390

**267.020** Transfer of transit system to metropolitan service district; effect of transfer order

**267.030** Use of alternative fuels for certain district vehicles; exceptions; annual report; application to all district vehicles

##### (Formation)

**267.080** Creation of district; district jurisdiction

##### (Formation — Procedure Used in Portland and Eugene)

**267.085** Resolution to form district; content; filing

- 267.090 Directors; appointment; term; vacancies; Governor to fix time of first meeting**
- 267.095 Terms of directors first appointed**
- 267.097 Governor to solicit recommendations for director in metropolitan statistical area with population over 400,000**

**(Formation — Procedure Used in Salem)**

- 267.107 Resolution to create certain districts; contents**
- 267.108 Director election and district formation election under ORS 267.107 held at same time; designation of subdistricts**
- 267.109 Costs of election under ORS 267.107**
- 267.112 Directors for districts formed under ORS 267.107; terms; vacancies; compensation and expenses**
- 267.114 Minimum area of district**

**(Board; Ordinances)**

- 267.120 Officers of board; terms; oath**
- 267.125 Meetings of board; quorum**
- 267.130 Additional compensation prohibited**
- 267.135 General Manager; qualifications; term; removal**
- 267.140 Duties of general manager**
- 267.145 General Manager's attendance at board meetings; pro tempore manager**
- 267.150 Ordinances; regulating use of facilities; public hearings; route, schedule changes**



- 267.153      Administrative process for adjudicating ordinance violations; penalties**
- 267.154      Collection of data relating to administrative process for adjudicating ordinance violations; reports**
- 267.170      Initiative and referendum**
- (Powers)**
- 267.200      Existence, status and general powers of districts**
- 267.203      Authority to enter into transaction for electricity or diesel fuel**
- 267.205      Classification and designation of service areas; determination of area financing**
- 267.207      Change of district boundaries; elector approval; withdrawal of service from area; territorial jurisdiction of district; boundary commission exemption**
- 267.208      Effective date of change of boundaries; filing boundary change with county assessor and Department of Revenue**
- 267.210      Preparation of general plan for mass transit system; content; revision**
- 267.218      Feasibility reports and public bidding not required for construction and improvement projects costing less than \$50,000**
- 267.225      Intergovernmental agreements; condemnation of authority; joint occupancy**
- 267.227      Relationship with Oregon Mass Transportation Financing Authority**
- 267.230      Exemption from public utility or railroad regulation**
- 267.235      Protection of employees' rights when an operating transportation system is acquired**

- 267.237 Criminal records check; authority of district to require fingerprints; fitness determinations; rules regarding dissemination**
- 267.240 Accessibility of facilities and equipment to elderly persons and persons who have disabilities**
- 267.245 District exempt from right of way fencing requirements**
- 267.247 Acquisition of district lands by adverse possession or operation of statute of limitations prohibited**

**(Withdrawal of Territory From District)**

- 267.250 Definitions for ORS 267.250 to 267.263**
- 267.253 Petition for withdrawal from district; filing period; number of signatures; contents of petition**
- 267.255 Hearing on petition; notice**
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## **PENALTIES**

- 267.990 Penalties**

## **VEHICLE REGISTRATION FEES**

- 267.001 Authority of certain mass transit and transportation districts to impose vehicle registration fees. Subject to ORS 801.040, 801.042, 801.237 and 803.445, for the purpose of exercising any power the district, as defined in ORS 801.237, is authorized to exercise, the district may impose registration fees on vehicles under ORS 803.445. [1989 c.864 §11; 2009 c.865 §40b]**

## **MASS TRANSIT DISTRICTS**

### **(Generally)**

- 267.010 Definitions for ORS 267.010 to 267.390. As used in ORS 267.010 to 267.390, unless the context requires otherwise:**
- (1) "District" means a mass transit district established under ORS 267.010 to 267.390.
  - (2) "District board" or "board" means the board of directors of a district.
  - (3) "Mass transit system" or "transit system" means the property, equipment and improvements of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass transportation for passengers or to provide for the movement of people, including park-and-ride stations, transfer stations, parking lots, malls and skyways, provided that nothing

contained herein shall limit the power of a city to exercise its general powers over or provide such stations, lots, malls or skyways.

(4) "Metropolitan statistical area" means an area designated by the United States Office of Management and Budget as a metropolitan statistical area. [1969 c.643 §1; 1973 c.116 §1; 2009 c.11 §26]

**267.020      Transfer of transit system to metropolitan service district; effect of transfer order. When a metropolitan service district organized under ORS chapter 268 functions in a mass transit district organized under ORS 267.010 to 267.390, the governing body of the metropolitan district may at any time order transfer of the transit system of the transit district to the metropolitan district, whereupon:**

(1) The governing body of the transit district shall transfer title to, and possession of, the transit system and of all books, records, files, documents, and other property of the transit district to the metropolitan district.

(2) The metropolitan district shall be responsible for all the liabilities and obligations imposed upon or assumed by the transit district.

(3) For purposes of mass transit the metropolitan district shall have all the rights, powers, privileges and immunities, and be subject to all the duties and obligations, of a mass transit district under ORS 267.010 to 267.390, insofar as they are consistent with ORS chapter 268.

(4) The boundaries of the metropolitan district shall, for purposes of mass transit, be extended to encompass all the territory of the transit district.

(5) The transit district shall be dissolved and the offices of its directors terminated. [1969 c.643 §40; 1997 c.833 §26]

**267.030      Use of alternative fuels for certain district vehicles; exceptions; annual report; application to all district vehicles.**

(1) To the maximum extent possible, motor vehicles subject to the control of a district shall use alternative fuel for operation.

(2) To the extent that it is economically and technologically possible, all motor vehicles purchased or leased by the board of the district shall be capable of using alternative fuel. However, this subsection does not apply if the vehicle will be primarily

used in an area that does not have and cannot reasonably be expected to establish an alternative fuel refueling station or if the district is unable to secure financing sufficient to cover additional costs resulting from the requirement of this subsection.

(3) Prior to July 1 of each year, the board of the district shall submit an annual report to the Department of Environmental Quality and the State Department of Energy. The report shall contain at a minimum:

- (a) The number of purchases and leases of vehicles capable of using alternative fuel;
- (b) The number of conversions of vehicles from the use of gasoline or diesel fuel to the use of alternative fuel;
- (c) The quantity of each type of alternative fuel used; and
- (d) Any other information required by the Department of Environmental Quality and the State Department of Energy to carry out their functions under subsection (4) of this section.

(4) If the Department of Environmental Quality and State Department of Energy determine that the use of alternative fuel required by this section has been effective in reducing total annual motor vehicle emissions in the district, the motor vehicles subject to the control of the board of the district shall be capable of using alternative fuel, to the maximum extent possible.

(5) The board of the district shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(6) As used in this section, "alternative fuel" means any fuel determined by the Department of Environmental Quality to be less polluting than conventional gasoline, including but not necessarily limited to reformulated gasoline, low sulfur diesel fuel, natural gas, liquefied petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity. [1991 c.730 §2; 2003 c.186 §12]

## **(Formation)**

**267.080**      **Creation of district; district jurisdiction.** As provided by ORS 267.010 to 267.390, a mass transit district may be created in any

metropolitan statistical area for the purpose of providing a mass transit system for the people of the district. Except as otherwise provided in ORS 267.107 (2)(c), the territorial jurisdiction of the district may include all territory within the geographic boundaries of every Oregon county in that metropolitan statistical area. [Formerly 267.100; 2009 c.11 §27]

### **(Formation – Procedure Used in Portland and Eugene)**

#### **267.085 Resolution to form district; content; filing.**

(1) In addition to and not in lieu of other actions authorized for the initiation of proceedings to form a mass transit district, the governing body of the most populous city in a metropolitan statistical area may by resolution propose formation of a mass transit district, if that city has a local transit system and if the governing body finds that area-wide mass transit needs cannot be met by local transit operation. The resolution of the governing body shall be addressed to and filed with the county board of the principal county and proceedings conducted as provided by ORS 198.705 to 198.955.

(2) A certified copy of the order forming a mass transit district shall be filed with the Governor. [Formerly 267.105; 2009 c.11 §28]

#### **267.090 Directors; appointment; term; vacancies; Governor to fix time of first meeting.** Except as provided in ORS 267.112:

(1) Board members of a mass transit district may not be elected at the time of formation, but if a district is formed, the Governor shall, within 60 days after receiving a certified copy of the formation order, appoint from subdistricts the members of the first board of directors of the district, designate one member as the temporary chairperson and fix the time and place of the organizational meeting.

(2) The board of directors of a mass transit district shall consist of seven members. One director shall be appointed from each of seven subdistricts. The Governor shall appoint as one of the directors a person who regularly uses the services provided by a mass transit system. Directors shall reside in the subdistrict from which they are respectively appointed. The subdistricts shall be as nearly equal in population as possible based on the latest federal census and shall be designed to ensure



representation of the most populous city, other cities and unincorporated territory in the proposed district proportionate to their respective populations provided that if less than the entire district is taxed by the district, the subdistricts shall be wholly within the taxed area. The district or, if the taxed area is less than the entire district, the taxed area shall be divided into subdistricts initially, and after each succeeding federal census, by the Secretary of State.

(3) The term of office of a director is four years, but each director shall serve at the pleasure of the Governor. Before the expiration of the term of a director, the director's successor shall be appointed. A director is eligible for reappointment. In case of a vacancy for any cause, the Governor shall appoint a person to serve for the unexpired term. A director whose term has expired shall continue to serve until the appointment of a successor unless discharged by the Governor.

(4) All appointments of members of the board by the Governor are subject to confirmation by the Senate pursuant to section 4, Article III of the Oregon Constitution. [Formerly 267.110; 2007 c.71 §80]

**267.095 Terms of directors first appointed.** Except as provided in ORS 267.112:

(1) Notwithstanding ORS 267.090, the terms of three of the directors of the first board of a district expire on the first Tuesday in the second January after the date of their appointment.

(2) The terms of four of the directors so appointed expire on the first Tuesday in the fourth January after the date of their appointment.

(3) The respective terms of the directors of the first board shall be determined by the Governor. [Formerly 267.115]

**267.097 Governor to solicit recommendations for director in metropolitan statistical area with population over 400,000.** Before appointing a director to the board of a district situated in a metropolitan statistical area with a population exceeding 400,000, the Governor shall solicit from each city and county located wholly or partly within the subdistrict for which the appointment will be made recommendations of qualified individuals for the position. [1985 c.678 §2; 2009 c.11 §29]

**267.100** [1969 c.643 §2; 1977 c.347 §3; 1979 c.877 §3; renumbered 267.080]

**267.105** [1969 c.643 §3; 1971 c.727 §95; renumbered 267.085]

**(Formation — Procedure Used in Salem)**

**267.107** **Resolution to create certain districts; contents.** Notwithstanding ORS 267.085:

(1) The governing body of the most populous city in a metropolitan statistical area may by resolution propose creation of a mass transit district if the governing body finds that area-wide mass transit needs cannot be met by local transit operation.

(2) The resolution of the governing body shall:

(a) Be considered at a public hearing only after notice as required for regular consideration of other resolutions by city charter or ordinance;

(b) Include findings of the need for creation of a mass transit district in the affected area;

(c) Describe the boundaries of the proposed district, which may be limited to a proposed service area but which may not extend beyond the limits of the city's urban growth boundary; and

(d) If approved, be addressed to and filed with the governing body of the county in which the proposed district is principally situated.

(3) Upon receipt of the resolution under subsection (2) of this section, the county governing body shall commence district formation proceedings as provided in ORS 198.705 to 198.955 and 267.108. [1977 c.347 §2; 1979 c.585 §1; 1999 c.454 §3; 2009 c.11 §30]

**267.108** **Director election and district formation election under ORS 267.107 held at same time; designation of subdistricts.**

(1) Notwithstanding the provisions of ORS 198.810

(2), the county governing body shall order an election within the proposed district for approval or disapproval by the electors voting on the question of formation of a district under ORS 267.107 and for election of seven district directors.

(3) In addition to the requirements of ORS 198.815

(4), the order calling an election for creation of a district initiated under ORS 267.107 shall describe the boundaries of the seven subdistricts of the proposed district from each of which a director is to be elected. The subdistricts shall be as nearly equal in population as possible based on the latest federal decennial census, shall, where practicable, follow election precinct boundaries and shall together encompass the entire area of the proposed district. [1979 c.585 §5; 1985 c.678 §4; 2005 c.747 §5]

**267.109**      **Costs of election under ORS 267.107.** The expenses incurred for the election held under ORS 267.080, 267.107, 267.112 and this section shall be paid by:

- (1) The district, if the resolution is approved by the people.
- (2) Each county participating in the election in the proportion of the number of precincts in the county voting on the resolution to the total number of precincts voting on the resolution, if the resolution is rejected by the people. [1977 c.347 §5]

**Note: 267.109 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**267.110**      [1969 c.643 §4; 1971 c.727 §96; 1975 c.142 §1; 1975 c.632 §3; 1977 c.728 §1; 1981 c.496 §1; renumbered 267.090]

**267.112**      **Directors for districts formed under ORS 267.107; terms; vacancies; compensation and expenses.**

- (1) If formation of a district is initiated by resolution adopted and filed in accordance with ORS 267.107, upon the submitting of a formation order by the county governing body to the proposed district electors, one district director shall be elected from each of the seven subdistricts described in the order calling an election for district creation. A director shall reside in the subdistrict from which the director is nominated and elected.
- (2) The board of directors of the district shall consist of the seven directors elected from subdistricts under subsection (1) of this section.
- (3) After the initial formation of a district, the Secretary of State, after each decennial federal census, shall modify the boundaries

of the subdistricts so that the subdistricts remain as nearly equal in population as possible based on the latest federal census.

(4) The term of office of a director shall be four years, provided, however, that three of the first elected directors shall initially have a term of office expiring June 30 of the next odd-numbered year following district formation and four of the first elected directors shall initially have a term of office expiring June 30 of the next odd-numbered year not less than two years following district formation. The first elected directors of the district, upon taking office, shall by lot, supervised by the board, determine which three directors shall have the shorter initial terms and which four shall have the longer initial terms. When a vacancy occurs in the office of a director, the remaining members of the board shall appoint a resident of the affected subdistrict to serve until June 30 of the next odd-numbered year, in which year a director shall be elected to serve the remainder of the unexpired term. A director whose term has expired shall continue to serve until the election of a successor.

(5) Directors shall not be entitled to compensation for their services but shall be entitled to reimbursement for actual and necessary expenses incurred or paid in the performance of their duties as members of the board. [1975 c.632 §2; 1977 c.347 §4; 1977 c.728 §2a; 1979 c.585 §2; 1985 c.678 §5]

**267.114 Minimum area of district.** The territorial boundaries of a mass transit district whose formation was initiated under ORS 267.107 shall include, as a minimum area, all of the territory within the urban growth boundary, as the urban growth boundary may exist from time to time, of the city that proposed creation of the mass transit district. [1999 c.454 §2]

**267.115 [1969 c.643 §5; 1975 c.632 §4; renumbered 267.095]**

**(Board; Ordinances)**

**267.120 Officers of board; terms; oath.**

(1) The board shall choose from among its members, by majority vote of the members, a president, vice president, treasurer and secretary, to serve for terms of two years.

(2) Each director, before entering upon the duties of office, shall take and subscribe to an oath that the director will honestly, faithfully and impartially perform duties as a director and disclose any conflict of interest the director may have in any matter to be acted upon by the board. A copy of the oath shall be filed with the secretary of the board. [1969 c.643 §6; 1971 c.23 §7; 1971 c.403 §4; 1975 c.605 §15]

**267.125 Meetings of board; quorum.** The district board shall hold regular monthly meetings at a time and place fixed by the rules of the board. Special meetings may be held when called by the president of the board or when called by a majority of the members. However, five days' notice of a special meeting shall be given by the secretary to each member not joining in the call. A majority of the members constitutes a quorum for the transaction of business. [1969 c.643 §7]

**267.130 Additional compensation prohibited.** No officer or employee of the district shall offer, solicit or accept money or any other thing of value as a consideration, in addition to the salary paid the officer or employee by the district, for services performed within the scope of the official duties of the officer or employee. [1969 c.643 §13; 1971 c.23 §8]

**267.135 General Manager; qualifications; term; removal.**

(1) The board shall appoint a general manager on the basis of the qualifications of the general manager with special reference to the actual experience in or knowledge of accepted practices in respect to the duties of the office of the general manager. A general manager shall hold office for an indefinite term and may be removed by the board only by an affirmative vote of a majority of the members.

(2) Before a general manager is removed, the general manager shall upon demand be given a written statement of the reasons for removal. If requested, the general manager shall be given an open hearing at a meeting of the board before the final vote for removal. However, the board may by resolution suspend the general manager from office pending a hearing. The action of the board in suspending or removing a general manager, if approved by a majority of the members of the board, may be reconsidered by the board but is otherwise final and not subject to appeal. [1969 c.643 §14]

- 267.140 Duties of general manager.** A general manager of a district shall:
- (1) Have full charge of the acquisition, construction, maintenance and operation of the transit system of the district.
  - (2) Have full charge of the administration of the business affairs of the district.
  - (3) Enforce all ordinances adopted by the board.
  - (4) Administer the personnel system adopted by the board and, except for officers appointed by the board, appoint, discipline or remove all officers and employees, subject to ORS 267.010 to 267.390 and the rules of the board.
  - (5) Prepare and submit to the board within 30 days after the end of each fiscal year a complete report of the finances and administrative activities of the district for that preceding fiscal year.
  - (6) Keep the board advised as to the needs of the district.
  - (7) Prepare all plans and specifications for acquisition of equipment or construction of improvements or facilities for the district.
  - (8) Cause to be installed and maintained a system of auditing and accounting which shows completely and at all times the financial condition of the district.
  - (9) Devote the entire working time of the general manager to the business of the district.
  - (10) Perform such other duties as the board requires by resolution. [1969 c.643 §15]

- 267.145 General Manager's attendance at board meetings; pro tempore manager.**
- (1) The general manager shall attend the meetings of the board and may participate in its deliberations, but has no vote.
  - (2) The board may appoint a general manager pro tempore during the absence or disability of the general manager. [1969 c.643 §16]

- 267.150 Ordinances; regulating use of facilities; public hearings; route, schedule changes.**
- (1) The legislative authority of a district board shall be exercised by ordinance.
  - (2) The board may enact police ordinances relating to the protection, use and enjoyment of district property and facilities.

A district may appoint peace officers who shall have the same authority as other peace officers, except that such authority shall be limited to the enforcement of police ordinances of the district and the enforcement, for purposes relating to the protection, use and enjoyment of district property and facilities, of state and local laws.

(3) The board may, by ordinance, provide a procedure for the conduct of public hearings on proposed changes in transit routes and schedules. The board may delegate to the general manager or other administrative officer the authority to conduct such hearings.

(4) An ordinance shall not be required for a mass transit district to adopt temporary or experimental changes in routes and schedules. [1969 c.643 §17; 1973 c.116 §2; 1975 c.392 §1]

**267.153 Administrative process for adjudicating ordinance violations; penalties.**

(1) A mass transit district may, by ordinance, establish an administrative process to adjudicate ordinance violations as described in this section.

(2) An administrative process established under this section may be used only to adjudicate violations of ordinances that the mass transit district has elected to treat as Class A, B, C or D violations under ORS 153.025.

(a) The ordinance establishing the administrative process must describe with particularity the violations that are subject to the process

(b).The ordinance may provide that the process applies to all violations described in paragraph of this subsection, or any subset of such violations.

(3) A mass transit district that has established an administrative process under this section shall, when enforcing a violation that is subject to the process:

(a) Issue a citation as described in ORS 153.045;

(b) Stay the filing of the complaint, abstract of court record or any other materials with a court for 90 days from the date of issuance of the citation;

(c) Provide for an appearance date in the summons, as described in ORS 153.051 (1), that is no earlier than the date of expiration of the stay described in paragraph (b) of this subsection; and

- (d) Cause the summons to be served on the person cited as described in ORS 153.042.
- (4)(a) The ordinance establishing an administrative process under this section may provide for administrative hearings for all violations or any subset of violations subject to the process.
  - (b) The ordinance must require any administrative hearing to be completed within 60 days of the date of issuance of the citation.
- (5)(a) The ordinance establishing an administrative process under this section may provide for the assessment of a fine, payable to the mass transit district, for violations subject to the process. The fine may not exceed the maximum penalty that could be imposed for the violation under otherwise applicable law. The fine, if assessed, must be the exclusive penalty imposed for the violation.
  - (b) The ordinance may allow a person cited to perform community service in lieu of paying a fine.
- (6)(a) A person cited successfully resolves a citation through the administrative process if:
  - (A) The mass transit district assesses a fine and the person pays the fine within the stay period described in subsection (3)(b) of this section;
  - (B) The person fully performs community service in lieu of paying a fine, according to standards established by the mass transit district, within the stay period described in subsection (3)(b) of this section; or
  - (C) The mass transit district, within the stay period described in subsection (3)(b) of this section, determines that the person did not commit the violation for which the person was cited or otherwise determines that no penalty should be assessed.
- (b) If a person successfully resolves a citation through the administrative process, the mass transit district may not file the complaint or abstract of court record to any court or otherwise initiate court proceedings relating to the citation.
- (c) If a person does not successfully resolve a citation through the administrative process, the mass transit district shall file the complaint and abstract of court record with the court pursuant to ORS 153.054.



(7) A person cited may, at any time during the stay period described in subsection (3)(b) of this section, request that the citation be filed with a court. The request may be made before, during or after an administrative process conducted under the authority of this section. Upon such request, the mass transit district shall cease the administrative process with respect to the citation and shall file the complaint and abstract of court record with the court pursuant to ORS 153.054.

(8) If a mass transit district stays a court filing as described in subsection (3)(b) of this section, the running of any applicable statutory time limitation for the commencement of a trial is tolled during the stay period. [2017 c.427 §2]

**Note: 267.153 and 267.154 were added to and made a part of ORS chapter 267 by legislative action but were not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.**

**267.154 Collection of data relating to administrative process for adjudicating ordinance violations; reports.**

(1) A mass transit district that establishes an administrative process to adjudicate ordinance violations under ORS 267.153 shall track data relating to each violation subject to the administrative process, including:

(a) The type of violation and the approximate location of the violation;

(b) The resolution of the administrative process, including the amount of fine assessed, if any, the amount and type of community service required, if any, and whether the citation was successfully resolved through the administrative process pursuant to ORS 267.153;

(c) The race and sex of the person cited, based on the observations of the person issuing the citation; and

(d) The age of the person cited, if provided to the person issuing the citation.

(2)(a) The mass transit district shall prepare annual reports on the data described in subsection (1) of this section. The reports shall disclose the data only in an aggregate manner, such that the disclosed information cannot be used to identify, contact or locate any single individual.

(b) The mass transit district shall annually transmit the report to the committees or interim committees of the

Legislative Assembly related to the judiciary. The first report must be made no later than one year after the administrative process to adjudicate ordinance violations is implemented. [2017 c.427 §3]

**Note: See note under 267.153.**

**267.155 [1969 c.643 §19; repealed by 1971 c.268 §24]**

**267.160 [1969 c.643 §36; repealed by 1971 c.268 §24]**

**267.165 [1969 c.643 §18(2), (3); repealed by 1971 c.268 §24]**

**267.170 Initiative and referendum.**

(1) The electors of a district may exercise the powers of the initiative and referendum with reference to legislation of the district, in accordance with ORS 255.135 to 255.205.

(2) A district board on its own resolution may call an election for the purpose of referring an ordinance to the electors of a district for their approval before the ordinance takes effect.

[1969 c.643 §39; 1977 c.728 §3; 1979 c.190 §411; 1981 c.173 §39; 1983 c.350 §124]

## **(Powers)**

**267.200 Existence, status and general powers of districts.**

A mass transit district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall be considered a unit of local government for the purposes of ORS 190.003 to 190.130, a public employer for the purposes of ORS 236.610 to 236.640, and a political subdivision for the purposes of ORS 305.620. A district and its contractors engaged in operating motor vehicles to provide mass transportation on behalf of the district shall be entitled to tax refunds as allowed under ORS 319.831 to incorporated cities. It shall have full power to carry out the objects of its formation and to that end may:

(1) Have and use a seal, have perpetual succession, and sue and be sued in its own name.

(2) Acquire by condemnation, purchase, lease, devise, gift or voluntary grant real and personal property or any interest therein, located inside the boundaries of the district and take,

hold, possess and dispose of real and personal property purchased or leased from, or donated by, the United States, or any state, territory, county, city or other public body, nonprofit corporation or person for the purpose of providing or operating a mass transit system in the district and aiding in the objects of the district.

(3) Contract with the United States or with any county, city, state, or public body, or any of their departments or agencies, or a nonprofit corporation, or any person, for the construction, acquisition, purchase, lease, preservation, improvement, operation or maintenance of any mass transit system.

(4) Build, construct, purchase, lease, improve, operate and maintain, subject to other applicable provisions of law, all improvements, facilities or equipment necessary or desirable for the mass transit system of the district.

(5) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.

(6) Fix and collect charges for the use of the transit system and other district facilities.

(7) Construct, acquire, maintain and operate and lease, rent and dispose of passenger terminal facilities, motor vehicle parking facilities and other facilities for the purpose of encouraging use of the mass transit system within the district.

(8) Enter into contracts or intergovernmental agreements under ORS chapter 190 with units of local government of the State of Oregon, whether within or without the district, or with the State of Washington or with public agencies of the State of Washington, to act jointly or in cooperation with them or to provide mass transit services to areas under their jurisdictions, provided that the party contracting to receive the services shall pay to the mass transit district not less than the proportionate share of the cost of the services that the benefits to the contracting party bear to the total benefits from the service.

(9) Conduct programs and events and take other actions for the purpose of improving or maintaining employee relations.

(10) Improve, construct and maintain bridges over navigable streams.

(11) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by ORS 267.010 to 267.390. [1969 c.643 §8; 1973 c.116

§3; 1975 c.170 §1; 1977 c.550 §1; 1979 c.344 §1; 1979 c.877 §2; 1987 c.689 §1; 2003 c.802 §92; 2007 c.531 §16]

**267.203 Authority to enter into transaction for electricity or diesel fuel.**

(1) A mass transit district may enter into transactions with persons or entities for the supply or delivery of electricity or diesel fuel on an economic, dependable and cost-effective basis, including transactions involving financial products contracts and agreements for exchange of fixed and variable pricing agreements and other service contracts that reduce the risk of economic losses in transactions for the supply or delivery of electricity or diesel fuel.

(2) Notwithstanding subsection (1) of this section, a mass transit district may not enter into a transaction for the supply or delivery of electricity or diesel fuel that:

(a) Constitutes the investment of surplus funds for the purpose of receiving interest or other earnings from the investment; or

(b) Is for any purpose other than the supply or delivery of electricity or diesel fuel on a cost-effective basis. [2007 c.894 §6]

**Note: 267.203 was added to and made a part of ORS chapter 267 by legislative action but was not added to any smaller series therein. See Preface to Oregon Revised Statutes for further explanation.**

**267.205 Classification and designation of service areas; determination of area financing.**

(1) A district board may by ordinance classify and designate as a service area the territory within the district that is benefited by the mass transit system beyond the general benefit to all territory within the district. The board may by ordinance amend the boundaries of the service area to conform to changes in the mass transit system service.

(2) Subject to restrictions in the Oregon Constitution, any of the methods of financing authorized under ORS 267.300 may, in the discretion of the board, be imposed in the service area rather than in the entire district. [1969 c.643 §24]

**267.207 Change of district boundaries; elector approval; withdrawal of service from area; territorial jurisdiction of district; boundary commission exemption.**

(1) The board of directors of a mass transit district may alter the territorial boundaries of the district by a nonemergency ordinance adopted at any regular meeting.

(2) If an ordinance annexing territory to a district is initiated or referred by, or referred to, the electors of the district, it shall not take effect unless approved by a majority of the electors registered in the territory proposed to be annexed to the district voting on the question and by a majority of the electors of the district voting on the question.

(3)(a) The board of directors of a mass transit district, as a result of the continuing comprehensive transportation planning process required by the Federal Transit Administration, shall determine annually the territory in the district within which the transit system of the district will operate. When the board determines during such planning process for any fiscal year that it will not provide transit service during that fiscal year to an area presently within the district, the board shall by ordinance withdraw from that area on the date specified in the ordinance, and that area shall no longer be part of the district. The board shall by ordinance set forth the criteria to be used in making the determinations described in this subsection.

(b) Subject to paragraph (a) of this subsection, the territorial jurisdiction of a district shall include:

(A) All territory located within the boundaries of a metropolitan service district;

(B) Each census tract within which the transit system of the district operates, or such smaller portion of the tract as determined by the board; and

(C) If so determined by the board of directors, any territory located within two and one-half miles or less of the transit system of the district or any route used by that system for the transportation of passengers.

(4) If an ordinance withdrawing territory from a district is initiated or referred by, or referred to, the electors of the district it shall not take effect unless approved by a majority of the electors of the entire district voting on the question.

(5) The alteration of the boundaries of a district under this section is not subject to the jurisdiction or review of a local

government boundary commission. [1979 c.877 §5; 1981 c.907 §1; 1983 c.83 §45; 1993 c.741 §22; 2007 c.239 §13]

**267.208 Effective date of change of boundaries; filing boundary change with county assessor and Department of Revenue.**

(1) An alteration of the boundaries of a district under ORS 267.207 or 267.250 to 267.263 shall not become effective during the period:

(a) Beginning after the 90th day before a primary election or general election and ending on the day after the election; or

(b) Beginning after the deadline for filing the notice of election before any other election held by the district and ending on the day after the election.

(2) If the effective date established for the alteration of the boundaries is a date that is prohibited under this section, the alteration shall become effective on the day after the election.

(3) For the purposes of ORS 308.225 only, the effective date of an alteration of district boundaries shall be the date on which the board adopts the ordinance altering the boundaries or, if such an ordinance is initiated or referred, the date on which the ordinance is approved by the electors as provided in ORS 267.207.

(4) For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [1985 c.808 §77; 1987 c.799 §9; 1989 c.923 §26; 1995 c.712 §100; 2001 c.138 §11]

**267.210 Preparation of general plan for mass transit system; content; revision.**

(1) A district shall, within a reasonable time after formation, prepare a broad, general plan for a mass transit system for the district. The plan shall be prepared in cooperation with the Department of Transportation and cities and counties located within and adjacent to the district.

(2) The plan shall show existing and proposed transit systems of the district and of other public and private agencies relating to mass transit. It shall demonstrate a basis for the coordination and planning of future construction, improvement and

equipment acquisition of the district, governmental agencies and private interests to assure maximum efficiency and use of mass transit in the district. The plans shall be based on the needs of the district and take into consideration the plans and programs, if any, developed by the Department of Transportation and cities and counties located within the district. The district may have access to all information, statistics, plans and data in the possession of or available to any state agency or public corporation which is pertinent to the preparation of the plan and may reimburse the agency or corporation for any expense incurred in cooperating with the board.

(3) The district board shall revise the plan as necessary for the proper control, utilization, development and improvement of the district transit system. [1969 c.643 §20; 1973 c.116 §4]

**267.215 [1969 c.643 §§9,21; repealed by 1975 c.771 §33]**

**267.218 Feasibility reports and public bidding not required for construction and improvement projects costing less than \$50,000.**

A district may plan and let contracts for and carry through to completion construction and improvement projects costing less than \$50,000 without feasibility reports, publication of notice, public hearings, public inspection of plans, advertisement for bids or public bidding, if the district board has approved the expenditure after obtaining plans, cost estimates and bids as it may deem necessary. [1975 c.141 §2]

**267.220 [1969 c.643 §22; repealed by 1975 c.771 §33]**

**267.225 Intergovernmental agreements; condemnation of authority; joint occupancy.**

(1) A mass transit district may cooperate with or enter into agreements with any city, county, port or state agency having jurisdiction or control over any right of way that is available for public travel for the joint use of such right of way. A city, county, port or state agency may cooperate with or enter agreements with a district for the joint use of any right of way open to public travel located within the district.

(2) For the purpose of providing a mass transit system, a district may commence a condemnation proceeding to acquire land or an interest in land for right of way for the system over any public right of way already located, condemned or occupied or that may be located, condemned or occupied by some other public agency for the purpose of travel by the public. The proceeding shall be conducted as provided by the laws of this state for the condemnation of land or an interest in land for right of way for highway purposes. At the time of rendering judgment for compensation or damages, the court shall enter a judgment authorizing the district to occupy and use the right of way, if necessary, in common with the public agency already occupying or owning the right of way, and defining the terms and conditions upon which the right of way shall be so occupied and used in common. [1969 c.643 §12; 2003 c.576 §410; 2003 c.802 §93]

**267.227 Relationship with Oregon Mass Transportation Financing Authority.**

A mass transit district may enter into contracts, leases, subleases and agreements with the Oregon Mass Transportation Financing Authority. The obligation of a district to pay rentals to the Oregon Mass Transportation Financing Authority shall not be considered to be the incurring of bonded indebtedness by a district. A district shall reimburse the Oregon Mass Transportation Financing Authority for all expenses incurred by the authority in connection with any application by such district for financial assistance under the Oregon Mass Transportation Financing Act. [1977 c.662 §18]

**267.230 Exemption from public utility or railroad regulation.**

(1) Except as provided in ORS 824.045 and subsection (2) of this section, a transit system operated by a district, including the rates and charges made by a district and the equipment operated by a district, shall not be subject to state laws or ordinances of any political subdivision regulating public utilities or railroads, including those laws administered by the Department of Transportation.

(2) ORS 824.200 to 824.256 apply to the transit system operated by a district except for control and regulation of any crossing at which the light rail transit vehicles of a district's transit system cross a highway at separated grades or any grade crossing at



which the light rail transit vehicles operate within and parallel to the right of way of a highway and where all conflicting vehicle movements are controlled by standard highway traffic devices. However, upon written request from the district and the public authority with jurisdiction over the highway at such a grade crossing, the department shall adjudicate any dispute that arises between the district and the public authority with regard to the grade crossing. [1969 c.643 §11; 1973 c.116 §5; 1977 c.420 §1; 1985 c.678 §7; 1995 c.733 §92; 2001 c.522 §10]

**267.235 Protection of employees' rights when an operating transportation system is acquired.**

When the district acquires an operating public transportation system, it shall make fair and equitable arrangements to protect the interests of employees and retired employees of the system. Such protective arrangements shall include, but shall not be limited to:

- (1) Preservation of rights, privileges and benefits, including continuation of pension rights and payment of benefits, existing under collective bargaining agreements, or otherwise;
- (2) Continuation of collective bargaining rights;
- (3) Protection of individual employees against a worsening of their positions with respect to their employment; and
- (4) Assurance of employment to persons employed by the mass transportation system acquired and priority of reemployment to persons previously employed. [1969 c.643 §10]

**267.237 Criminal records check; authority of district to require fingerprints; fitness determinations; rules regarding dissemination.**

- (1) As used in this section:
  - (a) "District" means a mass transit district organized under ORS 267.010 to 267.390 or a transportation district organized under ORS 267.510 to 267.650.
  - (b) "Qualified entity" means an individual or business or organization, whether public, private, for-profit, nonprofit or voluntary, that, under contract with a district, provides individuals to operate motor vehicles for the transportation of passengers in the public transportation system of the district.

(c) "Subject individual" means a person subject to a criminal records check as specified by resolution of a mass transit district or a transportation district.

(2) A mass transit district or a transportation district shall request the Department of State Police to conduct criminal records checks of subject individuals if the checks are required in order to protect vulnerable Oregonians:

(a) To implement a federal or state statute, executive order or rule that expressly refers to criminal conduct and contains requirements or exclusions expressly based on such conduct;

(b) For district employment purposes when hiring individuals to operate motor vehicles of the district; or

(c) For the purposes of employment decisions made by a district for qualified entities that, under contracts with the district, employ individuals to operate motor vehicles for the transportation of passengers in the public transportation system of the district.

(3) A mass transit district that has a population of more than 500,000 may request the Department of State Police to conduct a criminal records check of a subject individual who is:

(a) Seeking employment by the district in a position that provides the individual with access to critical infrastructure or security sensitive facilities or information; or

(b) Seeking to provide services to the district that will result in the individual's having access to critical infrastructure or security sensitive facilities or information.

(4) In order to determine the suitability of the subject individual, a district shall require the subject individual to furnish to the district a full set of fingerprints to enable a criminal records check to be conducted. The district shall submit the completed fingerprint cards to the Department of State Police along with the applicable Oregon and Federal Bureau of Investigation processing fees. If no disqualifying record is identified at the state level, the Department of State Police shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal records check.

(5) The Federal Bureau of Investigation shall either return or destroy the fingerprint cards used to conduct the criminal

records check and shall not keep any record of the fingerprints, except that the Federal Bureau of Investigation may retain the fingerprint cards and records of the fingerprints for purposes described in ORS 181A.205. However, if the federal bureau policy authorizing return or destruction of the fingerprint cards is changed, a district shall cease to cause the cards to be sent to the federal bureau but shall continue to process the information through other available resources.

(6) If the Federal Bureau of Investigation returns the fingerprint cards to the Department of State Police, the Department of State Police shall destroy the fingerprint cards and may not retain facsimiles or other material from which a fingerprint can be reproduced, except that the Department of State Police may retain the fingerprint cards or create facsimiles for the purpose of providing information under ORS 181A.205.

(7) If only a state criminal records check is conducted, after the criminal records check is completed, the Department of State Police shall destroy the fingerprint cards and the results of the criminal records check provided to the district and may not retain facsimiles or other material from which a fingerprint can be reproduced, except that the Department of State Police may retain the fingerprint cards and results or create facsimiles for the purpose of providing information under ORS 181A.205.

(8) The district and the Department of State Police shall permit a subject individual to inspect the individual's own Oregon and Federal Bureau of Investigation criminal offender records after positive fingerprint identification has been made.

(9)(a) A district, subject to rules adopted by the Oregon Department of Administrative Services under ORS 181A.215, shall determine whether a subject individual is fit to operate motor vehicles for the transportation of passengers in the public transportation system of the district or to hold a position or provide services that provide the individual with access to critical infrastructure or security sensitive facilities or information. If a subject individual is determined to be unfit, then that person shall not be allowed to operate motor vehicles for the transportation of passengers in the public transportation system of the district or to hold the position or provide services that provide the individual with access to critical infrastructure or security sensitive facilities or information.

(b) In making the fitness determination, the district shall consider:

(A) The nature of the crime;

(B) The facts that support the conviction or pending indictment or indicate the making of a false statement;

(C) The relevancy, if any, of the crime or the false statement to the specific requirements of the subject individual's present or proposed position or employment; and

(D) Intervening circumstances relevant to the responsibilities and circumstances of the position or employment, such as:

(i) The passage of time since the commission of the crime;

(ii) The age of the person at the time of the crime;

(iii) The likelihood of a repetition of offenses; and

(iv) The subsequent commission of another relevant crime and the recommendation of an employer.

(10) A district shall develop a system that maintains information regarding criminal records checks in order to minimize the administrative burden that criminal records check requirements impose upon subject individuals and providers. Records maintained under this subsection for subject individuals are confidential and may not be disseminated except for the purposes of this section and in accordance with the relevant resolutions of the district. Nothing in this subsection permits a district to retain fingerprint cards of subject individuals.

(11) A district, in consultation with the Department of State Police and affected provider groups, shall adopt resolutions to implement this section and other statutes relating to criminal offender information.

The resolutions may include but need not be limited to:

(a) Specifying which employees are authorized to make criminal record inquiries;

(b) Identifying applicable categories of subject individuals as specified by the Oregon Department of Administrative Services under ORS 181A.215 who are subject to criminal records checks by the district;

(c) Identifying applicable information that may be required from a subject individual to permit a criminal records check as

specified by the Oregon Department of Administrative Services under ORS 181A.215;

(d) Specifying which services or qualified entities are subject to this section;

(e) Specifying when a district, in lieu of conducting a completely new criminal records check, may proceed to make a fitness determination under this section using the information maintained by the district under subsection (10) of this section; and

(f) Determining when a subject individual may be hired on a probationary basis pending a criminal records check, provided that if there is any indication of criminal behavior by the subject individual, the resolution must require that, if the individual is hired, the individual can be hired only on a probationary basis and must be actively supervised at all times when the individual is in contact with children, the elderly or persons with disabilities.

(12) Criminal offender information is confidential. The Department of State Police shall adopt rules to restrict dissemination of information received under this section to persons with a demonstrated and legitimate need to know the information. Any district receiving information pursuant to this section is bound by the rules of disclosure adopted by the department.

(13) If a subject individual refuses to consent to the criminal records check or refuses to be fingerprinted, the district or qualified entity shall deny or terminate the employment of the individual, or revoke or deny any applicable position, authority to provide services or employment.

(14) A district shall define by resolution the conditions under which subject individuals may participate in training, orientation and work activities pending completion of a criminal records check through the Law Enforcement Data System or nationwide criminal records check. At a minimum, subject individuals shall be actively supervised at all times that they are in contact with children, the elderly and persons with disabilities during such periods of training, orientation and work. Subject individuals may continue probationary employment while awaiting the nationwide criminal records check as long as the individual's criminal records check through the Law Enforcement Data System did not result in disqualification and there are no other indications of criminal behavior.

(15) If a district or a qualified entity requires a criminal records check of employees or other persons, the application forms of the district or qualified entity must contain a notice that employment is subject to fingerprinting and a criminal records check as required by this section. [1999 c.1057 §3; 2005 c.730 §65; 2015 c.705 §4; 2015 c.758 §4]

**Note: 267.237 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**267.240 Accessibility of facilities and equipment to elderly persons and persons who have disabilities.**

(1) In carrying out its duties under ORS 267.200, the district shall provide, for persons who are elderly or have disabilities, a program of transportation that:

- (a) Is devised in consultation with and after solicitation of the views of persons representative of the communities for which such transportation shall be provided; and
- (b) Gives due regard to parity of service.

(2) In carrying out its duties under ORS 267.200 (4), the district shall cause its future facilities and new equipment to be of such types as to make such facilities and equipment accessible to, and usable by, persons who are elderly or have disabilities. However, contracts for equipment are exempt from this requirement until such equipment:

- (a) Is available from not less than two manufacturers in mass producible quantities; and
- (b) Conforms to designs approved by the Federal Transit Administration of the United States Department of Transportation as providing access to and being usable by persons who are elderly or have disabilities.

(3) Notwithstanding subsection (2) of this section or any other provision of the law of this state, a program for transportation of persons who are elderly or have disabilities shall be deemed to be in compliance with the laws of this state and rules promulgated thereunder if the program satisfies subsection (1) of this section and the federal regulations relating to transportation for persons who are elderly or have disabilities promulgated by the Federal Transit Administration of the United

States Department of Transportation. [1974 c.50 §2; 1981 c.621 §1; 1989 c.224 §37; 1993 c.741 §23; 2007 c.70 §59]

**267.245 District exempt from right of way fencing requirements.**

The provisions of ORS 608.310 shall not apply in respect to property operated by a mass transit district as part of a mass transit system. [1977 c.420 §2]

**Note: 267.245 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**267.247 Acquisition of district lands by adverse possession or operation of statute of limitations prohibited.**

The rights of a mass transit district to lands owned by the district are not extinguished by adverse possession. A person may not acquire title or property rights to lands owned by the district through operation of a statute of limitations. [2009 c.307 §1]

**Note: 267.247 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**(Withdrawal of Territory From District)**

**267.250 Definitions for ORS 267.250 to 267.263.**

As used in ORS 267.250 to 267.263:

(1) "Affected area" means a contiguous area of not less than one square mile in which 200 or more district electors reside and which is within the boundaries of a district, but is outside the boundaries of any city with a population exceeding 10,000. However, the term does not include an area if the withdrawal of that area from the district results in the district having two or more noncontiguous parts.

(2) "Direct service," with respect to an affected area described in a petition filed under ORS 267.253, means the location or placement of any of the facilities of the district or of any route used by the transit system of the district within one mile of any boundary of the affected area. [1987 c.799 §2; 1999 c.444 §§1,2]

**267.253 Petition for withdrawal from district; filing period; number of signatures; contents of petition.**

(1) If the electors of an affected area wish to withdraw from a district, they may file a petition for withdrawal with the district board at the times and in the manner provided for in this section. However, if the formation of the district was initiated under ORS 267.107, the petition for withdrawal may not include any area within the urban growth boundary described in ORS 267.114.

(2) A petition for withdrawal under this section may be filed only during the period from January 1 to August 30 in calendar year 2001 and in every fifth calendar year thereafter.

(3) A petition for withdrawal under this section shall be signed by not less than 15 percent of the electors registered in the affected area described in the petition.

(4) A petition filed under this section shall contain substantially the following:

(a) A statement that the petition is filed pursuant to ORS 267.250 to 267.263;

(b) The names of the district and all affected counties; and

(c) A request that proceedings be commenced for the withdrawal of the affected area from the district.

(5) There shall be attached to the petition a map which clearly and precisely shows the exterior boundaries of the affected area by reference to prominent landmarks such as streets, highways, rivers or the boundaries of cities and counties. The map shall be used in lieu of a metes and bounds or legal description of the affected area.

(6) The district board, within five days after receiving a petition filed under this section which conforms to the requirements of this section, shall file the petition with the county clerk of each county in which any part of the affected area is located for signature verification. [1987 c.799 §3; 1999 c.444 §4; 1999 c.454 §4]

**267.255 Hearing on petition; notice.**

(1) When a county clerk to whom a petition is submitted under ORS 267.253 certifies that the petition contains the number of valid signatures required under ORS 267.253, the district board shall schedule a public hearing on the petition. A district board



may hold a single public hearing with respect to two or more petitions.

(2) The district board shall schedule the public hearing for a date which is not earlier than the 20th day after the date on which the study of the affected area required under ORS 267.257 is completed, but which is not later than the 90th day after the board receives certification from the county clerk under subsection (1) of this section.

(3) The district board shall have notice of the hearing printed once in a newspaper in general circulation within the district. The notice shall be published at least five days prior to the hearing. Notice of the published hearing shall also be posted in at least four different locations within the affected area that are customarily used for the purpose of posting public notice. The notice shall be posted not less than 15 days prior to the date specified in the notice for the hearing and shall be posted for not less than five consecutive days. The notice required under this section shall contain the time and place of the hearing, the purpose of the hearing, a description of the affected area, the extent to which taxes imposed by the district will be increased in the remaining portions of the district as a result of the withdrawal of the affected area, the date on which the district board intends to finally dispose of the petition under ORS 267.257 (2), a statement that the study of the affected area required under ORS 267.257 is on file at the district offices and available for copying and public inspection and a statement that the public may appear and be heard on the issue of withdrawal of the affected area from the district. The date of final disposition of the petition that appears in the notice may be subsequently changed to a later date by the district board without publishing another notice as required by this section.

(4) The hearing required under this section may be conducted by a hearings officer appointed by the district board. [1987 c.799 §4]

**267.257 Study of area proposed to be withdrawn; approval or denial of withdrawal; judicial review.**

(1) After receiving certification by a county clerk under ORS 267.255 of a petition for withdrawal filed under ORS 267.253, the district board shall conduct a study of the affected area

described in the petition. The district board may also conduct an overall study of several affected areas. The study shall consider:

- (a) The extent to which residents of the affected area currently use the mass transit services and facilities of the district;
- (b) The amount of district revenues raised within the affected area during the last three completed fiscal years of the district, separately identifying the amount of revenues derived from taxes imposed by the district and the amount of revenues derived from other sources;
- (c) The history of the mass transit services provided to the affected area;
- (d) Whether or when direct service will be provided to the affected area;
- (e) The number of previous petitions filed under ORS 267.253 with respect to the affected area or portions thereof; and
- (f) The effect of withdrawal of the affected area on the district, including the extent to which taxes imposed by the district in the remaining portions of the district will be increased under ORS 267.260 as a result of the withdrawal of the affected area.

(2) After completion of the study conducted under subsection (1) of this section and the public hearing required under ORS 267.255, but not later than the December 31 next following the date on which the petition was filed with the district board, the district board shall adopt an ordinance withdrawing the affected area from the district or shall adopt a resolution denying the petition for withdrawal.

(3) Notwithstanding ORS 267.207 (3)(b), the district board shall approve withdrawal if:

- (a) The district board finds that the use of the mass transit system of the district by residents of the affected area is less than or equal to 30 percent of the system-wide average weekday boarding rides per vehicle hour;
- (b) The district board determines that direct service to the affected area is not planned for at least five years;
- (c) The residents and businesses within the affected area have demonstrated that district fees and taxes have adversely affected employment, population or commercial activity within the affected area; and

(d) The district board has not received a petition signed by not less than 15 percent of the electors within the affected area seeking continuation of the district's jurisdiction over the affected area.

(4) Notwithstanding ORS 267.207 (3)(b), the district board may withdraw the affected area from the district when the conditions of subsection (3) of this section are not satisfied if the board considers such withdrawal to be in the best interests of the district and the affected area.

(5) Any decision of the district board relating to withdrawal of an affected area under ORS 267.250 to 267.263 may be reviewed by a circuit court under ORS 34.010 to 34.100. [1987 c.799 §5]

**267.260 Withdrawal ordinance; effective date; adjustment in district tax rate as result of withdrawal.**

(1) As used in this section, "withdrawal date" means the effective date of an ordinance approving withdrawal of an affected area under ORS 267.250 to 267.263.

(2) An ordinance approving the withdrawal of an affected area under ORS 267.250 to 267.263 shall take effect on the first day of January next following the date which is 30 days after the adoption of the ordinance.

(3) Commencing immediately upon the withdrawal date and notwithstanding any other provision of law, the rate of each tax imposed by the district shall automatically be increased to a rate equal to the rate determined by dividing the rate at which such tax was levied immediately prior to the withdrawal date by a fraction, not more than one, which is equal to the total revenue derived from such tax by the district for the calendar year preceding the year in which the withdrawal ordinance is adopted attributable to the area of the district other than the withdrawn affected area divided by the total revenue derived from such tax by the district for the same period.

(4) If the tax rates required under subsection (3) of this section do not produce tax revenues sufficient to enable the district to make the annual or semiannual payments, when due, and otherwise satisfy the requirements of the bonded or other indebtedness of the district incurred prior to the withdrawal, the district may increase the rate of each tax to a rate that produces revenues sufficient to enable the district to make the annual or

semiannual payments, when due, and otherwise satisfy the requirements of such indebtedness.

(5) The district board shall determine rates in accordance with the formula prescribed by subsection (3) of this section and adopt the rates as part of the ordinance approving the withdrawal of the affected area. Any such determination and adoption shall be final and conclusive unless it is shown to be arbitrary and capricious.

(6) If a district adopts an ordinance that increases the rate of an excise tax described in ORS 267.385, the increase shall be adjusted as prescribed in subsection (3) of this section to take into account the withdrawal of an affected area that occurred or occurs at any time after the date the district first imposed any taxes pursuant to ORS 267.385. [1987 c.799 §6; 2003 c.739 §10]

**267.263 Withdrawal of territory not subject to boundary commission review.**

The alteration of the boundaries of a district under ORS 267.250 to 267.263 is not subject to the jurisdiction or review of a local government boundary commission. [1987 c.799 §7; 2007 c.239 §14]

**267.265 Use of moneys derived from withdrawal of territory from district.**

The savings derived from the cessation of service under an ordinance adopted under ORS 267.257 shall be used to improve service in the remaining portions of the district. Nothing in this section shall prevent the district from exercising its normal budgetary authority to adjust service levels. [1987 c.799 §8]

**Note: 267.265 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**(Finances)**

**267.300 Authority of district to finance system.**

(1) Subject to restrictions in the Oregon Constitution, a district board may finance construction, acquisition, purchase, lease, operation and maintenance of a mass transit system and related facilities for the purposes authorized under ORS 267.010 to 267.390 by:

- (a) Levy of ad valorem taxes under ORS 267.305.
- (b) Service charges and user fees collected under ORS 267.320.
- (c) Use of the revolving fund authorized under ORS 267.310.
- (d) Sale of bonds under ORS 267.330 to 267.345.
- (e) Levy of business license fees under ORS 267.360.
- (f) Levy of a tax measured by net income under ORS 267.370.
- (g) Levy of a tax measured by employer payrolls under ORS 267.380, 267.385 and 267.420.
- (h) Use of funds accepted under ORS 267.390.
- (i) Short-term borrowings under ORS 267.400.
- (j) Levy of a tax measured by net earnings from self-employment under ORS 267.380 and 267.385.
- (k) Any combination of the provisions of paragraphs (a) to (j) of this subsection.

(2) All or any part of the funds raised or received by the district under subsection (1)(a) to (k) of this section may be expended by the district for the purpose of financing the construction, reconstruction, improvement, repair, maintenance, operation and use of the primary transit supportive system. However, only those funds raised or received by the district that are restricted by the Oregon Constitution for the purpose of financing the construction, reconstruction, operation and use of public highways, roads, streets and roadside rest areas may be expended by the district for the secondary transit supportive system. As used in this subsection:

- (a) "Transit supportive system" means those facilities in any county in which a district operates that constitute the surface transportation system in the county, including highways, roads, streets, roadside rest areas, park-and-ride stations, transfer stations, parking lots, malls and skyways.
- (b) "Primary transit supportive system" means those facilities upon which or adjacent to which the district physically operates.
- (c) "Secondary transit supportive system" means the remainder of those facilities that constitute the surface transportation system, but over which the district's operation or facilities are not physically present. [1969

c.643 §23; 1975 c.752 §1; 1983 c.323 §1; 1983 c.749 §1;  
1987 c.825 §1; 1989 c.869 §1]

**267.302 Restrictions on financing for districts formed under ORS 267.107.**

If a mass transit district was initiated by a resolution pursuant to ORS 267.107, the district shall not use any method of financing under ORS 267.300 other than a method of financing authorized to be used under ORS 267.300 (1)(b), (h) to (j) without first obtaining authorization at a properly called election held for that purpose. [1975 c.632 §2a; 1979 c.585 §3; 1983 c.323 §2; 1983 c.749 §2; 1987 c.825 §2]

**267.305 Levy, collection, enforcement of ad valorem taxes.**

(1) A district may assess, levy and collect taxes each year on the assessed value of all taxable property within the limits of the district or the service area of the district. The proceeds of the tax shall be applied in carrying out the purposes of ORS 267.010 to 267.390.

(2) The district may annually also assess, levy and collect a tax without limitation upon all such property in an amount sufficient to pay the yearly interest on bonds theretofore issued by the district and then outstanding, together with any portion of the principal of the bonds maturing within the year. The tax shall be applied only in payment of interest and principal of bonds issued by the district, but the district may apply any funds it may have toward payment of principal and interest of bonds.

(3) Any taxes needed shall be levied in each year and returned to the county officer, whose duty it is to extend the tax roll, by the time required by law for city taxes to be levied and returned.

(4) All taxes levied by a district shall become payable at the same time and be collected by the same officer who collects county taxes, and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended.

(5) Property shall be subject to sale for nonpayment of taxes levied by a district in like manner and with like effect as in the case of county and state taxes. [1969 c.643 §25; 1981 c.804 §77]

**267.310 Revolving fund; authority to levy ad valorem taxes for fund.**

For the purpose of establishing a revolving fund to provide money to finance the planning and construction, acquisition, purchase or lease of a mass transit system, a district board may levy an ad valorem tax of not to exceed in any one year three-twentieth of one percent (0.0015) of real market value of all taxable property within the district. The revenue derived from such taxes shall be credited to a revolving fund, and shall be disbursed by the district board and used only for the purpose for which levied. [1969 c.643 §27; 1991 c.459 §364]

**267.320 User charges, fees and tolls; persons over 65.**

(1) Except as otherwise provided in this section, to carry out the powers granted by ORS 267.010 to 267.390, the district board may by ordinance impose and may collect user charges, fees and tolls from those who are served by or use the transit system and other facilities and services of the district.

(2) The district shall not charge a person over 65 years of age a fee of more than 50 percent of the regular fee for transportation provided by the district. The maximum fee established by this subsection does not apply on any weekday, Monday through Friday, between the hours of 5 a.m. and 9 a.m. or between the hours of 3 p.m. and 7 p.m. [1969 c.643 §26; 1973 c.474 §1; 1975 c.124 §1; 1975 c.169 §1; 1981 c.634 §1; 2003 c.14 §131]

**267.325 Lease purchase agreements.**

For the purpose of financing the design, engineering, acquisition, construction and installation of any mass transit system, a district may enter into lease purchase agreements for such term of years as the board may determine. The lease purchase payments payable by a district under any such lease purchase agreement may be payable out of any funds of the district, including without limitation any operating revenues, tax revenues or grants. [1989 c.899 §2]

**267.330 General obligation bonds; conditions; interest rate; payment of principal and interest; pledge of net revenue.**

(1) To carry out any of the powers granted by ORS 267.010 to 267.390, a district, when authorized at any properly called election held for the purpose, may borrow money, and sell and dispose of general obligation bonds. Outstanding bonds shall never exceed in the aggregate two and one-half percent of the real market value of all taxable property within the district.

(2) The bonds shall be issued from time to time by the district board in behalf of the district as authorized by the electors thereof. The bonds shall mature serially within not to exceed 30 years from issue date. However, for an indebtedness to the federal government or this state, the district may issue one or more bonds of the denominations agreed upon. Bonds shall bear interest at a rate, payable semiannually, as the board shall determine. The bonds shall be so conditioned that the district shall promise and agree therein to pay to the bearer at a place named therein, the principal sum, with interest at the rate named therein, payable semiannually, in accordance with the tenor and terms of the interest coupons attached.

(3) For the purpose of additionally securing the payment of the principal and interest on general obligation bonds issued under this section, the district may by resolution of the board, which resolution shall constitute part of the contract with the holders of the bonds, pledge all or any part of the net revenue of the district. The district board may adopt such a resolution without submitting the question of the pledge to the electors of the district. [1969 c.643 §28; 1983 c.347 §19; 1991 c.459 §365]

**267.334 Electoral approval for issuance of general obligation bonds by Tri-Met to fund extension of light rail.**

(1) If the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, is not part of a phased project that will serve both the Portland metropolitan region and Clark County, Washington, then prior to the issuance by Tri-Met of any general obligation bonds to fund its share of the line extending Tri-Met's regional light rail system north from Clackamas County, Oregon, Tri-Met shall submit to its electors the question of the issuance of such general obligation bonds.

(2) As used in this section:

(a) "Portland metropolitan region" means the area within the urban growth boundary established by Metro as that boundary existed on July 1, 1995.

(b) "Metro" means the metropolitan service district created under ORS chapter 268 and exercising home rule charter powers.

(c) "Tri-Met" means the Tri-County Metropolitan Transportation District of Oregon, a mass transit district created under ORS chapter 267. [Formerly 197.587]



**Note: 267.334 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**267.335 Authority to issue revenue bonds; interest-bearing warrants.**

(1) In addition to the authority to issue general obligation bonds, after a vote of the people, a district may issue and sell revenue bonds and pledge as security therefor all or any part of the unobligated net revenue of the district. Revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district but they shall not be subject to the percentage limitation provided by ORS 267.330 applicable to issuance of general obligation bonds and shall not be a lien upon any property within the limits of the district. Such bonds shall be payable, both as to principal and interest, solely from the net revenues of the district remaining after payment of obligations having a priority and payment of all expenses of operation and maintenance of the district, including any taxes levied thereafter against the district. All revenue bonds shall contain a clause reciting that both the principal and interest are payable solely from net revenues of the district remaining after paying such obligations and expenses.

(2) In lieu of issuing bonds secured by unobligated net revenue under subsection (1) of this section, the treasurer, when authorized by the board, may execute and issue interest-bearing warrants drawn against funds created by and for operation and maintenance of the mass transit system in excess of current cash on hand, but not in an amount exceeding one-half of the estimated annual gross revenue for operation of the mass transit system for the next ensuing year. [1969 c.643 §29]

**267.340 Refunding bonds.**

Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution adopted by the district board without submitting to the electors the question of authorizing the issuance of the bonds. [1969 c.643 §30]

**267.345 Issuance of bonds.**

All general obligation and revenue bonds, including refunding bonds, issued under ORS 267.330 to 267.345 shall be issued as prescribed in ORS chapter 287A. [1969 c.643 §31; 2007 c.783 §84]

**267.360 Business, trade, occupational and professional licenses and fees; exceptions.**

To carry out any of the powers granted by ORS 267.010 to 267.390, a district may by ordinance raise revenue by licensing and imposing a fee on any business, trade, occupation and profession carried on or practiced in the district. This section does not empower a district to require licenses of or impose fees on companies that are licensed by the state under ORS 731.358 or 731.362 to transact insurance, as defined in ORS 731.146, or to require licenses of or impose fees upon the representatives of such companies who are not residents of the district. [1969 c.643 §32]

**267.370 District taxing authority**

(1) To carry out any of the powers granted by ORS 267.010 to 267.390, a district may by ordinance impose a tax:

(a) Upon the entire taxable income of every resident of the district subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the district which income is subject to tax under ORS chapter 316; and

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office within or having income derived from sources within the district which income is subject to tax under ORS chapter 317 or 318.

(2) The rate of the tax imposed by ordinance adopted under authority of subsection (1) of this section shall not exceed one percent. The tax may be imposed and collected as a surtax upon the state income or excise tax.

(3) Any ordinance adopted pursuant to subsection (1) of this section shall require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net income to the district in the

manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(4) The district shall allow a credit against the tax imposed pursuant to this section, in an amount equal to the employer's payroll tax paid to the district by the taxpayer.

(5) If a district adopts an ordinance under this section, the ordinance shall be consistent with any state law relating to the same subject, and with rules and regulations of the Department of Revenue prescribed under ORS 305.620.

(6) An ordinance adopted under this section shall not declare an emergency. [1969 c.643 §33; 1971 c.600 §1; 1975 c.752 §2]

**267.380 Definitions for ORS 267.380 and 267.385.**

(1) As used in ORS 267.380 and 267.385, unless the context requires otherwise:

(a) "Employer" means:

(A) A person who is in such relation to another person that the person may control the work of that other person and direct the manner in which it is to be done;

(B) An officer or employee of a corporation, or a member or employee of a partnership, who as such officer, employee or member is under a duty to perform the acts required of employers by ORS 316.162 to 316.221; or

(C) The State of Oregon or any political subdivision in this state, except for a school district as defined in ORS 255.005 (9), with respect to work performed within the district by an employee of the State of Oregon or of the political subdivision.

(b) "Employer" does not include an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as amended and in effect on December 31, 1996, except that "employer" does include hospitals.

(c) "Wages" means remuneration for services performed by an employee for the employer, including the cash value of all remuneration paid in any medium other than cash.

(d) "Net earnings from self-employment" has the same meaning as in section 1402 of the Internal Revenue Code of 1986, as that section was in effect and operative on December 31, 1988. For the purposes of computing net earnings from self-employment, a district may by

ordinance from time to time adopt definitions of the terms used in section 1402.

(e) "Individual" means any natural person.

(2) As used in this section and ORS 267.385, "wages" does not include remuneration paid:

(a) For services performed in the employ of the United States of America and institutions (excluding hospitals) exempt from taxation under section 501(c)(3) of the Internal Revenue Code, as amended and in effect on December 31, 1996.

(b) For domestic service in a private home if the total amount paid to such employee is less than \$1,000 a year.

(c) For casual labor not in the course of the employer's trade or business.

(d) For services performed wholly outside of the district.

(e) To an employee whose services to the employer consist solely of seasonal labor in connection with the planting, cultivating or harvesting of agricultural crops.

(f) To seamen who are exempt from garnishment, attachment or execution under title 46, United States Code.

(g) To individuals temporarily employed as emergency firefighters.

(h) If the remuneration is not subject to withholding under ORS chapter 316.

(i) To employees' trusts exempt from taxation under section 401 of the Internal Revenue Code, as amended and in effect on December 31, 1996.

(j) If the remuneration is not wages under section 3121(a)(5)(I) of the Internal Revenue Code, as amended and in effect on December 31, 1996.

(3) "Net earnings from self-employment" does not include income:

(a)(A) From activities wholly outside of the district.

(B) That is wages.

(C) That would be wages under section 3121 of the Internal Revenue Code, as amended and in effect on December 31, 1990, but for the provisions of section 3121(b)(8)(A) of the Internal Revenue Code.

(b) That is not net earnings from self-employment under section 1402(a)(8) of the Internal Revenue Code by reason

of the amendments to section 1402 by section 1456 of the Small Business Job Protection Act of 1996 (P.L. 104-188).

(4) Notwithstanding any other provision of this section, "wages" includes:

(a) Any amount included in the definition of "wages" under section 3121 of the Internal Revenue Code, as defined in ORS 316.012, by reason of the provisions of section 3121(a)(5)(C), 3121(a)(5)(D), 3121(v)(1)(A), 3121(v)(1)(B), 3121(v)(3)(A), 3121(a)(5)(E) or 3121(a)(5)(H) of the Internal Revenue Code; or

(b) Any amount deferred under a nonqualified deferred compensation plan.

(5) Any amount taken into account as wages by reason of subsection (4) of this section and the income attributable thereto shall not afterwards be treated as wages under this section. [1969 c.643 §34; 1971 c.600 §2; 1973 c.573 §2; 1979 c.766 §1; 1981 c.907 §2; 1987 c.293 §69; 1989 c.869 §2; 1991 c.457 §23a; 1993 c.18 §47; 1997 c.839 §39]

#### **267.385 Employer payroll tax; collection; enforcement.**

(1) To carry out the powers granted by ORS 267.010 to 267.390, a district may by ordinance impose an excise tax on every employer equal to not more than eight-tenths of one percent of the wages paid with respect to the employment of individuals. For the same purposes, a district may by ordinance impose a tax on each individual equal to not more than eight-tenths of one percent of the individual's net earnings from self-employment.

(2) No employer shall make a deduction from the wages of an employee to pay all or any portion of a tax imposed under this section.

(3) The provisions of ORS 305.620 are applicable to collection, enforcement, administration and distribution of a tax imposed under this section.

(4) At any time an employer or individual fails to remit the amount of taxes when due under an ordinance of the district board imposing a tax under this section, the Department of Revenue may enforce collection by the issuance of a distraint warrant for the collection of the delinquent amount and all penalties, interest and collection charges accrued thereon. Such

warrant shall be issued and may be enforced in the same manner and have the same force and effect as prescribed with respect to warrants for the collection of delinquent state income taxes.

(5) Any ordinance adopted under subsection (1) of this section shall require an individual having net earnings from self-employment from activity both within and without the district taxable by the State of Oregon to allocate and apportion such net earnings to the district in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675. Such ordinance shall give the individual the option of apportioning income based on a single factor designated by the ordinance.

(6) Any ordinance adopted under subsection (1) of this section with respect to net earnings from self-employment may impose a tax for a taxable year measured by each individual's net earnings from self-employment for the prior taxable year, whether such prior taxable year begins before or after November 1, 1981, or such ordinance.

(7) Any ordinance imposing a tax authorized by subsection (1) of this section shall not apply to any business, trade, occupation or profession upon which a tax is imposed under ORS 267.360.

(8) The district board may not adopt an ordinance increasing a tax authorized by subsection (1) of this section unless the board makes a finding that the economy in the district has recovered to an extent sufficient to warrant the increase in tax. In making the finding, the board shall consider regional employment and income growth. [1969 c.643 §35; 1981 c.907 §3; 2003 c.576 §197; 2003 c.739 §7; 2009 c.253 §1]

**267.387 Restrictions on increase in payroll tax.**

Notwithstanding ORS 267.385 (1) and subject to ORS 267.260 (3) and (6), an increase in any tax imposed on wages or on net earnings from self-employment that is authorized by a mass transit district under ORS 267.385 (1) on or after January 1, 2010, must be phased in over a 10-year period. The district shall by ordinance set forth the increments by which the increase in tax is phased in. Subject to ORS 267.260 (3) and (6), each annual increment may not increase the rate of tax by more than 0.02 percent of the wages or net earnings from self-employment. [2009 c.253 §2]

**Note: 267.387 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**267.390 Acceptance of funds from United States.**

The district may:

- (1) Accept, without limitation by any other provision of ORS 267.010 to 267.390 requiring approval of indebtedness, any contributions or loans from the United States for the purpose of carrying out any provision of ORS 267.010 to 267.390; and
- (2) Do anything that the board considers necessary in order to avail itself of aid, assistance or cooperation under this section under any federal law. [1969 c.643 §37]

**267.395 [1969 c.643 §38; repealed by 1971 c.647 §149]**

**267.400 Authority to issue short-term obligations; conditions.**

(1) A district may borrow moneys by issuing notes, warrants or other obligations:

- (a) In anticipation of taxes or other revenues, including but not limited to grants awarded by the state or federal government; or
- (b) To refund obligations authorized under this section.

(2) To secure obligations authorized under this section a district may:

- (a) Pledge as primary security for the obligations the taxes and other revenues in anticipation of which the obligations are issued, including but not limited to grants from the state or federal government;
- (b) Pledge as secondary security for the obligations the taxes and other revenues of the district other than those in anticipation of which the obligations are issued;
- (c) Segregate any pledged funds in separate accounts which may be held by the district or third parties;
- (d) Establish any reserves deemed necessary by the district for the payment of the obligations; and
- (e) Adopt resolutions containing covenants and provisions for protection and security of the holders of obligations, which shall constitute enforceable contracts with such holders.

- (3) Each issue of obligations authorized by this section:
- (a) If issued in anticipation of taxes, shall not be issued prior to, and shall mature not later than the end of, the fiscal year in which the taxes are expected to be received;
  - (b) If issued in anticipation of other revenues, including grants for operating purposes from the state or federal government, shall not be issued more than one year prior to the time at which the district expects to receive the last installment of the revenues or grants in anticipation of which the obligations are issued, and shall mature not more than one year after the date of issue;
  - (c) If issued in anticipation of capital improvement grants from the state or federal government, shall not be issued more than 30 months prior to the time at which the district expects to receive the last installment of the capital improvement grant in anticipation of which the obligations are issued, and shall mature no later than 30 months after the date of issue or six months after the time at which the district expects to receive the last installment of the capital improvement grant in anticipation of which the obligations are issued, whichever is earlier;
  - (d) If issued in anticipation of taxes or revenues other than grants from the state or federal government, shall not be issued in an amount greater than 80 percent of the amount of taxes or such other revenues budgeted to be received by the district and in anticipation of which such obligations are issued; and
  - (e) If issued in anticipation of grants from the state or federal government, shall not be issued in an amount greater than 80 percent of the amount of such grants.
- (4) Except as this section otherwise specifically provides, obligations authorized by this section may be in any form and contain any terms, including provisions for the varying of interest rates in accordance with any index, bankers' loan rate or other standard. A district may issue and sell as part of a single offering obligations in anticipation of two or more grants from the state or federal government, in which event the obligations constituting a part of the offering shall be issued as separate series with one series corresponding to each grant in anticipation of which the obligations are issued. A district may



only pledge as primary security for a series of obligations constituting part of a single offering the grant in anticipation of which such series is issued. For purposes of subsection (3) of this section, each series of obligations constituting part of a single offering shall be a separate issue of obligations.

(5) When the taxes or other revenues, including grants from the state or federal government, in anticipation of which the obligations authorized by this section are issued are not received by the district at such time or in such amounts as will enable the district to pay the obligations at maturity, the district shall, to the extent available, first apply to the payment of the obligations the taxes or other revenues in anticipation of which such obligations were issued, and the district may pay the balance owing under such obligations out of any other taxes or revenues available for such purpose.

(6) The district may contract with third parties to serve as issuing, paying and authenticating agents for any obligations authorized by this section.

(7) Obligations authorized by this section shall be issued as prescribed in ORS chapter 287A.

(8) Any pledge made pursuant to subsection (2) of this section shall be valid and binding from and after the date of issue of the obligations secured by such pledge and the taxes or other revenues pledged shall be immediately subject to the lien of such pledge without the physical delivery thereof, the filing of any notice or any further act. The lien of any pledge made pursuant to subsection (2) of this section shall be valid and binding against all persons having claims of any kind against the district whether in tort, contract or otherwise, irrespective of whether such persons have notice thereof.

(9) The district shall deposit, when received, a portion of the taxes or other revenues in anticipation of which the obligations authorized by this section are issued in a separate account. Deposits to the account shall be made according to a schedule which requires that not less than 100 percent of such taxes or other revenues received by the district after the estimated date of the district's maximum cumulative cash flow deficit be placed in the account until sufficient amounts are in the account to pay principal and interest due on the obligations at maturity. The schedule shall be established by the district in its proceedings to issue the obligations. Moneys in the account shall be used only

to pay principal and interest on the obligations, and may be pledged by the district for such purpose. [1983 c.323 §4; 1985 c.433 §1; 2007 c.783 §85]

**267.410 Certain districts authorized to impose employer payroll tax on state agencies and political subdivisions.**

ORS 267.300, 267.380 and 267.410 to 267.430 apply only to a mass transit district situated in a metropolitan statistical area with a population exceeding 400,000. [1989 c.869 §7; 2009 c.11 §31]

**267.420 Employer payroll tax on State of Oregon and political subdivisions; requirements for tax ordinance.**

(1) Any ordinance imposing an employer payroll tax on an entity described in ORS 267.380 (1)(a)(C) shall be adopted not less than six months prior to the beginning of the fiscal year of the mass transit district within which the employer payroll tax becomes effective.

(2)(a) Any ordinance imposing an employer payroll tax on an entity described in ORS 267.380 (1)(a)(C) shall provide that for each of the four fiscal years after the fiscal year in which the employer payroll tax was first imposed, the entity shall pay the applicable percentage of the amount of employer payroll tax which, without regard to this section, it would have been required to pay under the law.

(b) The applicable percentage shall be determined in accordance with the following table:

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**Number of fiscal years the applicable after the fiscal year percentage is:  
in which the employer payroll tax is first imposed:**

<b>One</b>	<b>20</b>
<b>Two</b>	<b>40</b>
<b>Three</b>	<b>60</b>
<b>Four</b>	<b>80</b>

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(c) In the fifth fiscal year after the fiscal year in which the employer payroll tax is first imposed on an entity described in ORS 267.380 (1)(a)(C) and in any subsequent

fiscal year, the applicable percentage shall be 100 percent. [1989 c.869 §4]

**267.430 Certain state agencies exempt from employer payroll tax.**

ORS 267.300, 267.380, 267.410 to 267.430 do not apply to entities described in ORS 267.380 (1)(a)(C) that made, and that continue to make, payments under the provisions of ORS 291.405 and 291.407 equivalent to the rate in effect on January 1, 1989. If a mass transit district or transportation district does not collect a tax under ORS 267.300 (1)(g) or 267.615 (1)(g), ORS 267.300, 267.380 and 267.410 to 267.430 do not affect payment under ORS 291.405 and 291.407. [1989 c.869 §6]

## **TRANSPORTATION DISTRICTS**

### **(Generally)**

**267.510 Definitions for ORS 267.510 to 267.650.**

As used in ORS 267.510 to 267.650:

(1) "District" means a transportation district established under ORS 267.510 to 267.650.

(2) "System" means the equipment, facilities and other property constructed, erected or acquired by the district and to be used in the transport of passengers. [1974 c.9 §1]

**267.515 Application of ORS chapter 255 to district.**

(1) ORS chapter 255 governs the following:

(a) The nomination and election of board members.

(b) The conduct of district elections.

(2) The electors of a district may exercise the powers of the initiative and referendum regarding a district measure, in accordance with ORS 255.135 to 255.205. [Amended by 1983 c.350 §128]

**267.517 Use of alternative fuels for certain district vehicles; exceptions; annual report; application to all district vehicles.**

(1) To the maximum extent possible, motor vehicles subject to the control of a transportation district established under ORS 267.510 to 267.650 having a city within the district with a population exceeding 30,000 shall use alternative fuel for operation.

(2) To the extent that it is economically and technologically possible, all motor vehicles purchased or leased by the board of the district shall be capable of using alternative fuel. However, this subsection does not apply if the vehicle will be primarily used in an area that does not have and cannot reasonably be expected to establish an alternative fuel refueling station or if the district is unable to secure financing sufficient to cover additional costs resulting from the requirement of this subsection.

(3) Prior to July 1 of each year, the board of the district shall submit an annual report to the Department of Environmental Quality and the State Department of Energy. The report shall contain at a minimum:

(a) The number of purchases and leases of vehicles capable of using alternative fuel;

(b) The number of conversions of vehicles from the use of gasoline or diesel fuel to the use of alternative fuel;

(c) The quantity of each type of alternative fuel used; and

(d) Any other information required by the Department of Environmental Quality and the State Department of Energy to carry out their functions under subsection (4) of this section.

(4) If the Department of Environmental Quality and State Department of Energy determine that the use of alternative fuel required by this section has been effective in reducing total annual motor vehicle emissions in the district, the motor vehicles subject to the control of the board of the district shall be capable of using alternative fuel, to the maximum extent possible.

(5) The board of the district shall comply with all safety standards established by the United States Department of Transportation in the conversion, operation and maintenance of vehicles using alternative fuel.

(6) As used in this section, "alternative fuel" means any fuel determined by the Department of Environmental Quality to be less polluting than conventional gasoline, including but not necessarily limited to reformulated gasoline, low sulfur diesel fuel, natural gas, liquefied petroleum gas, methanol, ethanol, any fuel mixture containing at least 85 percent methanol or ethanol and electricity. [1991 c.730 §4; 2003 c.186 §13]

## **(Formation)**

### **267.520 Method of forming district.**

(1) In addition to initiatory action authorized by ORS 198.705 to 198.955, proceedings to establish a district may be initiated by a resolution adopted by the governing body of the most populous city in the proposed district and filed with the county governing body, petitioning that body to call the election; or

(2) The petition or resolution initiating formation shall request, if the district is to impose operating taxes, that the election to establish the district include a proposed permanent rate limit for operating taxes for the district within the meaning of section 11

(3), Article XI of the Oregon Constitution. If the petition or resolution does so, the proposition to be voted on at the election shall include a proposed permanent rate limit for the district, in accordance with the petition or resolution. [1974 c.9 §4; 1997 c.541 §360]

### **267.530 Establishment of permanent tax rate limit at time of formation.**

If a district is to impose operating taxes, a permanent rate limit on operating taxes within the meaning of section 11 (3), Article XI of the Oregon Constitution, shall be established for a district at the same election at which the district is established. If the petition or resolution for initiating proceedings to establish the district contains a proposed permanent rate limit, the county governing body that calls the election shall confer about the rate limit with the governing bodies of all counties and cities having territory in the proposed district and shall then determine the rate limit to be proposed for the district. The proposition submitted to the electors of the district for the purpose of establishing the district shall propose the rate limit specified by the county governing body. The rate limit so proposed shall be the permanent rate limit for operating taxes for the district within the meaning of section 11 (3), Article XI of the Oregon Constitution, if the district is established in an election that is in compliance with section 11 (8), Article XI of the Oregon Constitution. [1974 c.9 §5; 1997 c.541 §361]

## **(Board)**

**267.540 Governing body; term; vacancies; chairperson; rules of procedure; report to legislature.**

(1) The governing body of a district shall consist of seven members elected from the district at large for four-year terms. Vacancies shall be filled by the governing body under ORS 198.320.

(2) The chairperson of the county governing body that calls the election on establishing the district shall convene the first meeting of the district governing body and shall serve as chairperson of the first meeting until the members choose a permanent chairperson.

(3) At its first meeting after July 1 each year the district governing body shall choose a chairperson for the ensuing year. The chairperson shall be the presiding officer of the governing body and have whatever additional functions the governing body prescribes.

(4) The governing body may adopt and enforce rules of procedure governing its proceedings.

(5) The district board shall report biennially to the Legislative Assembly the activities of the district. [1974 c.9 §6; 1975 c.737 §4; 1983 c.350 §125]

**(Powers)**

**267.550 Status of district.**

(1) A transportation district has full power to carry out the objectives of its formation and to that end may have and use a seal, have perpetual succession, sue and be sued in its own name, and enter into contracts.

(2) Except as ORS 267.510 to 267.650 provide to the contrary, the powers of the district shall be vested in the governing body of the district.

(3) A transportation district formed under ORS 267.510 to 267.650 shall be considered a district for all purposes in ORS chapter 198. [1974 c.9 §8; 1975 c.737 §5; 1983 c.350 §126; 2003 c.802 §95]

**267.560 General powers.**

A transportation district may provide public transportation and terminal facilities for public transportation including local aspects thereof transferred to the district by one or more other public bodies

as defined in ORS 174.109, through agreements in accordance with ORS 267.510 to 267.650. [1974 c.9 §9; 2003 c.802 §96]

**267.570 Powers relating to public transportation.**

- (1) For purposes of public transportation, a district may:
  - (a) Contract with the United States or with any county, city or state, or any of their departments or agencies, for the construction, preservation, improvement, operation or maintenance of any system.
  - (b) Build, construct, purchase, improve, operate and maintain, subject to other applicable provisions of law, all improvements, facilities or equipment necessary or desirable for the system of the district.
  - (c) Enter into contracts and employ agents, engineers, attorneys and other persons and fix their compensation.
  - (d) Fix and collect charges for the use of the system.
  - (e) Construct, acquire, maintain and operate passenger terminal facilities and motor vehicle parking facilities in connection with the system within or outside the district.
  - (f) Use a public thoroughfare in a manner mutually agreed to by the governing bodies of the district and of the thoroughfare or, if they cannot so agree upon how the district may use the thoroughfare, in a manner determined by an arbitrator appointed by the Governor.
  - (g) Do such other acts or things as may be necessary or convenient for the proper exercise of the powers granted to a district by ORS 267.510 to 267.650.
- (2) A district shall be entitled to tax refunds under ORS 319.831, as if the district were a city. [1974 c.9 §10; 1979 c.344 §2]

**267.575 Preparation of public transit system plan; contents; revision.**

- (1) A district shall, within a reasonable time after formation, prepare a broad, general plan for a public transit system for the district. The plan shall be prepared in cooperation with the Department of Transportation and cities and counties located within and adjacent to the district.
- (2) The plan shall show existing and proposed transit systems of the district and of other public and private agencies relating to public transit. It shall demonstrate a basis for the coordination and planning of future construction, improvement and equipment acquisition of the district, governmental agencies

and private interests to assure maximum efficiency and use of public transit in the district. The plans shall be based on the needs of the district and take into consideration the plans and programs, if any, developed by the Department of Transportation and cities and counties located within and adjacent to the district. The district may have access to all information, statistics, plans and data in the possession of or available to any state agency or public corporation which is pertinent to the preparation of the plan and may reimburse the agency or corporation for any expense incurred in cooperating with the board.

(3) The district board shall revise the plan as necessary for the proper control, utilization, development and improvement of the district transit system. [1975 c.737 §3]

**267.580 Employees.**

The governing body of a district may employ whatever administrative, clerical, technical and other assistance is necessary for the proper functioning of the district, on whatever terms the governing body considers in the best interests of the district. [1974 c.9 §7]

**267.590 Interagency agreements.**

A district may contract with any public or private agency for the agency to operate any facility or perform any function that the district is authorized to operate or perform. By contract the district may assume any function of any public corporation, city or county in the district that the district has power to assume under ORS 267.510 to 267.650. [1974 c.9 §11]

**267.600 [1974 c.9 §3; repealed by 1983 c.350 §331a]**

**267.610 [1974 c.9 §2; repealed by 2015 c.283 §2]**

**267.612 Acquisition of district lands by adverse possession or operation of statute of limitations prohibited.**

The rights of a transportation district to lands owned by the district are not extinguished by adverse possession. A person may not acquire title or property rights to lands owned by the district through operation of a statute of limitations. [2009 c.307 §2]



**Note: 267.612 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 267 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.**

**(Finances)**

**267.615 Financing methods.**

(1) For the purpose of performing any of the powers conferred by ORS 267.510 to 267.650, a transportation district may use any of the following methods of financing:

(a) Service charges and user fees collected under ORS 267.570 (1)(d).

(b) Levy ad valorem taxes under ORS 267.620.

(c) Use of a revolving fund as authorized for mass transit districts under ORS 267.310.

(d) Sale of bonds under ORS 267.630 and 267.640.

(e) Levy of business license fees as authorized for mass transit districts under ORS 267.360.

(f) Levy of a tax measured by net income as authorized for mass transit districts under ORS 267.370.

(g) Levy of a tax measured by employer payrolls as authorized for mass transit districts under ORS 267.380 and 267.385.

(h) Acceptance and use of any contributions or loans from the United States, without limitation by any other provision of ORS 267.510 to 267.650 requiring approval of indebtedness.

(i) Any combination of the provisions of paragraphs (a) to (h) of this subsection.

(2) A district shall not use any method of financing authorized under subsection (1)(c) to (g) of this section without first obtaining authorization at a properly called election held for that purpose. [1975 c.737 §2; 1981 c.512 §1]

**267.620 Power to levy taxes.**

(1) A district may levy annually an ad valorem tax on all taxable property within its boundaries not to exceed in any one year one-half percent (0.005) of the real market value of all taxable property within the boundaries of such district, computed in accordance with ORS 308.207. The district may also annually

assess, levy and collect a special tax upon all such property in an amount sufficient to pay the yearly interest on bonds previously issued by the district and then outstanding, together with any portion of the principal of such bonds maturing within the year. The special tax shall be applied only in payment of the interest and principal of bonds issued by the corporation, but the corporation may apply any funds it may have toward the payment of principal and interest of any such bonds.

(2) Such taxes shall be levied in each year and returned to the county officer whose duty it is to extend the tax levy by the time required by law for city taxes to be levied and returned. All taxes levied by the district shall become payable at the same time and be collected by the same officer who collects county taxes and shall be turned over to the district according to law. The county officer whose duty it is to extend the county levy shall extend the levy of the district in the same manner as city taxes are extended. Property shall be subject to sale for nonpayment of taxes levied by the corporation in like manner and with like effect as in the case of county and state taxes.

(3) In taxation a district may classify property on the basis of services received from the district and prescribe different tax rates for the different classes of property. [1974 c.9 §12; 1991 c.459 §366]

**267.622 Filing boundary change with county assessor and Department of Revenue.**

For purposes of ad valorem taxation, a boundary change must be filed in final approved form with the county assessor and the Department of Revenue as provided in ORS 308.225. [2001 c.138 §13]

**267.630 Issuance and sale of bonds.**

(1) For the purpose of performing any service that the district has power to perform, the district, when authorized at any properly called election held for such purpose, shall have the power to borrow money by the issuance and sale of general obligation bonds. Such bonds shall never exceed in the aggregate 10 percent of the real market value of all taxable property within the district computed in accordance with ORS 308.207. The bonds shall be so conditioned that the district shall promise and agree therein to pay the bearer at a place named therein payable semiannually in accordance with the tenor and

terms of the interest coupons attached. The bonds shall mature serially not to exceed 30 years from the date of issue.

(2) For the purpose of performing any of the powers conferred by ORS 267.510 to 267.650 a district, when authorized at any properly called election held for such purpose, shall have the power to borrow money by the issuance and sale also of revenue bonds and to pledge as security therefor, all or any part of the unobligated net income or revenue of the district. The revenue bonds shall be issued in the same manner and form as are general obligation bonds of the district but they shall be payable both as to principal and interest from revenues only. The revenue bonds shall not be subject to the percentage limitation applicable to general obligation bonds and shall not be a lien on any of the taxable property within the corporate limits of the district and shall be payable solely from such part of revenues of the corporation as remains after the payment of obligations having a priority and of all expenses of operation and maintenance of the corporation. All revenue bonds shall contain a provision that both the principal and interest are payable solely from the operating revenues of the district remaining after paying such obligations and expenses.

(3) All general obligation bonds and revenue bonds shall be issued as prescribed in ORS chapter 287A. [1974 c.9 §13; 1983 c.347 §20; 1991 c.459 §367; 2007 c.783 §86]

**267.640 Refunding bonds.**

Refunding bonds of the same character and tenor as those replaced thereby may be issued pursuant to a resolution adopted by the district governing body without submitting to the electors the question of authorizing the issuance of the bonds. [1974 c.9 §14]

**267.650 Finance elections.**

Elections for the purpose of voting on the question of borrowing funds by issuance and sale of general obligation bonds or revenue bonds shall be called by the governing body. [1974 c.9 §15]

**PENALTIES**

**267.990 Penalties.**

Any person violating a police ordinance of a mass transit district commits a Class A misdemeanor. [1969 c.643 §18(1); 2011 c.597 §174]



**RESOLUTION #2015-04**

**RULES GOVERNING PROCEEDINGS AND CONDUCT  
OF THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT  
DISTRICT**

**WHEREAS**, the Salem Area Mass Transit District, hereafter referred to as "District", did on January 25, 1990, adopt Resolution #90-1, setting forth rules governing proceedings and conduct of the Board of Directors of the District, hereafter referred to as "Bylaws";

**WHEREAS**, the District's Board of Directors amended said Bylaws by adopting Resolution #98-01 on February 26, 1998; Resolution #00-02 on January 20, 2000; Resolution #01-02 on April 26, 2001, Resolution #02-13 on November 21, 2002; and Resolution #03-04 on October 23, 2003.

**WHEREAS**, on November 4, 2014, the Board's Executive Committee met to review the Board's Bylaws for modifications; and again at the April 13, 2015 work session, with the full Board;

**WHEREAS**, the Board of Directors finds that it is in the best interest of the District to make modifications under:

- Rule 5 Eligibility and Duties of the Board to 5-1 Eligibility
- Rule 7(e)(2) Board Conflict of Interest to the definition for "affiliate,"
- Rule 9 Election of Officers to the last sentence in the paragraph
- Rule 10(a) Board Vacancies to the procedures to fill vacancies
- Rule 11 Regular Meetings to the language under 11-1 Time and 11-3 Notice.
- Rule 12 Adjourned Meetings
- Rule 13 Special Meetings to the language under 13-1 Call and 13-2 Notice.
- Rule 16 Notices to 16-1 Notices to Directors and 16-2 Public Notice.
- Rule 17 Conduct of Meetings to the procedures under (1)(e) and 17-4 Meetings to be Public and 17-6 Manner of Voting
- Rule 18 Ordinances to a procedure under 18-1(a) Publication of Agenda
- Rule 22 Committees to 22-1 Executive Committee and 22-2(b) Budget Committee; and to Rule 24(a) Indemnification to the language

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT;**

**THAT** Resolution No. 90-1, a Resolution Adopting Rules Governing Proceedings and Conduct of the Board of Directors of the Salem Area Mass Transit District, is hereby rescinded by Resolution No. 2015-04 and replaced with the Bylaws in Attachment A.

**TO BE EFFECTIVE ON** July 23, 2015; and **ADOPTED** by the Board of Directors on this 23rd day of July, 2015.



**RESOLUTION NO. 2015-04**

**A RESOLUTION ADOPTING RULES GOVERNING PROCEEDINGS AND CONDUCT OF THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT**

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**RESOLUTION NO. 2015-04**

**A RESOLUTION ADOPTING RULES GOVERNING PROCEEDINGS AND CONDUCT OF THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT**

**BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SALEM AREA MASS TRANSIT DISTRICT**

**RULE 1. NAME**

**1-1 Legal Name**

The legal and corporate name of the municipal corporation duly established pursuant to the laws of the State of Oregon shall be "SALEM AREA MASS TRANSIT DISTRICT,"

**1-2 Other Names**

The District may also, from time to time, adopt and use business names which may include, without limitation, "Cherriots" and "Salem-Keizer Transit".

**RULE 2. SEAL OF DISTRICT**

The seal of the District shall be in the form of a circle and shall bear the name of the District and the year of its organization.

**RULE 3. OFFICE OF DISTRICT**

The office of the District shall be at such a place within the District boundaries, State of Oregon, as the District shall from time to time designate.

**RULE 4. POWERS, RIGHTS AND LIABILITIES**

By and in the corporate name, the District shall have and exercise all powers, functions, rights and privileges now and hereafter given to, and shall be subject to all the duties, obligations, liabilities and limitations now and hereafter imposed upon municipal corporations of the same class by the constitution and laws of the State of Oregon, and shall have and exercise all other powers, functions, rights and privileges usually exercised by or which are incidental to, or inherent in, municipal corporations of like character and degree. The District shall have all powers possible to have under the constitution and laws of this State.

**RULE 5. ELIGIBILITY AND DUTIES OF THE BOARD**

**5-1 Eligibility.**

Any individual who is an employee of the District is not eligible to serve as a member of the governing Board of the Salem Area Mass Transit District.

**5-2 Duties.**

The Board shall provide the policy and legislative direction for the District.

**RULE 6. BOARD ACTING AS A BODY**

The Board shall act as a body in making its decisions and announcing them. No member shall speak or act for the Board without prior authorization of the Board unless otherwise specifically provided for in these bylaws.

**RULE 7. BOARD CONFLICT OF INTEREST**

- a. No Board member may have, at any time during the member's tenure in office, any interest in any prohibited contract awarded by the District during the member's tenure in office, whether directly or through an affiliate.
- b. No Board member may have, at any time within six months following the expiration of the member's tenure in office, any interest in any prohibited contract awarded by the District during the member's tenure in office or the six months subsequent thereto, whether directly or through an affiliate.
- c. A Board member must declare a conflict of interest, and may not vote or deliberate upon any subject matter in which the member or an affiliate of the member has an economic interest.
- d. A Board member must also fully comply with Oregon law and applicable Federal law relating to conflicts of interest, potential conflicts of interest, and statutory and regulatory standards of ethical conduct.
- e. The following definitions apply for the purposes of this Rule:
  - 1. An "interest in a prohibited contract" exists if the Board member or an affiliate of the Board member is a party to, or an intended beneficiary of, a prohibited contract.
  - 2. An "affiliate" is the Board member's spouse, child, stepchild, sibling,

stepsibling, son-in-law, daughter-in-law, parent or stepparent; a child, stepchild, sibling, stepsibling, son-in-law, daughter-in-law, parent or stepparent of a spouse of the Board member; an individual for whom the Board member has a legal obligation to provide support; an individual for whom the Board member provides benefits, or from whom the Board member receives benefits, arising out of an employment relationship; a business in which any of the foregoing or the Board member is an officer, director, partner, owner, agent or employee; or a corporation in which any of the foregoing owns or owned stock worth \$1,000 or more at any point in the preceding calendar year.

3. A “prohibited contract” is any contract or agreement to which the District is a party, or as to which the District is an intended beneficiary.

4. An “economic interest” exists if the Board member or an affiliate of a Board member would receive a financial, pecuniary or economic benefit.

## **RULE 8. OFFICERS**

By majority vote of the whole membership of the Board, the Board shall choose from among its members the following officers with primary responsibilities as noted.

### **8-1 President.**

The president shall call the meeting to order at the appointed time, preside at all meetings, decide all questions of order, and appoint the chairs for committees, commissions and task forces.

### **8-2 Vice President.**

The vice president shall preside and perform the duties of the president, in his/her absence.

### **8-3 Secretary.**

The secretary shall attest signatures of the District and may affix the seal to contracts and other instruments authorized to be executed by the District.

### **8-4 Treasurer.**

The treasurer shall report on the financial status of the District, monitoring expenditure reports submitted by staff.

## **RULE 9. ELECTION OF OFFICERS**

Election of officers shall be held at the first meeting in July in odd-numbered years. Officers serve for terms of two years, or until their successors are elected and qualified. No officer may serve more than two consecutive terms in the same office, but may serve thereafter in a different office. When a vacancy occurs in any office other than by expiration of the officer's term, the vacancy shall be filled by election by the Board of Directors when the need arises and the newly-elected officer shall take office immediately upon election, and shall serve the remainder of the unexpired term.

**RULE 10. BOARD VACANCIES**

- a. The Board shall follow the procedures outlined in this Rule in appointing directors to fill vacancies. In the case of a vacancy for any cause in the office of a director, the remaining members of the Board shall appoint a resident of the affected subdistrict until June 30 of the next odd-numbered year at which time a director shall be elected to serve the remainder of the unexpired term or new term.
- b. Upon receipt of the resignation of a Board member, or when a vacancy occurs for some other reason, the Board shall declare the position to be vacant and cause to be published a public notice of such vacancy, inviting applications to be filed by all interested and qualified candidates who are residents of the subdistrict in which the position is being vacated.
- c. The Board shall establish a date when all applications must be filed with the District.
- d. After the date for filing has expired, the General Manager will set a time for all candidates to be interviewed by the Board. Prior to the interview, the General Manager will inquire and report back to the Board whether all candidates are eligible to serve.
- e. When the Board is satisfied it has reviewed all the applications, the presiding officer will call for a nominating ballot of those qualified persons making application and will then declare nominations closed. Each Board member shall vote for one person from among the nominees. Those persons who receive the two largest number of votes shall be designated as nominees for the final electing ballot, provided, however, that any nominee receiving four (4) votes shall be considered elected to fill the vacancy.
- f. Ballots shall be written ballots by each Board member. The tally shall be publicly called in reporting the ballot outcome.

- g. The nominee receiving a majority vote of the Board shall be appointed to the vacant position until June 30 of the next odd-numbered year in which a director shall be elected to serve the remainder of the unexpired term or new term.

**RULE 11. REGULAR MEETINGS**

**11-1 Time.**

Except for meeting-vacations announced in advance, the Board of Directors shall hold regular meetings on the evening of the fourth Thursday of each month. When the day fixed for any regular meeting falls upon a day designated by law as a legal or national holiday, such meeting shall be held on another date and time designated by the Board.

**11-2 Place.**

Regular meetings shall normally be held in the Board Room of the Salem Area Mass Transit District, unless a different place is designated from time to time.

**11-3 Notice.**

No notice of regular meetings need be given to the directors. Public notice of time, place and principal subjects of meetings shall be given in a manner reasonably calculated to give actual notice to interested persons. In the event an ordinance is to be considered at a meeting, the notice shall comply with the provisions of Rule 18.

**RULE 12. ADJOURNED MEETINGS**

Meetings may be adjourned, and a special meeting called, to be held at a specific time and place before the day of the next regular meeting. A meeting may be adjourned by the vote of the majority of the members present, even in the absence of a quorum.

**RULE 13. SPECIAL MEETINGS**

**13-1 Call.**

The president of the Board or a majority of the directors may call a special meeting. A special meeting may also be called as provided in Rule 12.

**13-2 Notice.**

At least twenty-four (24) hours' notice of special meetings shall be given to the news media which have requested notice, the Board of Directors, and the public.

**RULE 14. EMERGENCY MEETINGS**

**14-1 Call.**

The president of the Board or a majority of the directors may call emergency meetings.

**14-2 Notice.**

In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, and the minutes for such a meeting shall describe the emergency justifying less than 24 hours' notice.

**RULE 15. EXECUTIVE SESSIONS**

The Board of Directors may hold executive sessions during a regular, special or emergency meeting after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding of such executive session.

**15-1 Notice.**

If an executive session only will be held, notice shall be given to the news media which have requested notice, members of the Board of Directors and to the general public, stating the specific provision of law authorizing the executive session.

**15-2 Attendance by News Media.**

Representatives of the news media shall be allowed to attend executive sessions, other than those relating to labor negotiations, but the governing body may require that specified information discussed in the executive session be undisclosed.

**RULE 16. NOTICES**

**16-1 Notices to Directors.**

Notices to directors shall be deemed given when delivered in person, when emailed to the email address last specified by the director in the records of the District office for the emailing of communications to the director, when sent by telephone, SMS or other form of electronic communication to the message number or address last specified by the director in the records of the District office for the electronic



delivery of communications to the director, or when deposited in the United States mail with postage fully prepaid, directed to the address last specified by the director in the records of the District office for the mailing of communications to the director.

**16-2 Public Notice.**

Public notice of all meetings shall be given to any citizen requesting such notice and shall be posted on the District website, the District's Twitter feed, the District's Facebook page, or in such other manner as the District determines from time to time to be reasonably calculated to give actual notice to interested persons, or a combination of the foregoing. Notice of public hearings or consideration of an ordinance shall be given in one or more newspapers of general circulation within the District.

**RULE 17. CONDUCT OF MEETINGS**

**17-1 Presiding Officer**

- a. The president, and in the president's absence, the vice-president, shall preside at meetings of the District directors. In the absence of both, the secretary shall preside, and in the absence of the other officers, the treasurer shall preside.
- b. The presiding officer shall vote on all matters and may make and second motions and participate in discussions and debate.
- c. The presiding officer shall be responsible to assure that order and decorum are maintained during all meetings of the Board. The president of the Board, when necessary, may appoint a sergeant-at-arms who shall have the responsibility to maintain order to enforce the rules of conduct, and to enforce the orders given by the presiding officer.
- d. Time for testimony by members of the audience at public hearings or any Board meeting may be limited or extended for each speaker and for each subject by the presiding officer or by majority vote of the members present. All questions and discussions by members of the audience shall be directed to the presiding officer.
- e. Direct discussion between members of the audience and Board members or District employees is permitted only at the discretion

of the presiding officer. Every person desiring to speak shall first address the presiding officer, and upon recognition, shall give his/her name and shall confine his/her comments to the issue under consideration.

**17-2 Quorum.**

Four (4) members of the Board shall constitute a quorum for the transaction of business.

**17-3 Rules.**

Robert's Rules of Order, Newly Revised shall be the parliamentary procedure for meetings of the District Board and committees except when a specific rule is provided by statute or an ordinance or resolution of the Board.

**17-4 Meetings to be Public.**

All meetings of the District Board and committees shall be subject to the appropriate open meetings laws of the State of Oregon. Said meetings of the District Board and committees shall be open to the public excepting executive sessions held pursuant to statute. A meeting may be held by telephone or other electronic communication, provided that, unless the meeting is an executive session, the District shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the District Board is present.

**17-5 Matters to be Considered.**

- a. **Regular Meetings.** At regular meetings and adjourned sessions of regular meetings, the Board of Directors can consider any matters they desire to consider, whether in the published agenda or not, except that an ordinance can only be considered at a regular meeting or an adjourned session of a regular meeting if consideration of that ordinance appeared in the published agenda for the regular meeting.
- b. **Special Meetings.** At special meetings only those matters shall be considered that were specified in the notice of the meeting.
- c. **Emergency Meetings.** At emergency meetings, only the emergency matters shall be considered.

**17-6 Manner of Voting.**

Voting on all matters coming before the Board shall be by voice, except that if the presiding officer doubts the result of a vote, in which case a show of hands or a roll call vote may be requested. Two directors may also request a call of the roll.

**17-7 Minutes.**

The secretary, or a person designated by the Board of Directors as Recording Secretary, shall keep a record of the proceedings and prepare minutes of the District Board meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law, but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- a. All members of the Board of Directors present.
- b. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
- c. The results of all votes and the vote of each director by name.
- d. The substance of any discussion on any matter.
- e. Subject to and without affecting the status of the document under ORS 192.410 to 192.505, a reference to any documents discussed at the meeting.
- f. Minutes of executive sessions shall be kept the same as the minutes of regular meetings, except that instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law. Material, the disclosure of which is inconsistent with the purpose for which an executive session is authorized to be held, may be excluded from disclosure unless otherwise ordered by a court under ORS 192.650(2).

**RULE 18. ORDINANCES**

**18-1 Publication of Agenda.**

- a. Except in an emergency, an ordinance shall not be considered or voted upon by the Board unless the ordinance is included in a published agenda of the meeting. The agenda of the meeting shall state the time, date and place of the meeting, give a brief description of the ordinance to be considered at the meeting, and state that copies of the ordinance are available at District offices. The District may also make copies of the ordinance available on its web site.
- b. The presiding officer shall cause a Notice of Proposed Ordinance to be published not more than ten days nor less than four days before the meeting, in one or more newspapers of general circulation. The notice shall include all information required by Rule 18-1 a.
- c. Ordinances shall be numbered consecutively each calendar year and filed in the order in which they are adopted.

**18-2 Adoption.**

- a. Except as provided in Rule 18-3, before an ordinance is adopted it shall be read during a regular meeting of the District Board and passed to the next regular meeting for second reading. The reading of an ordinance shall be full and distinct unless at the meeting:
  - 1. A copy of the ordinance is available for each person who desires a copy; and
  - 2. The Board directs that the reading be by title only.
- b. Except as provided by Rule 18-3, the affirmative vote of four (4) Board members is required to adopt an ordinance.

**18-3 Emergency Ordinance.**

An ordinance to meet an emergency may be introduced, read once and put on its final passage at a regular or special Board meeting, without being described in a published agenda, if the reasons requiring immediate action are described in the ordinance. The unanimous approval of all members of the Board present at the meeting, a quorum being present, is required to adopt an emergency ordinance.

**18-4 Signing and Filing.**

- a. **Non-Emergency Ordinance.**

1. Within seven days after adoption of an ordinance, the enrolled ordinance shall be:
  - a) Signed by the presiding officer;
  - b) Attested by the person serving as Recording Secretary at the session at which the Board adopted the ordinance; and
  - c) Filed in the records of the District.
2. A certified copy of each ordinance shall be filed with the Marion County Clerk, available for public inspection.

**b. Emergency Ordinance.**

In addition to all actions described in Rule 18-4a, the following actions are required:

1. Within fifteen days after adoption of an emergency ordinance, notice of the adoption of the ordinance shall be published in one or more newspapers of general circulation within the District. The notice shall:
  - a) Briefly describe the ordinance;
  - b) State the date when the ordinance was adopted and the effective date of the ordinance; andState that a copy is on file in the District offices and at the Marion County Clerk, available for public inspection.

**18-5 Effective Date.**

Except as provided by Rule 18-5b, an ordinance shall take effect on the 30th day after it is adopted, unless a later date is prescribed by the ordinance. If an ordinance is referred to the voters of the District, it shall not take effect until approved by a majority of those voting on the ordinance. An emergency ordinance may take effect upon adoption.

**RULE 19. RESOLUTIONS**

- a. The Board may, from time to time, choose to take action in the form of resolutions except in those cases where action in the form of ordinance is required by law.
- b. Resolutions shall be numbered consecutively each calendar year and filed in the order in which they are adopted.
- c. Resolutions may be adopted by the vote of the majority of the Board members present at any meeting at which a quorum is present.
- d. Resolutions must be signed by the presiding officer and attested by the

Board secretary, then filed in the records of the District.

**RULE 20. GENERAL MANAGER**

The General Manager shall attend all meetings and may participate in such meetings, but has no vote.

**RULE 21. SMOKING**

Smoking in the rooms where the Board of Directors or any committee meets is prohibited.

**RULE 22. COMMITTEES**

- a. The president, from time to time, or the Board, by majority vote of its members at any meeting, may appoint Board members and other interested private citizens and representatives of groups and organizations to serve on standing or special committees. At the time of appointment of such members, the president shall state the purpose and duties of the committee. Any committee authorized by the Board shall perform the duties prescribed by the Board at the time the committee was created and shall be subject to the direction and control of the Board. All committees shall have a chairperson elected as shown in Attachments A and B hereto. Recommendations of such committees shall be considered as advisory only.
- b. The purpose of each standing advisory committee, any conditions expressed by the District on the committee's organization or conduct, the membership and terms of appointment, and procedures for filling vacancies, shall be included as attachments to these bylaws.
- c. Except as may be specifically directed elsewhere in the bylaws, all provisions of these bylaws shall apply to committees and their meetings to the extent relevant, substituting "committee" for "Board", "committee members" for "directors", and "committee chairperson" for "president".
- d. All members of the Board and committees serve without compensation.
- e. Standing committees composed solely of members of the Board may not have more than three (3) members, and their sole purpose shall be to arrive at a specific recommendation for action to be taken by the full Board.

**22-1**

**Executive Committee.**

The president, vice president and treasurer shall serve on the Executive Committee. In the absence of a member of the Executive Committee the secretary may attend. The Executive Committee may meet at the discretion of the president to resolve any emergency policy or legislative issue that requires immediate action between regularly scheduled Board meetings. The Executive Committee is subject to the authority of the Board of Directors, and none of the acts of the Executive Committee shall conflict with action previously taken by the Board regarding the same subject. To the extent possible, such emergency actions should be deferred to a special meeting of the Board.

**22-2**

**Budget Committee.**

Pursuant to the requirements and provisions of Section 294.336 of Oregon Revised Statutes, a budget committee shall consist of the Board and a like number of qualified electors of the District who shall be appointed pursuant to the following:

- 1) Prior to the first meeting of the Budget Committee in any given year, vacancies in the office of appointive members of the committee shall be filled by appointment of the Board.
- 2) Appointments to the Committee may, at the discretion of the Board be made as follows:
  - a) The Board member representing the subdistrict of the vacancy may recommend to the Board the appointment of a qualified elector.
  - b) The Board member representing the subdistrict of the vacancy may call for applications for the Budget Committee.
  - c) Appointive members of the Budget Committee shall be appointed for terms of three years, and subsequently, upon recommendation of the Board members and subject to Board approval, may be reappointed to such position.

**RULE 23. AMENDMENT**

These bylaws, as adopted by the District, may be revised or amended at any regular or special meeting of the Board by a vote of the majority of the whole membership of the Board, except as otherwise provided in the bylaws; provided that copies of the proposed revisions or amendments shall have been available to each Board member at least one (1) week prior to the regular or special meeting at which proposed revisions or amendments are to be acted upon.

**RULE 24. INDEMNIFICATION**

- a. To the fullest extent provided by law, and except in the case of malfeasance in office or willful or wanton neglect of duty, the District shall defend, save harmless and indemnify every Board member, officer, employee and agent against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.
  
- b. Expenses include reasonable attorney's fees and costs of judgement or settlement. The District shall have the right to choose the attorney for whom services will be provided and compensation paid pursuant to this provision.
  
- c. Legal services and indemnification shall be provided by the District under this provision irrespective of whether or not the District is a party to the cause or itself subject to liability.

**This Resolution No. 2015-04, a Resolution Adopting Rules Governing Proceedings and Conduct of the Board of Directors of the Salem Area Mass Transit District, adopted by the Board of Directors on July 23, 2015, rescinds Resolution No. 90-1, adopted by the Board on January 25, 1990.**



## WHAT MAKES AN EFFECTIVE BOARD

Values and qualities that this Board feels are important and are agreed to

### Diligence & Commitment

- Diligence in attendance
- Diligence in homework
- Diligence in committee work
- Personal commitment
- Respond to requests from staff and other board members in a timely fashion

### Listening & Communicating With An Open Mind

- Open & honest in communication
- Thoughtful & open
- Allow diversity of view
- Listening to each other & stakeholders
- Issues thoughtfully considered

### Trust & Respectful Behavior

- Courtesy
- Awareness & concern for other members & for staff
- Egos left at the door
- Mutual respect
- Everyone's Ideas are heard
- Lack of malice
- Honesty

### Community Engagement

- Be open and inclusive in communications with the general public
- Active community representation for transit dialogue with the community
- Communicate directly with the board president or general manager on policy issues

### Efficient Conduct

- Staying focused & on subject
- Orderly procedures
- Patience
- Focus on task at hand
- Knowing & sharing priorities

### Team Work

- Willingness to share responsibilities
- Team focus
- Common goals
- Staff Engagement

### Leadership & Stewardship

- Knowledge & experience
- Willing to speak out
- Seeking creative solutions
- Educating self to issues
- Willingness to Take a Risk
- Long range view
- Effective board leadership
- Desire for action
- Ability to distinguish major from minor
- Willingness to challenge traditions
- Recognize the Board's role is policy not management
- Advocate for Board approved legislative agenda

**Board members agreed that “Sunshine” is important.**

Board will not “construct” a false public unity. Instead, Board members will make their case in public. However, it is fine to alert another Board member that there may be differences on an issues that will be discussed (heads up) so that no one feels blind sided at a meeting. It is a commonly held value that this group will share the debate with the public and everyone will benefit from understanding a Board member’s reasoning.

The Board agrees that after a decision has been made, that even those in opposition will support the agreed upon action publicly.

The Board agrees not to question each other’s motives or professionalism. If a Board member is not in attendance, he or she agrees to abide by decisions made by the Board in their absence. Assume the highest motivation—lack of malice.



# STRATEGIC PLAN

*August 2018*

# INTRODUCTION



## This Strategic Plan tells the Cherriots story.

For the Board of Directors, the plan serves as a guide for decision-making and planning for the future.

The plan also informs our community partners, stakeholders, and the general public about the District's goals and objectives.

While providing an overview of the District's operations, services, and programs, the plan translates the words of the Cherriots guiding principles – vision, mission, and values – into actions.

We have a vision and a mission and we know where we want to go – this is how we get there.

## This plan is divided into these sections:

1. Leadership Message
2. Guiding Principles
3. Strategic Priorities
4. Connecting People With Places: Looking Ahead
5. Board of Directors and Executive Leadership

Cherriots Board of Directors and the Executive Leadership Team meet annually to review the Strategic Plan, with attendant work plan, and update as appropriate.



# 1

## LEADERSHIP MESSAGE



Dear Friends of Cherriots:

For Oregon, this is an exciting and momentous time for public transportation.

In 2017, the state Legislature established a new dedicated source of funding for expanding public transportation service. Keep Oregon Moving, HB 2017, changes the transit landscape in our state. This is a historic, once-in-a-generation investment in Oregon's transportation system that will pay dividends for decades to come.

Most notably for us, the additional funding better positions Cherriots to help transform the region. Our vision is to make a positive difference by enhancing community livability through innovative and sustainable regional transportation options. We will live our vision by adding new service during the next several years, including weekend, later evening, and holidays; working with employers to grow the Group Pass Program; developing a plan for a youth bus pass program; and establishing programs that ensure our sustainable business and service delivery practices.

Equally important, the Mid-Willamette Valley needs a strong and robust Cherriots that is a partner in economic growth for the region. We do that by increasing access to jobs, shopping, and educational opportunities. We do that by providing businesses with access to a larger workforce. And we do that by assuring people that they will be able to access recreational, social, faith-based, and other activities, without the need of a car.

This plan identifies the strategic priorities and goals that support the District's vision, mission, values, and its brand promise to deliver a world-class customer experience. It identifies the actions that, based on the community's desire for enhanced public transportation, we will be taking during the next several years.

The Board will use this document to guide its decision-making and its work with community partners to improve community livability in the Mid-Willamette Valley.

Sincerely,

Robert Krebs  
President

Allan Pollock  
General Manager

# 2 GUIDING PRINCIPLES



A strong public transit system is the backbone of environmentally friendly and economically thriving communities. The Cherrriots vision, mission, and values represent the guiding principles for long-range transit planning.

## Vision

Making a positive difference by enhancing community livability through innovative, sustainable regional transportation options.

## Mission

Connecting people with places through safe, friendly, and reliable public transportation services.

## Values

**Safety** – We emphasize safety by providing safe, secure, and clean public areas and work sites.

**Service Excellence** – We serve the public, each other, and our community partners with friendliness, courtesy, empathy, respect, and dignity. We recognize that our customers, internal and external, are why we exist, and we take pride in the positive impact we make in their daily lives.

**Communication** – We promote an open and respectful culture that values candor. Cherrriots listens to its customers, community partners, and employees, actively engaging them in conversations.

**Innovation** – We encourage and respect new ideas from employees, partners, and the public. The District embraces innovation, environmentally responsible technology, and best practices.

**Accountability** – We hold ourselves accountable as stewards of public funds, community trust, and the environment. Cherrriots will honor this commitment with transparency, honesty, and integrity.



# 3

## STRATEGIC PRIORITIES



The Cherrits strategic plan has five priorities that reflect how the District realizes and practices its vision, mission, and values.

### Provide an Exceptional Customer Experience

The foundation of an exceptional customer experience is to receive a safe, friendly, and reliable ride. Cherrits will focus on the fundamentals. The District will provide clean and accessible bus stops, deliver reliable bus service, and assure customers can easily access the information they need in-person from customer service staff or online at **Cherrits.org**.

Cherrits continually looks for ways to attract new customers and expand the availability of public transit. To improve the customer experience, Cherrits will implement new technologies and strategies, including an electronic fare system and real-time bus tracking with computer-aided dispatch and automatic vehicle location (CAD/AVL).

Targeted outreach campaigns will make potential Cherrits customers aware of the advantages of public transit and that it is an attractive alternative to personal vehicles.

### Team Cherrits: Culture of Excellence

There's the "Nordstrom Way," the "Ritz-Carlton Way," and the "Southwest Airlines Way." Cherrits is committed to attaining a similar reputation for service excellence the Cherrits Way: Every Interaction, Every Customer, Every Day.

The culture of excellence mindset will extend to all community members, stakeholders, and fellow employees. Everyone on Team Cherrits will intuitively know their responsibilities for supporting a positive experience for both internal and external customers. Rather than "just doing a job," their work will be purposeful and meaningful because they are living the brand promise to deliver a world-class customer experience.

As an employer of choice, Cherrits fosters a culture where people feel valued, trusted, and heard in an environment where they know they can make a difference. By practicing servant leadership, Cherrits ensures its employees feel good about working for the District and want to continue to work here.

## Enhance Community Engagement

Good relationships with community partners are essential. Cherriots cannot respond to changing transit needs without the public's participation and confidence.

Cherriots will continue to build positive relationships with organizations, individuals, neighborhoods, decision-makers, businesses, and others. These relationships, both formal and informal, are the essential building blocks for effective transit growth. Building public trust and building understanding of the value of Cherriots is key to growing and delivering a robust public transit system.

Cherriots, as a taxpayer-funded special district, is committed to transparency and encourages public participation. Cherriots and the Board receive guidance and advice from three external committees: Special Transportation Fund Advisory Committee, Citizens Advisory Committee, and Statewide Transportation Improvement Fund Advisory Committee. The District will make good-faith efforts to keep the public informed with timely, accurate, and engaging communication. Cherriots has developed and is now executing a Community Communication Plan. The District also has formalized its public outreach mobilization plan, which assigns specific roles and responsibilities to the Board and Senior Leadership Team.

## Ensure Organizational Viability

Enhancing community livability with transportation services is a long-term ambition that requires responsible growth and cost-effective operations. Through its actions, Cherriots will demonstrate good stewardship of financial, capital, and human resources. Building public trust and understanding of the value of Cherriots is key to growing and delivering a robust public transit system.

Whether it's maintaining a balanced budget, planning for future facility needs, or investing in workforce development, Cherriots will continue to look ahead and adjust its strategy. The organization will meet community needs with cost-effective services.

## Be an Environmentally Responsible Organization

Riding the bus is one of the easiest ways to go green. A bus emits an estimated 33 percent lower greenhouse gas emissions per passenger mile than the average single-occupancy vehicle. But Cherriots is going a step further by improving the sustainability of its daily, in-house operations.

Cherriots has committed to the American Public Transportation Association's core sustainability principles: make sustainability a strategic objective; identify a sustainability champion; establish an employee outreach program; and conduct a sustainability inventory.

Cherriots formed a Sustainability Committee and its members established a purpose statement: To create a culture of environmental stewardship and promote sustainability in the community we serve by the incorporation of sustainable concepts into all functions of District activities. Cherriots will continue to investigate ways to improve the energy efficiency of its transit facilities and vehicles. District plans call for documenting current sustainable practices and developing policies for sustainable products and services purchasing. The District will also establish a Board-adopted environmental sustainability policy statement.

Because of Cherriots commitment to sustainable business practices, Marion County recognized the District as an EarthWISE Certified Business and honored it with a Mid-Valley Green Award.



# 4

## CONNECTING PEOPLE WITH PLACES: LOOKING AHEAD



### Cherriots will soon change the region's public transit service for the better.

Thanks to the state transportation package, Oregon House Bill 2017, Cherriots has a new funding source through a statewide employee payroll tax that took effect July 1, 2018. The funding will allow Cherriots to significantly expand its service, including weekend, holiday, and later evening.

### Gearing-up with new buses and technology

Cherriots recently placed more than \$8.4 million in orders for new buses. It's the District's largest equipment purchase in 15 years. The new buses, which are replacing vehicles driven past their recommended useful life, are expected to improve the fleet's reliability and on-time performance.

Before beginning any vehicle purchase process, Cherriots meets with the District stakeholders to analyze vehicle needs. During the analysis, staff considers low and no emissions vehicles as additions to the fleet to ensure alignment with the District's commitment to being an environmentally responsible organization.

Twenty new, 40-foot-long and 35-foot-long buses for Cherriots fixed-route service are expected to arrive in time for the launch

of expanded service in 2019. In addition, Cherriots purchased five new vehicles for its Cherriots LIFT service, and three new buses for Cherriots Regional.

Cherriots customers can look forward to several technology upgrades that will improve their transit experience: the first step is computer-aided dispatch and automatic vehicle location (CAD/AVL) systems, which will allow all buses to be tracked in real time. The technology allows customers with smart-phone transit apps to know when their bus will arrive. Once the CAD/AVL solution is fully implemented, staff can track buses and make adjustments to help them arrive at the bus stop on time.

Additionally, customers will be able to pay their fare electronically with a smart phone or fare-card. The customer's smart phone essentially functions like a day or monthly pass and doesn't charge for additional rides. The improvements in technology will create a more convenient and efficient experience for the customer.



## Building connections

Cherriots will not only add more bus service in the next few years, it will continue to improve connectivity with other transit agencies. The effort builds on the transit agency's goal of helping Mid-Willamette Valley residents travel to cities throughout the region.

Thanks to Route 1X, a service jointly operated by Cherriots and the South Metro Area Regional Transit (SMART) in Wilsonville, the trip between Salem and the Portland metropolitan area is covered. Each workday, hundreds of rides are taken on Route 1X to make the commute up and down the I-5 corridor.

Cherriots is currently involved in a study with transit agencies in Canby and Woodburn to improve bus service along the 99E corridor between Salem and Oregon City.

Cherriots also has talked with Yamhill County Transit and Albany Transit System about coordinating bus schedules and closing gaps in service so that customers can reach more destinations.

## Growing region, changing transit needs

The West Salem Transit Center and the Keizer Transit Center allow several routes to come together at a convenient location to make easy and comfortable transfers between routes for customers.

The transit agency is in the process of developing a new transit center in south Salem in the 5200 block of Commercial Street. These transit centers allow Cherriots to design routes that better serve neighborhoods and provide convenient connections to popular destinations.

Cherriots is improving bus stops throughout its entire system to remove barriers that make it difficult for people to access the bus, especially for people with disabilities, those who use assisted mobility devices, and families with young children.

Within the boundaries of the Salem-Keizer area, Cherriots established its core network to encourage the development of transit-friendly communities.

A core network is a set of transit corridors where Cherriots has committed to providing stable service with a focus on frequency and reliability. By establishing a sense of permanency and a commitment to provide high-quality service in these areas for the long term, the core network signals to customers, business owners, city staff, and local government where to locate and build if they want to center themselves and their businesses around transit service.



## Cherriots Regional, Polk County Flex

For commuters headed to Salem, as well as those needing a ride between small communities in Marion and Polk counties, Cherriots Regional provides local residents an alternative to driving their own car.

The District has adopted service improvements for Cherriots Regional such as providing more frequent service to some communities. The Polk County Flex, for example, is an option for customers who are only traveling to destinations within Dallas, Independence, and Monmouth.

Cherriots Regional takes passengers as far west as Dallas and as far east as the Santiam Canyon. Other destinations include Woodburn, Mt. Angel, Silverton, Stayton, Monmouth, and Independence.





District area partners include Tillamook County Transportation District, Yamhill County Transit, Canby Area Transit, South Metro Area Regional Transit, and Woodburn Transit System. They connect with Cherriots and Cherriots Regional to provide service to Grand Ronde, Lincoln City, McMinnville, Amity, Woodburn, Wilsonville, and Canby.

## Cherriots LIFT

Origin-to-destination paratransit service provides rides to those who are unable to access regular bus service. Cherriots LIFT picks up customers at their homes, or other specified locations, and takes them to their destinations. The service meets Americans with Disabilities Act requirements to provide complementary paratransit service to eligible people within Salem and Keizer. To comply with ADA, Cherriots LIFT operates the same hours and within the same service area as the District's fixed-route buses.

## Cherriots Shop and Ride

Shop and Ride includes both a shopper shuttle and origin-to-destination service for seniors and individuals with disabilities. The shopper service takes customers to designated stores in Salem and Keizer where they can buy groceries and household items. With the destination service, customers can reserve rides to go anywhere within the Salem-Keizer urban growth boundary.





## Travel Training

Cherriots provides a free travel training program to turn tentative travelers into confident transit users. This instructional program, which is available on an individual basis or in a group setting, is open to everyone.

The training covers topics such as planning trips, transferring between buses, paying bus fare, and boarding the bus using a mobility device. Travel trainers are available to ride along with customers who are unsure of their ability to use public transit.



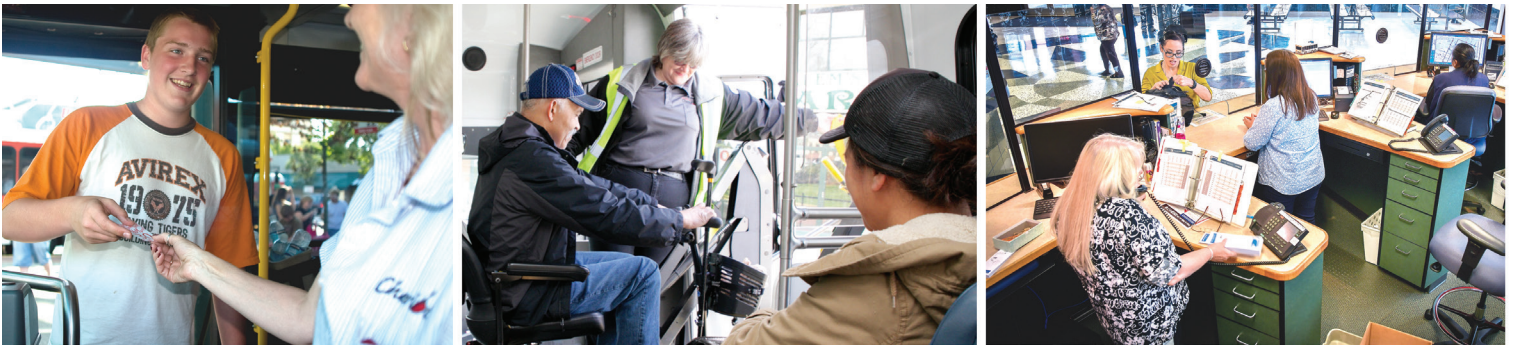
## Cherriots Trip Choice

When it comes to sustainable transportation in the Mid-Willamette Valley, the Cherriots buses are just one solution. Carpools, vanpools, bikes, and walking shoes are also important.

That's where Cherriots Trip Choice comes in. In addition to carpool and vanpool ride matching, Cherriots Trip Choice supports biking, walking, and other initiatives to reduce traffic on the roads in the Mid-Willamette Valley.

Cherriots Trip Choice plans to increase its outreach programs in Marion, Polk and Yamhill counties. Outreach programs will also educate youth and those with limited English proficiency about their transportation options.





## About the District

Founded in 1979, Cherriots is the operating name for the Salem Area Mass Transit District. Cherriots is a special district funded predominantly by local property taxes, state funds, and Federal Funds. The District's workforce includes nonrepresented employees and members of Amalgamated Transit Union Local 757, which represents transit operators and maintenance workers.

The population of the Salem and Keizer urbanized area is about 236,000 and the population of the overall Cherriots service area is about 410,000. Cherriots provides local, regional, and paratransit services in Marion and Polk counties. Fixed-route service is provided by 64 buses, powered by compressed natural gas or biodiesel fuel. Regional service is provided by 12 buses; paratransit service with 43 vehicles; and shopper shuttle service with five vehicles.

In Fiscal Year 2017, annual Cherriots ridership among all services was just over 3.2 million, averaging 13,000 rides per day. Cherriots expects its ridership will steadily increase with expanded bus service and growth in the region.

## Governance

The Cherriots Board of Directors establishes priorities, evaluates the performance of the transit system, and adopts budgets. The seven-member, publicly elected Board also works with community members to improve bus service and address transit-related issues.

Three external committees provide advice to the Board: Special Transportation Fund Advisory Committee, Citizens Advisory Committee, and Statewide Transportation Improvement Fund Advisory Committee.

With recent changes in Oregon law, seats on the Board will become governor-appointed positions starting in July 2019.

## Rebranding to Ensure Relevance

Even though the Cherriots brand was firmly established, it had become outdated. The goal was not to eliminate or diminish the brand value that had been developed over the years, but to update it to stay relevant.

The old brand did not reflect Cherriots evolution or help tell its story. Cherriots provides a complex group of mobility services and programs. Research, however, confirmed that among the general public there was a low level of awareness that these services were all connected to the District.

This brand revitalization will create a stronger connection between the Cherriots name and visual identity. Through the brand refresh, Cherriots will be able to tell its story more broadly so that people will know about the resources, support, and services the District brings to the community.





## The Future

The future holds much promise and opportunity. In order for Cherriots to provide a world-class customer experience, it must adapt to today's complex and ever-changing mobility landscape.

Technology is transforming how people view mobility. The ability to use a mobile device to schedule and pay for a trip is changing the way people move about their community.

The Cherriots of the future is more than a bus system. It will be a mobility integrator where a customer's journey is planned and paid for through a single technology application, regardless of service provider, as the person moves through the Mid-Willamette Valley.

The concept of shared modes, linking a total trip that might include bikesharing, carsharing, TNC's (transportation network companies), and the bus, is becoming the norm.

In fact, a recent study by the American Public Transportation Association identified these key findings:

- That the more people use shared modes, the more likely they are to use public transit, own fewer cars, and spend less on transportation overall.
- Shared modes complement public transit, enhancing urban mobility.
- Shared modes will continue to grow in significance, and public entities should identify opportunities to engage with them to ensure that benefits are shared widely and equitably.
- The public sector and private operators are eager to collaborate to improve paratransit service using emerging approaches and technology.

Cherriots will lead the effort between public and private entities to ensure there is a robust, coordinated network of mobility options throughout the Mid-Willamette Valley.

In order for a multimodal lifestyle to be successful in the Mid-Willamette Valley, a robust public transportation service is critical.

Cherriots is making strategic decisions to move in that direction.



*Aspiring Transit Operator*

# 5

## BOARD OF DIRECTORS AND EXECUTIVE LEADERSHIP



### Fiscal Year 2018-2019

#### Board of Directors

Steve Evans, Vice-President	Subdistrict 1
Colleen Busch, Secretary	Subdistrict 2
Kathy Lincoln	Subdistrict 3
Doug Rodgers	Subdistrict 4
Jerry Thompson	Subdistrict 5
Robert Krebs, President	Subdistrict 6
Marcia Kelley, Treasurer	Subdistrict 7

#### Executive Leadership Team

Allan Pollock	General Manager
David Trimble	Chief Operating Officer
Steve Dickey	Director of Transportation Development
Paula Dixon	Director of Administration
Patricia Feeny	Director of Communication
Al McCoy	Director of Finance/CFO

