

## **CHAPTER 18 – ROUTE, SCHEDULE AND FARE CHANGES**

18.05 **Purpose.** The purpose of this Chapter is to comply with Chapter 799, Oregon Laws 1987, Section 10, which requires mass transit districts to “adopt by ordinance procedures relating to route, schedule and fare changes that are consistent with applicable federal regulations relating to Section 5 (i) (3) of the Urban Mass Transportation Act of 1964, as in effect prior to October 10, 1986”. The applicable regulations are found at 49 CFR, Parts 635.1 through 635.11 (10-1-86 Edition).

*(18.05 added by Ordinance No. 160, Section 1)*

### **18.10 Definitions.**

- A. A “transit route” is a route over which a transit vehicle travels which is specifically labeled or numbered for the purpose of picking up or discharging passengers at regularly scheduled stops and intervals.
- B. A “transit route mile” is a distance of one statute mile along a route regularly traveled by transit vehicles while available for the general public to carry passengers. The length of a route is the round trip distance traveled in traveling completely over the route and returning to the starting point to begin another circuit of the route. If a route is only defined in one direction, then this one-directional distance is the route length.
- C. A “transit revenue vehicle mile” is a distance of one statute mile traveled while a transit vehicle is available to the general public to carry passengers.
- D. “Ridership” means the number of unlinked revenue passenger trips carried. An unlinked passenger trip does not include any transfers. (A single trip by a transit user involving three vehicles and using two transfers is three unlinked passenger trips.)
- E. A “service change” is any modification of transit service resulting in the physical realignment of a transit route, or a change in the type, frequency of service, or number of revenue vehicle miles provided in a specific, regularly scheduled transit route.
- F. “Experimental service change” is an addition of service to an existing transit route, or the establishment of a new transit route.

*(18.10 added by Ordinance No. 160, Section 2)*

### **18.15 When hearing is required.**

A. Except as provided elsewhere in this ordinance, a hearing must be held when:

- (1) There is a change in any fare;
- (2) There is any change in service of:
  - (a) 25 percent or more of the number of transit route miles of a route; or

- (b) 25 percent or more of the number of transit revenue vehicle miles of a route computed on a daily basis for the day of the week for which the change is made; or
- (3) A new transit route is established.
- B. Reduced or free promotional fares which are instituted on a daily basis or periodically within a period of 180 days are exempt from the public hearing requirement.
- C. If a number of changes on a route in a fiscal year add up to the percentages in TMC18.15A, a hearing must be held prior to the last change.
- D. Headway adjustments of up to 5 minutes during peak hour service, and up to 15 minutes during non-peak hour service, are exempt from the public hearing requirements.
- E. Standard seasonal variations are exempt from the public hearing requirement unless the number, timing or type of standard seasonal variations change.
- F. In an emergency situation, a service change may be implemented immediately without a public hearing being held. A public hearing on the emergency change must be held if the emergency change is to be in effect for more than 180 days and if the change meets the test of TMC18.15A(2) or TMC18.15A(3). Examples of emergency service changes include but are not limited to those made because of a power failure for a rail or fixed guideway system, the collapse of a bridge over which bus routes pass, major road or rail construction, or inadequate supplies of fuel.
- G. Experimental service changes may be instituted for 180 days or less without a public hearing being held. The public hearing on an experimental service change is required if the experimental service change remains in effect for more than 180 days and if the change meets the tests of TMC 18.15A(2) or TMC 18.15A(3). The hearing may be held prior to the institution of, or during the period of the experimental service change and will satisfy the requirement for a final public hearing if the hearing notice required by TMC 18.20 states that the experiment may become permanent at the end of the experimental period. If a hearing is not held prior to or during the period of the experimental service change, the service that existed prior to the change must be reinstated at the end of 180 days and a public hearing held in accordance with TMC 18.20 before the experimental service may be continued.

*(18.15 added by Ordinance No. 160, Section 3)*

## **18.20 Hearing Requirements.**

- A. Prior to the institution of a fare change or to a service change that falls within the levels established in TMC 18.15, a notice of intent to hold the public hearing shall be published in newspaper of general circulation in the urbanized area. The notice must also be published in newspapers oriented to specific groups or neighborhoods that may be affected.
- B. The notice must be published in accordance with statutory timelines for ordinance adoption set forth at ORS 198.540 (i.e., not more than 10 days nor less than four days before the meeting).

Additional notice beyond that mandated by statute may also be given when it would be in the public interest to do so (e.g., 30 days notice or increased publication).

- C. The notice must contain: (1) A description of the contemplated service changes, or the fare change, as appropriate, and (2) the time and place of the hearing. If a hearing required by TMC18.15C is held, the notice must describe the last change being contemplated, and the prior changes that were made.
- D. If a fare change or substantial service change is mandated by the Federal Transit Administration or its equivalent, the state legislature or other public legislative body, the public hearing requirement may be satisfied if the public is afforded the opportunity to appear before these bodies to present their views. TriMet shall also appear before these bodies to present its views concerning the proposed fare or service change. The requirements of TMC 18.20A–18.20C must be followed for any such hearing conducted by TriMet.
- E. Prior to the Board taking final action on a fare or service change requiring a public hearing, public comment received by TriMet in accordance with its timelines and procedures (whether via email, fax, regular mail, hand delivery or orally) will be provided to the Board for consideration. In its discretion, TriMet may summarize the public comments before their submission to the Board, provide them directly to the Board in the form received, or may forward transcripts of public hearings at which public comment was received to the Board for its consideration. Written minutes of Board meetings at which public hearings on fare or service changes have been held prior to the date of the Board’s final action, shall be provided to the Board for consideration before such final action is taken.

*(18.20 added by Ordinance No. 160, Section 4)*

18.25 **Enforcement.** Any person affected by a decision of the TriMet Board of Directors which may be subject to these procedures may (1) request that the Board reconsider that decision, or (2) commence suit in the Circuit Court for Multnomah County for the purpose of requiring compliance with the ordinance, prevention of violations or to determine its applicability. The court may order such equitable relief as it deems appropriate under the circumstances, but a decision shall not be voided if other equitable relief is available. This section shall be the exclusive remedy for any violation of this ordinance.

*(18.25 added by Ordinance No. 160, Section 5)*

18.30 **Title VI Equity Analysis.** An equity analysis of the impact of any fare, route, or service level change on low-income and minority populations (Title VI populations) shall be conducted in accordance with Federal Transit Administration or equivalent federal guidance and TriMet’s Title VI policy. The analysis will be documented in a Title VI report which shall be provided to the Board during the first reading of any fare, route, or service level change under consideration.