

Date: January 27, 2021

To: Board of Directors

From: Doug Kelsey

Subject: ORDINANCE NO. 360 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) ESTABLISHING ROSA PARKS DAY AND REVISING TRIMET CODE CHAPTER 19 (SECOND READING)

1. Purpose of Item

This Ordinance requests that the TriMet Board of Directors (Board) adopt an amendment to TriMet Code Chapter 19, governing the fares charged for transit service, establishing a Rosa Parks Day each year on her February 4 birthday, and revising, reorganizing and updating the Fare Code. The amendment will not increase any currently established fares.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Ordinance

3. Reason for Board Action

TriMet fares and fare instruments are set forth in the TriMet Code, and the TriMet Code may be amended only by adoption of an ordinance.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading

5. Background

As explained below, this Ordinance incorporates Rosa Parks Day into Chapter 19 of the TriMet Fare Code, and amends Chapter 19 by updating and reorganizing it to provide more clarity, eliminate redundancies and make it more logical and understandable.

This Ordinance amends the Fare Code at Chapter 19.10 to establish Rosa Parks Day, which will occur each year on her birthday, February 4. Rosa Parks Day is intended to honor Rosa Parks' courageous assertion of equal rights for African Americans, when she was arrested for refusing to give up her seat in a "whites only" section of a Montgomery, Alabama bus in violation of City ordinance and Alabama state law, on December 1, 1955. Her refusal to comply with Montgomery's segregation law was a dramatic act in opposition to institutional and systemic racism, and catalyzed a boycott of the Montgomery bus system by tens of thousands of riders for over a year, led by Dr. Martin Luther King, Jr.

The boycott led to the filing of a federal civil rights legal action based on Reconstruction-era statutes and the 14th Amendment to the Constitution. On November 13, 1956, the United States Supreme Court ruled that Montgomery's segregation law was unconstitutional, and on December 20, 1956, City officials were ordered to desegregate Montgomery's buses.

Rosa Parks is widely considered the "Mother of the Freedom Movement" and the "First Lady of Civil Rights," because her refusal to surrender her seat inspired the boycott and the Civil Rights movement that ultimately resulted in the removal of numerous legal barriers against African Americans in this country.

On January 22, 2020, the Board passed Resolution No. 20-01-08 in order to honor Rosa Parks' heroic action and the Civil Rights movement she encouraged, declaring that her February 4, 2020 birthday would be a day to acknowledge her historic role. That Resolution also declared that, in honor of Rosa Parks, TriMet would not collect fares on the following Rosa Parks Day, February 4, 2021.

This Ordinance implements the Board's declared intent by establishing every future February 4 as Rosa Parks Day, during which fares will not be collected from transit riders. The Ordinance makes TriMet's recognition of Rosa Parks' actions more permanent by incorporating Rosa Parks Day in the TriMet Fare Code.

The balance of this Ordinance is predominantly administrative. In the nature of a housekeeping measure, the Ordinance reorganizes, revises and updates the current Fare Code at Chapter 19, so that the Code reflects current practices. This is accomplished by deleting the current Chapter 19 in its entirety and replacing it with the amended and revised Chapter 19. The amended version of Chapter 19, including the new provision for a Rosa Parks Day at Section 19.10, is attached hereto as Exhibit A. A redline version of the Fare Code, showing the edits, revisions, deletions and reorganizations of Chapter 19, is attached hereto as Exhibit B.

No fare increases are set forth or contemplated by the amendments to Chapter 19 made by this Ordinance. Because there is no discriminatory impact to any transit rider as a result of the amendments to the Fare Code, no Title VI analysis of the effects of the Ordinance is necessary or appropriate.

The revisions to the Fare Code made by this Ordinance, beyond the addition of Rosa Parks Day, are summarized below:

- "Service Day" is defined. "Service day" was not defined in the current Fare Code but is referenced throughout the document.
- "eFare" is defined and distinguished. Electronic fare media were not identified in the current Fare Code. The revisions distinguish among fare types and passes for eFare reloadable cards and eFare single use tickets (those distributed via ticket vending machines or bus).
- Fare Code sections are repositioned without removal of any section. The current Fare Code had added and revised sections in a manner that was not logical or categorized for easy reading and identifying. The revised Code constitutes a complete structural overhaul of all sections.

- Fare types are consolidated and new categories/headers are created to replace missing headers and to provide easier reading and grouping, as follows:
 - a. Event Passes.
 - b. Employer Annual Pass Fare Programs.
 - c. Non-Employer Pass Programs.
- Language allowing TriMet to increase employer contracts mid-year in the event of a mid-year fare increase was eliminated as unnecessary.
- A consolidated section describing all pass program fare instruments was created. The current Fare Code repeated this information in every program section; the revised Fare Code now contains one dedicated section providing this information.
- The fare instrument language for the Select Term Pass Program was updated to eliminate references to “stickers” and personalized cards. This revision was necessary due to transient student populations at several educational institutions, and the lack of resources for and feasibility of printing and issuing personalized cards at these institutions.
- The LIFT fare policy was updated. The current Fare Code does not accurately state our LIFT policy and has not been updated for compliance with the Hop system. Further, Hop validators are not present on LIFT transit vehicles. As shown on the attached Exhibit C, the changes to the Fare Code pertaining to LIFT services were previously approved by the CAT.

6. Financial/Budget Impact

There will be no financial or budgetary impact as a result of the reorganization and updating of the current TriMet Code pertaining to fares. However, the estimated lost fare revenue for observing Rosa Parks Day on February 4, 2021 will be approximately \$57,000.

7. Impact if Not Approved

The Board may choose not to conduct a first reading for the Ordinance at its December 9, 2020 meeting, but this option is not recommended. Without the First Reading, the Board will not be able to proceed with the Second Reading of the Ordinance during its January 27, 2021 meeting, thus preventing the Ordinance from taking effect in February 2021.

ORDINANCE NO. 360

**ORDINANCE NO. 360 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) ESTABLISHING
ROSA PARKS DAY AND REVISING TRIMET CODE CHAPTER 19
(SECOND READING)**

The Board of Directors of the Tri-County Metropolitan Transportation District of Oregon (TriMet), pursuant to Oregon Revised Statutes Chapter 267, after providing the opportunity for public testimony, does hereby ordain and decree the following Ordinance:

Section 1- Amendment of TriMet Code Chapter 19

TriMet Code Chapter 19 – Fares is amended and replaced in its entirety, as set forth in the attached Exhibit A.

Section 2- Effective/Operative Date

This Ordinance No. 360 shall take effect thirty days after its adoption.

Dated: January 27, 2021

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency

Gregory E. Skillman
Legal Department