

# Senate Bill 828

Sponsored by Senator MONNES ANDERSON, Representative FLORES; Senators AVAKIAN, BURDICK, METSGER, MORRISETTE, Representatives BERGER, BOQUIST, BRUUN, C EDWARDS, ESQUIVEL, JENSON, LIM, OLSON, RILEY, G SMITH (at the request of Darla Sturdy in memory of Aaron Wagner-Sturdy)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires that operator of or individual in charge of certain mass transit equipment or facilities owned or operated by Tri-Met contact 9-1-1 emergency reporting system before contacting mass transit system dispatch operator when emergency arises.

## A BILL FOR AN ACT

Relating to mass transit emergencies; creating new provisions; and amending ORS 238.690, 267.010, 267.080, 267.085, 267.097, 267.107 and 267.410.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1. Section 2 of this 2007 Act is added to and made a part of ORS 267.010 to 267.390.**

**SECTION 2. (1) If an emergency arises on mass transit system equipment that is owned or operated by Tri-Met and used for the movement of passengers, the equipment operator shall contact a 9-1-1 public safety answering point directly before contacting the mass transit system dispatch operator.**

**(2) If an emergency arises in mass transit system facilities that are owned or operated by Tri-Met and used as a collection area for passengers or their vehicles, the individual in charge of the facilities shall contact a 9-1-1 public safety answering point directly before contacting the mass transit system dispatch operator.**

**(3) As used in this section:**

**(a) "Emergency" means:**

**(A) An incident that presents the risk of actual or threatened serious physical injury to an individual;**

**(B) An apparent urgent medical situation;**

**(C) An equipment malfunction that places individuals at risk of injury or harm and requires intervention by law enforcement or fire and rescue personnel; or**

**(D) Any other situation in which the equipment operator or the individual in charge of the facilities reasonably believes that intervention by law enforcement or fire and rescue personnel is needed.**

**(b) "Public safety answering point" has the meaning given the term in ORS 401.710.**

**SECTION 3. ORS 267.010 is amended to read:**

267.010. 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

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 of whatever nature owned, used, constructed, maintained, controlled or operated to provide mass  
 2 transportation for passengers or to provide for the movement of people, including park-and-ride  
 3 stations, transfer stations, parking lots, malls, and skyways, provided that nothing contained herein  
 4 shall limit the power of a city to exercise its general powers over or provide such stations, lots,  
 5 malls, or skyways.

6 (4) “[*Standard*] Metropolitan statistical area” means an area designated [*and published by the*  
 7 *United States Bureau of the Budget as a standard*] **by the United States Office of Management**  
 8 **and Budget as a metropolitan statistical area.**

9 (5) **“Tri-Met” means the Tri-County Metropolitan Transportation District of Oregon, a**  
 10 **mass transit district created under this chapter.**

11 **SECTION 4.** ORS 267.080 is amended to read:

12 267.080. As provided by ORS 267.010 to 267.390, a mass transit district may be created in [*any*  
 13 *standard*] a metropolitan statistical area for the purpose of providing a mass transit system for the  
 14 people of the district. Except as otherwise provided in ORS 267.107 (2)(c), the territorial jurisdiction  
 15 of the district may include all territory within the geographic boundaries of every Oregon county  
 16 in that [*standard*] metropolitan statistical area.

17 **SECTION 5.** ORS 267.085 is amended to read:

18 267.085. (1) In addition to and not in lieu of other actions authorized for the initiation of pro-  
 19 ceedings to form a mass transit district, the governing body of the most populous city in a  
 20 [*standard*] metropolitan statistical area may by resolution propose formation of a mass transit dis-  
 21 trict, if that city has a local transit system and if the governing body finds that area-wide mass  
 22 transit needs cannot be met by local transit operation. The resolution of the governing body shall  
 23 be addressed to and filed with the county board of the principal county and proceedings conducted  
 24 as provided by ORS 198.705 to 198.955.

25 (2) A certified copy of the order forming a mass transit district shall be filed with the Governor.

26 **SECTION 6.** ORS 267.097 is amended to read:

27 267.097. Before appointing a director to the board of a district situated in a [*standard*] metro-  
 28 politan statistical area with a population exceeding 400,000, the Governor shall solicit from each  
 29 city and county located wholly or partly within the subdistrict for which the appointment will be  
 30 made recommendations of qualified individuals for the position.

31 **SECTION 7.** ORS 267.107 is amended to read:

32 267.107. Notwithstanding ORS 267.085:

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

36 (2) The resolution of the governing body shall:

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

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

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

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

44 (3) Upon receipt of the resolution under subsection (2) of this section the county governing body  
 45 shall commence district formation proceedings as provided in ORS 198.705 to 198.955 and 267.108.

1       **SECTION 8.** ORS 267.410 is amended to read:

2       267.410. ORS 267.300, 267.380 and 267.410 to 267.430 apply only to a mass transit district situated  
3 in a [*standard*] metropolitan statistical area with a population exceeding 400,000.

4       **SECTION 9.** ORS 238.690 is amended to read:

5       238.690. (1) A retirement plan which has been adopted by a mass transit district organized under  
6 ORS 267.010 to 267.390 situated in a [*standard*] metropolitan statistical area with a population ex-  
7 ceeding 400,000, may be integrated with, or the district may become a participant in, the Public  
8 Employees Retirement System in the manner prescribed in subsection (2) of this section.

9       (2)(a) A proposed form of contract setting forth all the terms, conditions and provisions of the  
10 integration or participation shall be a mandatory subject of bargaining subject to the provisions of  
11 ORS 243.650 to 243.782.

12       (b) The proposed contract shall be submitted to a vote of the employees of the mass transit  
13 district, or the members of the affected bargaining unit of the applicable labor organization, and the  
14 board of directors of the mass transit district. In submitting a proposed contract to its members, the  
15 labor organization shall follow the procedure provided in its bylaws for the promulgation and  
16 adoption of bylaws.

17       (c) Adoption by the employees or members of the affected bargaining unit of the applicable labor  
18 organization of the proposed contract of integration or participation shall be by an affirmative vote  
19 of not less than two-thirds of the affected employees or active members of the affected bargaining  
20 unit of the applicable labor organization at the time of the election.

21       (d) The proposed contract so formulated, approved and adopted shall be submitted to the Public  
22 Employees Retirement Board. The board may exercise its authority to negotiate and enter into a  
23 contract with the mass transit district that would accomplish the integration or participation with-  
24 out adversely affecting the current operational and capital requirements of the mass transit district.  
25 The board shall not enter into any contract that prevents those adverse effects by adjusting the  
26 level of benefits received by any of the employees of the mass transit district.

27       (e) No contract of prospective participation shall in any way alter, impair or adversely affect  
28 any rights, benefits or privileges which have vested under the provisions of law or collective bar-  
29 gaining agreement in an employee of a mass transit district by virtue of retirement, either on ac-  
30 count of disability or on account of having attained the retirement age, prior to the effective date  
31 of the contract of integration or participation.

32       (f) When a public employer enters into a contract with the board under this section, the public  
33 employer shall agree to eventually extend coverage under this chapter to all eligible employees of  
34 the employer through subsequent contracts with the board.

35       (3) For the purposes of this section, “[*standard*] metropolitan statistical area” has that meaning  
36 given in ORS 267.010.

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