

# House Bill 3121

Sponsored by COMMITTEE ON TRANSPORTATION POLICY (at the request of Transportation Justice Alliance, ATU 757, OPAL Environmental Justice Oregon, Native American Youth and Family Center, Coalition of Communities of Color)

## 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 Governor to consult with metropolitan planning organization before appointing director to board of certain mass transit districts.

Increases number of directors on boards of directors of certain mass transit districts to 11 from seven. Establishes knowledge and experience requirements for additional directors.

Declares emergency, effective on passage.

## A BILL FOR AN ACT

1  
2 Relating to governance of mass transit districts; creating new provisions; amending ORS 267.010,  
3 267.090, 267.095 and 267.097; and declaring an emergency.

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

5 **SECTION 1.** ORS 267.097 is amended to read:

6 267.097. Before appointing a director to the board of a district situated in a metropolitan sta-  
7 tistical area with a population exceeding [*400,000*] **350,000**, the Governor shall:

8 (1) Solicit from each city and county located wholly or partly within the subdistrict for which  
9 the appointment will be made recommendations of qualified individuals for the position[.]; **and**

10 (2) **Consult with a metropolitan planning organization, as defined in ORS 197.629, that is**  
11 **operating in any part of the district, if such an organization exists.**

12 **SECTION 2.** ORS 267.010 is amended to read:

13 267.010. As used in ORS 267.010 to 267.390, unless the context requires otherwise:

14 (1) "District" means a mass transit district established under ORS 267.010 to 267.390.

15 (2) "District board" or "board" means the board of directors of a district.

16 (3) **"Frequent user of mass transit services" means an individual who uses mass transit**  
17 **services at least 40 times per month on average.**

18 [(3)] (4) "Mass transit system" or "transit system" means the property, equipment and improve-  
19 ments of whatever nature owned, used, constructed, maintained, controlled or operated to provide  
20 mass transportation for passengers or to provide for the movement of people, including park-and-ride  
21 stations, transfer stations, parking lots, malls and skyways, provided that nothing contained  
22 [*herein*] **in this subsection** shall limit the power of a city to exercise its general powers over or  
23 provide such stations, lots, malls or skyways.

24 [(4)] (5) "Metropolitan statistical area" means an area designated by the United States Office  
25 of Management and Budget as a metropolitan statistical area.

26 (6) **"Occasional user of mass transit services" means an individual who uses mass transit**  
27 **services at least five times per month on average.**

28 (7) **"Regular user of mass transit services" means an individual who uses mass transit**

**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 **services at least 20 times per month on average.**

2 **SECTION 3.** ORS 267.090 is amended to read:

3 267.090. Except as provided in ORS 267.112:

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

9 (2)(a) The board of directors of a mass transit district shall consist of [*seven*] **11 members as**  
10 **described in this subsection.**

11 (b) **The Governor shall appoint** one director [*shall be appointed*] from each of seven subdis-  
12 tricts. The Governor shall appoint as one of the directors a person who [*regularly uses the services*  
13 *provided by a mass transit system*] **is a frequent user of mass transit services. All other direc-**  
14 **tors appointed under this paragraph must be occasional users of mass transit services.** Di-  
15 rectors [*shall*] **must** reside in the subdistrict from which they are respectively appointed. The  
16 subdistricts shall be as nearly equal in population as possible based on the latest federal **decennial**  
17 census and shall be designed to ensure representation of the most populous city, other cities and  
18 unincorporated territory in the proposed district proportionate to their respective populations pro-  
19 vided that if less than the entire district is taxed by the district, the subdistricts shall be wholly  
20 within the taxed area. The district or, if the taxed area is less than the entire district, the taxed  
21 area shall be divided into subdistricts initially, and after each succeeding federal **decennial** census,  
22 by the Secretary of State.

23 (c) **The Governor shall appoint four directors at large as described in this paragraph.**  
24 **Directors appointed under this paragraph must reside in a mass transit district and be**  
25 **qualified as follows:**

26 (A) **One director must be a person under 30 years of age. The director must be a regular**  
27 **user of mass transit services and must demonstrate sufficient experience and knowledge to**  
28 **promote the interests of students and young persons who use mass transit services in the**  
29 **district.**

30 (B) **One director must be an active member of a labor organization that represents em-**  
31 **ployees of the mass transit district. The board of directors may, by rule, establish procedures**  
32 **to avoid conflicts of interest relating to board approvals of collective bargaining agreements**  
33 **between the district and the labor organization. Such procedures may include exclusion of**  
34 **the director appointed under this subparagraph from voting on such approvals. The Governor**  
35 **shall consult with a labor organization that represents employees of the mass transit district**  
36 **before appointing the director described in this subparagraph.**

37 (C) **One director must be a person with a disability. The director must be a regular user**  
38 **of mass transit services and must demonstrate sufficient experience and knowledge to pro-**  
39 **motivate the interests of persons with disabilities who use mass transit services in the district,**  
40 **including paratransit services.**

41 (D) **One director must be a person who is a regular user of mass transit services and**  
42 **who demonstrates sufficient experience and knowledge to promote the interests of minority**  
43 **and low-income communities within the district that may be affected by decisions made by**  
44 **the board. The Governor shall consult with the Environmental Justice Task Force estab-**  
45 **lished under ORS 182.538 before appointing the director described in this subparagraph.**

1       **(d) It is the intent of the Legislative Assembly that the directors appointed under para-**  
2 **graph (c) of this subsection represent and promote the interests of specific constituencies**  
3 **historically marginalized or excluded from decision-making regarding public transportation.**

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

9       (4) All appointments of members of the board by the Governor are subject to confirmation by  
10 the Senate pursuant to [section 4,] Article III, **section 4**, of the Oregon Constitution.

11       **SECTION 4.** ORS 267.095 is amended to read:

12       267.095. Except as provided in ORS 267.112:

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

15       (2) The terms of [*four*] **six** of the directors so appointed expire on the first Tuesday in the fourth  
16 January after the date of their appointment.

17       (3) The respective terms of the directors of the first board shall be determined by the Governor.

18       **SECTION 5. The amendments to ORS 267.090 and 267.095 by sections 3 and 4 of this 2017**  
19 **Act become operative on January 1, 2018.**

20       **SECTION 6. This 2017 Act being necessary for the immediate preservation of the public**  
21 **peace, health and safety, an emergency is declared to exist, and this 2017 Act takes effect**  
22 **on its passage.**

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