

Chapter 267

1979 REPLACEMENT PART

Mass Transit Districts; Transportation Districts

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**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) "Standard metropolitan statistical area" means an area designated and published by the United States Bureau of the Budget as a standard metropolitan statistical area. [1969 c.643 §1; 1973 c.116 §1]

267.020 Transfer of transit system to metropolitan service district; effect of transfer order. When a metropolitan service district organized under the Metropolitan Service District Act of 1969, 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, in so far 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]

(Formation; Board; Ordinances)

267.100 Creation of district; district jurisdiction. As provided by ORS 267.010 to 267.390, a mass transit district may be created in any standard metropolitan statistical area for the purpose of providing a mass transit system for the people of the district. Except as otherwise provided in paragraph (c) of subsection (2) of ORS 267.107, the territorial jurisdiction of the district may include all territory within the geographic boundaries of every Oregon county in that standard metropolitan statistical area. [1969 c.643 §2; 1977 c.347 §3; 1979 c.877 §3]

267.105 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 standard 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. [1969 c.643 §3; 1971 c.727 §95]

267.107 Resolution to create certain districts; contents. Notwithstanding ORS 267.105:

(1) The governing body of the most populous city in a standard 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 considera-

tion 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 in existence on January 1, 1977; 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]

267.108 Director election and district formation election under ORS 267.107 held at same time; designation of subdistricts. (1) Notwithstanding the provisions of subsection (2) of ORS 198.810, the county governing body shall order an election within the proposed district for approval or disapproval by the voters voting on the question of formation of a district under ORS 267.107 and for election of five district directors.

(2) In addition to the requirements of subsection (2) of ORS 198.815, the order calling an election for creation of a district initiated under ORS 267.107 shall describe the boundaries of the five 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]

267.109 Costs of election under ORS 267.107. The expenses incurred for the election held under ORS 267.100, 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 the Preface to Oregon Revised Statutes for further explanation.

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

(1) District board members shall 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 the temporary chairman, and fix the time and place of the organizational meeting. If the district has formed before October 4, 1977, the Governor, within 60 days after October 4, 1977, shall appoint from subdistricts a new board of directors, designate one as temporary chairman, 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. 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 assure 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, his 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 confir-

mation by the Senate under ORS 171.560 and 171.570. [1969 c.643 §4; 1971 c.727 §96; 1975 c.142 §1; 1975 c.632 §3; 1977 c.728 §1]

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

(1) (a) One district director shall be elected from each of the five 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.

(b) The governing body of the city initiating the formation shall select two of its members to serve on the district board.

(c) The governing body of each county in which any portion of the district lies shall select one of its members to serve on the board.

(2) The board of directors of the district shall consist of the five directors elected from subdistricts under paragraph (a) of subsection (1) of this section and the city and county governing body members appointed under paragraphs (b) and (c) of subsection (1) of this section.

(3) The term of office of a director who is a member of the city governing body or a county governing body shall be two years. The term of office of an elected director shall be four years, provided, however, that two 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 three 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 two directors shall have the shorter initial terms and which three shall have the longer initial terms. In case of a vacancy for any cause in the office of director filled by a member of the city governing body or a county governing body, the respective governing body shall appoint a qualified successor to serve for the unexpired term. When a vacancy occurs in the office of an elected director, the remaining members of the board shall appoint a resident of the af-

ected 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 appointment or election of a successor.

(4) 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]

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

(1) Notwithstanding ORS 267.110, 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. [1969 c.643 §5; 1975 c.632 §4]

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 his office, shall take and subscribe to an oath that he will honestly, faithfully and impartially perform his duties as a director and disclose any conflict of interest he 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 employe of the district shall offer, solicit or accept money or any other thing of value as a consideration, in addition to the salary paid him by the district, for services performed within the scope of his official duties. [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 his qualifications with special reference to his actual experience in or his knowledge of accepted practices in respect to the duties of his office. 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, he shall upon demand be given a written statement of the reasons for his removal. If requested, he shall be given an open hearing at a meeting of the board before the final vote for his removal. However, the board may by resolution suspend him 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 employes, 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 his entire working time 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]

267.155 [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; referendum petition; effect on tax measure. (1) The voters of a district may exercise the powers of the initiative and referendum,

with reference to legislation of the district board, in accordance with ORS 255.005 to 255.355.

(2) Notwithstanding ORS 198.570, 198.580 and 255.005 to 255.355:

(a) An initiative ordinance may be proposed only by a petition signed by a number of registered voters of the district equal to six percent of the total number of votes cast in the district for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition.

(b) (A) A referendum on an ordinance may be ordered by a petition signed by a number of registered voters of the district equal to four percent of the total number of votes cast in the district for all candidates for Governor at the election at which a Governor was elected for a term of four years next preceding the filing of the petition. Subject to subparagraph (B) of this paragraph, a referendum petition shall be filed not more than 30 days after the date the ordinance is adopted.

(B) If a proper referral petition containing the appropriate number of valid signatures is filed within 60 days after the adoption of any ordinance relating to taxation by the district board, the tax-related ordinance shall become inoperative and its effective date shall be suspended. An ordinance referred by action of the voters shall become effective when approved by a majority of the voters. [1969 c.643 §39; 1977 c.728 §3; 1979 c.190 §411]

(Powers)

267.200 Existence, status and general powers of districts. A 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 190.110, a public employer for the purposes of ORS 236.610 to 236.650, and a political subdivision for the purposes of ORS 305.620. It 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 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 employe relations.

(10) Improve, construct and maintain bridges over navigable streams subject only to ORS 382.125.

(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]

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; voter approval; 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 voters of the district, it shall not take effect unless approved by a majority of the voters in the territory proposed to be annexed to the district voting on the question and by a majority of the voters of the district voting on the question.

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

(4) Notwithstanding the provisions of ORS 199.425, the alteration of the boundaries of a district under this section shall not be subject to the jurisdiction or review of a local government boundary commission. [1979 c.877 §5]

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 Highway Division of 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 Highway Division 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 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 or decree 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]

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. 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 Public Utility Commissioner of Oregon, except for the provisions of ORS chapter 763. [1969 c.643 §11; 1973 c.116 §5; 1977 c.420 §1]

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]

267.240 Accessibility of facilities and equipment to disabled, handicapped and aged. In carrying out its duties under subsection (4) of ORS 267.200, 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, disabled, physically handicapped and aged persons. However, contracts for equipment are exempt from this requirement until such equipment:

(1) Is available from not less than two manufacturers in mass producible quantities; and

(2) Conforms to designs approved by the Urban Mass Transportation Administration of the United States Department of Transportation as providing access to and being usable by disabled, physically handicapped and aged persons. [1974 s.s. c.50 §2]

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 the Preface to Oregon Revised Statutes for further explanation.

(Finances)

267.300 Authority of district to finance system. 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:

(1) Levy of ad valorem taxes under ORS 267.305.

(2) Service charges and user fees collected under ORS 267.320.

(3) Use of the revolving fund authorized under ORS 267.310.

(4) Sale of bonds under ORS 267.330 to 267.345.

(5) Levy of business license fees under ORS 267.360.

(6) Levy of a tax measured by net income under ORS 267.370.

(7) Levy of a tax measured by employer payrolls under ORS 267.380 and 267.385.

(8) Use of funds accepted under ORS 267.390.

(9) Any combination of the provisions of subsections (1) to (8) of this section. [1969 c.643 §23; 1975 c.752 §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 subsections (2) and (8) of ORS 267.300 without first obtaining authorization at a properly called election held for that purpose. [1975 c.632 §2a; 1979 c.585 §3]

267.305 Levy, collection, enforcement of ad valorem taxes. (1) A district may assess, levy and collect taxes each year on the true cash 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]

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 (.0015) of true cash 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]

267.320 User charges, fees and tolls; persons over 65. (1) 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 for riding regularly scheduled nonsubscription service of the transit system:

(a) A fee on Saturday, Sunday or from 7 p.m. to 5 a.m. on Monday through Friday.

(b) A fee of more than 10 cents between the hours of 9 a.m. and 3 p.m. of any weekday, Monday through Friday. [1969 c.643 §26; 1973 c.474 §1; 1975 c.124 §1; 1975 c.169 §1]

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 true

cash 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 voters thereof. The bonds shall mature serially within not to exceed 30 years from issue date, in like manner as bonds issued under authority of ORS 287.008. 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 voters of the district. [1969 c.643 §28]

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 voters the question of authorizing the issuance of the bonds. [1969 c.643 §30]

267.345 Advertisement and sale of bonds. All general obligation and revenue bonds, including refunding bonds, issued under ORS 267.330 to 267.345 shall be advertised and sold in the manner prescribed by ORS 287.014 to 287.026 for the sale of bonds of cities of this state. [1969 c.643 §31]

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, finan-

cial, 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; or

(B) An officer or employe of a corporation, or a member or employe of a partnership, who as such officer, employe or member is under a duty to perform the acts required of employers by ORS 316.162 to 316.212.

(b) "Employer" does not mean any organization exempt from taxation under subsection (4) of ORS 317.080, except that "employer" does include hospitals.

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

(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 subsection (4) of ORS 317.080.

(b) For domestic service in a private home if the total amount paid to such employe is less than \$150 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 employe whose services to the employer consist solely of labor in connection with:

(A) The raising of poultry;

(B) The production of eggs from poultry;

(C) The planting, cultivating or harvesting of seasonal agricultural crops; or

(D) The planting, cultivating or harvesting of cultured Christmas trees as defined in ORS 215.203.

(f) To seamen who are exempt from garnishment, attachment or execution under sections 596, 597, 598 and 601 of title 46, United States Code.

(g) To individuals temporarily employed as emergency fire fighters.

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

(i) To employes' trusts exempt from taxation under section 401 of the Internal Revenue Code, as defined by ORS 316.012.

(3) The exclusion under subparagraph (D) of paragraph (e) of subsection (2) of this section:

(a) Applies only to employes primarily engaged in performing services in the employer's planting, cultivating or harvesting of cultured Christmas trees.

(b) Does not apply if the trees are being grown for use other than Christmas tree use.

[1969 c 643 §34; 1971 c.600 §2; 1973 c.573 §2; 1979 c.766 §1]

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 six-tenths of one percent of the wages paid by him with respect to the employment of individuals.

(2) No employer shall make a deduction from the wages of an employe 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 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, docketed and proceeded upon in the same manner and have the same force and effect as prescribed with respect to warrants for the collection of delinquent income taxes. [1969 c.643 §35]

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]

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 s.s. c.9 §1]

(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 may request that the election to establish the district be held at the same time as an election at which it is permissible to establish a tax base within the meaning of section 11, Article XI of the Oregon Constitution. If the petition or resolution does so, the election shall be held at such time. The petition or resolution may also request that the proposition to be voted on at such an election include a proposed tax base for the district within the meaning of section 11, 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 tax base for the district, in accordance with the petition or resolution. [1974 s.s. c.9 §4]

267.530 Establishment of tax base at time of formation. A tax base within the meaning of section 11, Article XI of the Oregon Constitution may 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 both requests authorized by subsection (2) of ORS 267.520, the county governing body that calls the election shall confer about the proposed tax base with the governing bodies of all counties and cities having territory in the proposed district and shall then determine the tax base to be proposed for the district. The proposition submitted to the voters of the district for the purpose of establishing the district shall propose the tax base specified by the county governing body. The tax base so proposed shall be the initial tax base of the district within the meaning of section 11, Article XI of the Oregon Constitution, if the district is established at the election. [1974 s.s. c.9 §5]

(Board)

267.540 Governing body; term; vacancies; chairman; 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. The election shall be conducted as provided in ORS 255.005 to 255.035, 255.055 to 255.095 and 255.215 to 255.355. Vacancies shall be filled by the governing body with the successor to serve for the unexpired term remaining after the vacancy is declared.

(2) The chairman 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 chairman of the first meeting until the members choose a permanent chairman.

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

(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 of the state the activities of the district. [1974 s.s. c.9 §6; 1975 c.737 §4]

(Powers)

267.550 Status of district. (1) A district shall constitute a municipal corporation of this state, and a public body, corporate and politic, exercising public power. It shall have 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 provides 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 chapters 198 and 259. [1974 s.s. c.9 §8; 1975 c.737 §5]

267.560 General powers. A district may provide public transportation and terminal facilities for public transportation includ-

ing local aspects thereof transferred to the district by one or more other public corporations, cities or counties through agreements in accordance with ORS 267.510 to 267.650. [1974 s.s. c.9 §9]

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 s.s. 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 con-

struction, 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 s.s. 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 s.s. c.9 §11]

267.600 Initiative and referendum powers of voters. The voters of a district may exercise the powers of the initiative and referendum with reference to legislation of the district, in accordance with the laws of the state governing exercise of the initiative and the referendum by voters of districts generally. [1974 s.s. c.9 §3]

267.610 Exemption from public utility regulation. Transportation facilities operated by a district, including the rates and charges made by the district and the equipment operated by the district, and transportation facilities operated for a district by a private operator pursuant to a contract between the operator and the district, including the rates and charges made by the operator pursuant to the contract, and the equipment operated pursuant to the contract, shall not be subject to

the laws of this state regulating public utilities, including those laws administered by the Public Utility Commissioner of Oregon. [1974 s.s. c.9 §2]

(Finances)

267.615 Alternative financing methods. In addition to any method of financing authorized to be used under ORS 267.510 to 267.650 for the purpose of performing any of the powers conferred by ORS 267.510 to 267.650, a transportation district, when authorized at any properly called election held for such purpose, may use any such method of financing so authorized to be used by a mass transit district in the manner provided in ORS 267.010 to 267.390 other than a method of financing authorized to be used under subsections (1), (2), (4) and (9) of ORS 267.300. The district may use any combination of the methods of financing authorized by ORS 267.510 to 267.650 and this section. [1975 c.737 §2]

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 (.005) of the true cash 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 towards 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 s.s. c 9 §12]

267.630 Issuance 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 true cash 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, in like manner as bonds issued under the authority of ORS 287.008.

(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 advertised for sale and sold in the manner prescribed in ORS 287.014 to 287.026 for the sale of bonds of cities. [1974 s.s. c 9 §13]

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 voters the question of authorizing the issuance of the bonds. [1974 s.s. 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 s.s. c.9 §15]

PENALTIES

267.990 Penalties. Any person violating a police ordinance of a mass transit district is guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than \$250. [1969 c.643 §18 (1)]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Thomas G. Clifford, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law

Done at Salem, Oregon,
October 1, 1979

Thomas G Clifford
Legislative Counsel