PERMANENT ADMINISTRATIVE ORDER

PTD 2-2020
CHAPTER 732
DEPARTMENT OF TRANSPORTATION
PUBLIC TRANSIT DIVISION

FILING CAPTION: Creation of new Mass Transit District or Transportation District

EFFECTIVE DATE: 01/24/2020

AGENCY APPROVED DATE: 01/23/2020

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ADOPT: 732-040-0055

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RULE SUMMARY: This rule recognizes the formation of a new Mass Transit District or Transportation District. The new District statutorily becomes the new Qualified Entity for the Area(s) of Responsibility, although the recipient was formerly a county at the time its STIF Plan was approved for funding by the Oregon Transportation Commission (OTC). This rule change responds to an immediate need so that such a Qualified Entity can continue to receive STIF Formula funding.

CHANGES TO RULE:

732-040-0055
Creation of New Mass Transit District or Transportation District

(1) In the event that a Mass Transit District or Transportation District comes to exist in any part of a county or counties in which it did not previously exist, the Mass Transit District or Transportation District replaces the county(ies) in which it exists as Qualified Entity for the Area(s) of Responsibility, although the recipient was formerly a county at the time its STIF Plan was approved for funding by the Oregon Transportation Commission (OTC). This rule change responds to an immediate need so that such a Qualified Entity can continue to receive STIF Formula funding.

(2) It is the goal of the Agency and the STIF Formula Fund program that such a transition between Qualified Entities be accomplished smoothly, efficiently and without disruption of Public Transportation Services. For that reason, a county which is a Qualified Entity shall provide notice to the Agency when it publishes notice of the first public meeting at which it will consider creating or establishing a Mass Transit District or Transportation District.

(3) Upon establishment of a Mass Transit District or Transportation District in any county or counties, Commission and Agency hereby recognize the Mass Transit District or Transportation District as the new Qualified Entity for the Area(s) of Responsibility formerly attributed to the county(ies) in which any part of the Mass Transit District or Transportation District exists.

(a) Within ten business days of coming into existence, the Mass Transit District or Transportation District must
send Agency notice of the effective date of its existence, the name(s) of its designated contact person(s), and a copy of the legal documentation of its creation. Agency may reasonably delay any pending STIF Formula Fund disbursement under OAR 732-042-0010(5) until the Mass Transit District or Transportation District establishes a financial account.

(b) Agency and Commission shall consider all STIF Formula Fund program documents previously submitted to Agency or Commission by the county(ies) to have been assigned to and assumed by the Mass Transit District or Transportation District. Agency and Commission shall consider all responses or approvals previously made to the county(ies) to have been made to the Mass Transit District or Transportation District.

(c) Notwithstanding sub provision (b) of this section, at its first public meeting, the Mass Transit District or Transportation District, consistent with its procedural requirements, may decide not to assume any or all STIF Formula Fund program documents previously submitted to Agency or Commission by the county(ies). If the Mass Transit District or Transportation District does not reject assumption of the STIF Formula Fund program documents by official act at its first public meeting, such documents and any responses or approvals previously made to them by Agency or Commission shall be irrevocably assumed by the Mass Transit District or Transportation District for the duration of the current STIF Formula Fund Cycle.

(d) If the Mass Transit District or Transportation District decides not to assume the STIF Plan(s) previously prepared by the county(ies) pursuant to OAR 732-042-0015 and approved by the Commission pursuant to OAR 732-042-0025:

(A) Agency shall accumulate STIF Formula Fund monies for the Mass Transit District or Transportation District as described in OAR 732-042-0030(1); and

(B) The Mass Transit District or Transportation District may submit a new STIF Plan to the Commission at any time during the current STIF Formula Fund Cycle.

(4) In coordination with the county, relevant Recipients or Sub-Recipients, and other parties as necessary, the Mass Transit District or Transportation District shall undertake all necessary tasks to carry out the Projects of the relevant STIF Plan(s), establish or transition Advisory Committee(s), and otherwise ensure a smooth transition of all Qualified Entity responsibilities from the county(ies) to the Mass Transit District or Transportation District. The Agency shall provide reasonable assistance and guidance to the new Qualified Entity to facilitate the transition, consistent with the respective roles of the Qualified Entity and the Agency.

Statutory/Other Authority: ORS 184.619, 184.758(3)(e)
Statutes/Other Implemented: ORS 184.752(2)(a), 184.758(1)(a)