

ORDINANCE NO. _____

1 AN ORDINANCE amending Chapter 2.38 of the Lincoln Municipal Code relating
 2 to StarTran by amending Section 2.38.100 to provide that the StarTran Advisory Board shall have
 3 final authority after first holding a public hearing thereon to add or delete specific trips from
 4 regularly scheduled line service, adjust schedules, add new or adjust existing routes, and authorize
 5 special promotional fares, and to provide when such changes shall go into effect; adding a new
 6 section numbered 2.38.125 to provide for notice of public hearing; adding a new section numbered
 7 2.38.127 to provide for appeals from action of the StarTran Advisory Board; and repealing Section
 8 2.38.100 of the Lincoln Municipal Code as hitherto existing.

9 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

10 Section 1. That Section 2.38.100 of the Lincoln Municipal Code be amended to read
 11 as follows:

12 **2.38.100 Board Actions; Council Approval; Exceptions.**

13 (a) The StarTran Advisory Board shall, by official action after public hearing, make
 14 recommendations to the City Council on matters related to rates, and fares, ~~routes, and schedules~~
 15 for review and action by the City Council and Mayor. The StarTran Advisory Board ~~is authorized~~
 16 may, after public hearing, without further action by the Council or Mayor ~~to~~:

17 (1) Add or delete specific trips from regularly scheduled line service where the
 18 board determines that such addition or deletion will improve the ridership or financial performance
 19 of the route, without altering the basic structure of the route;

1 (2) Adjust schedules to improve on time performance of the particular route or
2 to provide for better transfer capability from one route to another;

3 (3) Add new routes and/or ~~E~~extend or adjust existing routes in order to better
4 serve residential or employment centers;

5 (4) Authorize special promotional fares for the promotion of ridership, provided
6 that such special promotional fares shall not continue in effect for a period in excess of three months.

7 The above authorization shall not be construed to authorize the StarTran Advisory Board to
8 ~~totally eliminate any route or service or to add a new route or service (with the exception of regular~~
9 ~~seasonal services), or make any permanent rate adjustments, or make any significant route adjust-~~
10 ~~ments~~ affecting the transportation system as a whole without Council approval as heretofore
11 provided.

12 No action taken pursuant to the above authorization shall go into effect until thirty days after
13 the date the StarTran Advisory Board takes final action on the matter. The Director of Public
14 Works and Utilities shall notify the City Council in writing of all significant StarTran Advisory
15 Board actions prior to the time they go into effect.

16 (b) Nothing hereinabove set forth in subparagraph (a) shall prohibit or in any way limit
17 the authority or right of the StarTran Advisory Board at any regular or special meeting, on its own
18 motion, to act on a temporary change in route, schedule, or service of the StarTran system. For the
19 purposes of this section, "temporary change" shall mean any change in route, schedule, or service
20 for a period of six months or less. ~~The Director of Public Works and Utilities shall notify the City~~
21 ~~Council in writing of all significant StarTran Advisory Board actions prior to the time they go into~~
22 ~~effect.~~

1 (c) The City Council shall take no final action concerning any changes in ~~routes~~, rates;
2 ~~and fares, and schedules~~ until the matter has been reviewed by the StarTran Advisory Board and the
3 board recommendation shall have been submitted to the council as hereinabove set forth in
4 subparagraph (a); provided, however, that when the board shall have failed to act on any matter
5 before it for a period of three successive regular meetings, the City Council may remove such matter
6 from the jurisdiction of the board and proceed to take whatever action the council shall deem to be
7 in the public interest.

8 Section 2. That Chapter 2.38 of the Lincoln Municipal Code be amended by adding
9 a new section numbered 2.38.125 to read as follows:

10 **2.38.125 Notice of Public Hearings.**

11 Public hearings required to be held by the StarTran Advisory Board under this chapter shall
12 not be held until notice thereof has been given in compliance with the following provisions:

13 (a) At least eight days before the date of hearing, the City Clerk shall have published in
14 a daily newspaper having a general circulation in the City of Lincoln a notice of the time, place, and
15 subject matter of the public hearing.

16 (b) Other notice, as may be deemed appropriate by the StarTran Advisory Board, may
17 be given in advance of public hearings. Such notice is not mandatory or required as a condition
18 precedent to any such public hearing.

19 Section 3. That Chapter 2.38 of the Lincoln Municipal Code be amended by adding
20 a new section numbered 2.38.127 to read as follows:

21 **2.38.127 Appeal of StarTran Advisory Board Action.**

22 (a) The StarTran General Manager, the Director of Public Works and Utilities, or any
23 City Council member may appeal any action of the StarTran Advisory Board to the City Council

1 by filing notice of appeal with the City Clerk within fourteen days following action of the StarTran
2 Advisory Board.

3 (b) Upon receipt of the appeal by the City Council, the Council shall hold a public
4 hearing thereon within thirty days from the date of appeal. Notice of the public hearing shall be
5 given as provided in Section 2.38.125.

6 (c) In exercising its appellate jurisdiction, the City Council may proceed to take whatever
7 action the Council should deem to be in the public interest.

8 Section 4. That Section 2.38.100 of the Lincoln Municipal Code as hitherto existing
9 be and the same is hereby repealed.

10 Section 5. That this ordinance shall take effect and be in force from and after its
11 passage and publication according to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ___ day of _____, 2007: _____ Mayor
