

Chapter 2.38

STARTRAN

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2.38.010 StarTran Established.

There is hereby established within the Department of Public Works and Utilities a division of City government to be known as StarTran which shall exist under the general control and supervision of the Director of Public Works and Utilities. StarTran shall exist for the public convenience and necessity of the citizens of Lincoln and, subject to all applicable laws and regulations, shall provide public mass transit services within the City of Lincoln and provide such other public services and facilities as shall be from time to time prescribed by ordinance of the City Council. (Ord. 16951 §21; March 11, 1996: prior Ord. 15394 §1; January 8, 1990: P.C. §2.45.010: Ord. 12024 §5; July 11, 1977: Ord. 10265 §1; October 4, 1971).

2.38.020 StarTran General Manager.

StarTran shall be under the management of a general manager, or a management company or corporation, or agency, or an individual by contract with the City of Lincoln to perform such management services as may be required. In the event that a general manager is employed, such manager shall be appointed by the Director of Public Works and Utilities and shall be a division head in the Department of Public Works and Utilities and a member of the classified service of the City of Lincoln. (Ord. 16951 §22; March 11, 1996: Ord. 15394 §2; January 8, 1990: P.C. §2.45.020: Ord. 12577 §1; May 29, 1979: Ord. 11600 §1; February 12, 1976: Ord. 10265 §2; October 4, 1971).

2.38.030 StarTran Advisory Board Created.

There is hereby created an advisory board to be known as the StarTran Advisory Board consisting of seven appointed members who shall be electors of the City of Lincoln, appointed by the Mayor with the approval of the City Council for terms as hereinafter specified. The principal

function of the StarTran Advisory Board shall be to advise the Mayor, City Council, and Director of Public Works and Utilities concerning operation of StarTran in accord with the powers and duties of said board hereinafter set forth. (Ord. 16951 §22; March 11, 1996: prior Ord. 15394 §3; January 8, 1990: P.C. §2.45.030: Ord. 12577 §2; May 29, 1979: prior Ord. 10265 §3; October 4, 1971).

2.38.040 StarTran Advisory Board; Terms of Members.

The terms of each appointed member of the StarTran Advisory Board shall be three years unless such appointment is to fill an unexpired term, in which case such appointment shall coincide with the unexpired term to be filled. No appointed member may be appointed for more than three successive terms and no appointed member may be reappointed at the conclusion of three terms or until three years from the expiration of his last term shall have passed. No appointed member who has served three consecutive terms may be appointed to fill an unexpired term until three years have expired from the date of the termination of his last term. (Ord. 15394 §4; January 8, 1990: P.C. §2.45.040: Ord. 12024 §6; July 11, 1977: prior Ord. 10265 §4; October 4, 1971).

2.38.050 Vacancies on Board; Appointments.

Appointments to fill vacancies on the StarTran Advisory Board shall be made and approved in the same manner as original appointments are made and approved and shall expire at the end of the unexpired term for which the appointment was made. (Ord. 15394 §5; January 8, 1990: P.C. §2.45.050: Ord. 10265 §5; October 4, 1971).

2.38.060 Removal of Board Members.

Any appointed member of the StarTran Advisory Board may be removed by the Mayor with approval of the City Council for malfeasance or nonfeasance of office or for any cause that renders that member ineligible for office or incapable or unfit to discharge the duties thereof. (Ord. 15394 §6; January 8, 1990: P.C. §2.45.060: Ord. 10265 §6; October 4, 1971).

2.38.070 Organization of the Board.

The StarTran Advisory Board shall annually elect its chair and such other officers as it desires from among its members and shall establish its own rules of procedure for the conduct of its meetings. The board shall meet as necessary and shall give reasonable advance publicized notice of the time and place of any meeting. For regular meetings, the time and place of the meeting shall be determined by a vote of the board. A special meeting may be called by the chair or in his or her absence by such other officers that may be designated by the board or by any three members upon written request. Four members of the board shall constitute a quorum for the transaction of business and four affirmative votes shall be required for final action on any matter acted upon by the board. (Ord. 15394 §7; January 8, 1990: P.C. §2.45.070: Ord. 10265 §7; October 4, 1971).

2.38.080 Powers and Duties Generally.

Pursuant to this chapter, the StarTran Advisory Board shall make initial review of and act upon matters related to operation of the system, including the following specific areas:

Transit-related studies and plans, route studies and evaluations, performance indicators, rates, fares, and schedules.

The board shall have no authority to review the salaries, employee benefits, or the system for the selection, promotion, and retention of employees or managers of the system. (Ord. 15394 §8; January 8, 1990: P.C. §2.45.080: Ord. 12577 §3; May 29, 1979: prior Ord. 10265 §8; October 4, 1971).

2.38.090 Service and Performance Goals.

To assure that community transportation goals are met, and that the greatest number of citizens are served by the StarTran system at the least possible cost, the StarTran Advisory Board shall annually review an evaluation of the transit performance standards and services goals described in the current "Transit Development Program" (TDP). Upon completion of each annual review, the advisory board shall forward its recommendation, if any, to the Director of Public Works and Utilities, who shall forward the recommendations to the Mayor and City Council as appropriate. (Ord. 16951 §24; March 11, 1996: prior Ord. 15394 §9; January 8, 1990: P.C. §2.45.085: Ord. 12577 §4; May 29, 1979).

2.38.100 Board Actions; Council Approval; Exceptions.

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

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

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

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

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

The above authorization shall not be construed to authorize the StarTran Advisory Board to make any permanent rate adjustments affecting the transportation system as a whole without Council approval as heretofore provided.

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

(b) Nothing hereinabove set forth in subparagraph (a) shall prohibit or in any way limit the authority or right of the StarTran Advisory Board at any regular or special meeting, on its own motion, to act on a temporary change in route, schedule, or service of the StarTran system. For the purposes of this section, "temporary change" shall mean any change in route, schedule, or service for a period of six months or less.

(c) The City Council shall take no final action concerning any changes in rates and fares until the matter has been reviewed by the StarTran Advisory Board and the board recommendation shall have been submitted to the council as hereinabove set forth in subparagraph (a); provided, however, that when the board shall have failed to act on any matter before it for a period of three successive regular meetings, the City Council may remove such matter from the jurisdiction of the board and proceed to take whatever action the council shall deem to be in the public interest. (Ord. 18906 §1; April 2, 2007: prior Ord. 16951 §25; March 11, 1996: Ord. 15394 §10; January 8, 1990: P.C. §2.45.090: Ord. 12577 §5; May 29, 1979: Ord. 10265 §9; October 4, 1971).

2.38.110 Board Rules and Regulations.

The StarTran Advisory Board shall adopt rules and regulations for the conduct of its meetings and all other proceedings before it. The Director of Public Works and Utilities shall cause such rules and regulations and any amendments thereto to be printed and made available for public distribution from the office of the City Clerk. (Ord. 16951 §26; March 11, 1996: prior Ord. 15394 §11; January 8, 1990: P.C. §2.45.120: Ord. 12577 §6; May 29, 1979: Ord. 10265 §12; October 4, 1971).

2.38.120 Board Jurisdiction and Proceedings Relating to Rates, Fares, Routes and Schedules; Applications, Hearings, Findings, and Recommendations.

The StarTran Advisory Board shall initially hear all applications and complaints concerning StarTran rates, fares, routes, and schedules. Any person may file an application before the StarTran Advisory Board requesting an adjustment in the StarTran rates, fares, routes, or schedules. Such application shall be filed in writing with the Director of Public Works and Utilities, and the manager shall investigate and make recommendations to the board on each application in accordance with this chapter, board rules and regulations, and the adopted service and performance goals. (Ord. 16951 §27; March 11, 1996: prior Ord. 15394 §12; January 8, 1990: P.C. §2.45.130: Ord. 12577 §7; May 29, 1979: Ord. 10265 §13; October 4, 1971).

2.38.125 Notice of Public Hearings.

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

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

(b) Other notice, as may be deemed appropriate by the StarTran Advisory Board, may be given in advance of public hearings. Such notice is not mandatory or required as a condition precedent to any such public hearing. (Ord. 18906 §2; April 2, 2007).

2.38.127 Appeal of StarTran Advisory Board Action.

(a) The StarTran General Manager, the Director of Public Works and Utilities, or any City Council member may appeal any action of the StarTran Advisory Board to the City Council by filing notice of appeal with the City Clerk within fourteen days following action of the StarTran Advisory Board.

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

(c) In exercising its appellate jurisdiction, the City Council may proceed to take whatever action the Council should deem to be in the public interest. (Ord. 18906 §3; April 2, 2007).

2.38.130 Possession of Firearms and Dangerous Weapons in StarTran Vehicles; Prohibited.

(a) It shall be unlawful for any person to knowingly possess or cause to be present a firearm or other dangerous weapon in any StarTran vehicle.

(b) This section shall not apply to the possession of a firearm or other dangerous weapon by an officer, agent, or employee of a state or a political subdivision thereof who is authorized by

law to engage in or supervise the prevention, detection, investigation, or prosecution of any violation of law, while in the lawful performance of official duties.

(c) For the purposes of this section, the following words shall have the following meanings:

Dangerous weapon shall mean any firearm, stun gun, knife, switchblade knife, any gun which releases any propelled object by spring mechanism, compressed air, or compressed gas, or any other instrument the use of which is intended or likely to cause death or bodily injury.

Firearm shall mean any weapon which is designed or may be readily converted to expel any projectile by action of an explosive or frame or receiver of any such weapon including, but not limited to, any pistol, revolver, shotgun, or rifle.

Knife shall mean any dagger, dirk, knife, or stiletto with a blade over three and one-half inches in length or any other dangerous instrument capable of inflicting cutting, stabbing, or tearing wounds.

StarTran vehicle shall mean any vehicle used in any manner in the course of providing or delivery of public transit service pursuant to this chapter, including but not limited to buses, vans, or other passenger vehicles.

Stun gun shall mean any handheld electronic device that is powered by an internal power source such as batteries, and that is capable of introducing an electrical current into the body of a person which when introduced to the body shall be capable of disrupting a person's central nervous system and rendering the person temporarily incapable of normal functioning, for any period of time whatsoever. The electrical current may be introduced into the human body by means of direct pressure to the body from fixed electrodes on the electronic device and/or by one or more electrodes attached to a length of wire or other connection and which upon being fired from a firearm or any other mechanical device, strikes the human body and produces the reaction described herein.

(d) Any person convicted of violating any provision of this section shall be deemed guilty of a misdemeanor. (Ord. 18877 §1; February 5, 2007).