

Date: March 25, 2020
To: Board of Directors
From: Doug Kelsey
Subject: **ORDINANCE NO. 358 OF THE TRI-COUNTY METROPOLITAN TRANSPORTATION DISTRICT OF OREGON (TRIMET) AMENDING TRIMET CODE CHAPTER 28 TO ALLOW UNFOLDED STROLLERS ON BUSES (SECOND READING)**

1. Purpose of Item

This Ordinance No. 358, if adopted by the TriMet Board of Directors (Board), would amend TriMet Code Chapter 28, Section 28.15 Regulations, A. Prohibited Activities on District Transit System, (5) Shopping Carts and Unfolded Strollers, which prohibits unfolded strollers and carriages on buses.

2. Type of Agenda Item

- Initial Contract
- Contract Modification
- Other: Ordinance

3. Reason for Board Action

The TriMet Code provision that prohibits unfolded strollers and carriages on TriMet buses can be amended only by adoption of an ordinance, which will require two readings and the opportunity for a public hearing.

4. Type of Action

- Resolution
- Ordinance 1st Reading
- Ordinance 2nd Reading

5. Background

The current TriMet Code Chapter 28 requires that after boarding a bus, passengers must remove children from strollers and carriages, and that all strollers and carriages must remain folded during travel. There is no such prohibition in the Code for passengers using strollers on MAX trains.

Over the years, TriMet’s stroller policy has been the cause of significant annoyance to parents with small children using strollers to travel on the bus, and has also been the source of significant conflict arising from bus operators trying to enforce or failing to enforce the policy, and/or disputes among passengers as to whether or not occupied strollers are allowed. In fact, a survey of stroller-related customer complaints in TriMet’s Service Improvement Process (SIP) data base reveals that in a 22-month period from January 1, 2018 through November 15, 2019, there were 352 SIPs concerning strollers that had to be addressed by our customer service staff.

In addition, over the ten-year period from January 2010 to January 2020, there were over 130 Accident/Incident (ACID) reports made by bus operators arising from stroller-related incidents. (SIPs are generated by customers; ACID reports are generated by operators.) Although there may be

some overlap, ACID reports are more serious than SIPs, involve a call to TriMet's dispatch for advice, and may result in stopping the bus to deal with a conflict. The conflicts addressed in the ACID reports include assaults on operators, fights or other violent disputes among passengers and sometimes require assistance from a TriMet supervisor, or the dispatch of Transit Police or other security officers to the scene.

Ordinance No. 358 would amend the current TriMet Code Chapter 28 to allow a passenger with an unfolded stroller or carriage to ride the bus in the priority seating area, so long as the stroller or carriage is occupied by a child, and so long as the priority seating area is not needed by seniors or passengers with a disability. For safety reasons, the amendment also would require the child occupying the stroller or carriage to face toward the rear of the bus, and the stroller or carriage wheels to be locked, if possible. In addition, the amendment would require an adult to remain in control of the occupied, unfolded stroller or carriage at all times. Finally, the amendment makes clear that the unfolded stroller or carriage must not block the aisle or otherwise impede passengers.

The amendment does not change the current prohibition against shopping carts on the bus.

The proposed amendment is intended to alleviate conflict related to strollers on the bus, reduce the number of stroller-related SIPs and ACID reports, enhance the experience of riders with young children, and increase safety for young children accompanied by an adult. At the same time, the amendment retains the current preference possessed by seniors and passengers with a disability for use of the priority seating area.

To that end, Section 28.15 A. (1) of the Code, requiring passengers to yield the priority seating area to seniors and passengers with a disability, remains unchanged. Under the proposed amendment, if a senior or passenger with a disability wishes to ride in the priority seating area when an occupied stroller or carriage already is present, the bus operator should require the responsible adult to remove the child from the stroller or carriage, fold it, and sit elsewhere.

The proposed amendment is the result of public requests, and is supported by Transportation Operations and Customer Service management.

The proposed amendment to TriMet Code Chapter 28, Section 28.15 Regulations, A. *Prohibited Activities on District Transit System*, (5) *Shopping Carts and Unfolded Strollers*, is shown on the attached Exhibit A. [Subsections A. (1) - (4) of Chapter 28.15 remain unchanged.]

For comparison, the current language of Chapter 28, Section 28.15 Regulations, A. *Prohibited Activities on District Transit System*, (5) *Shopping Carts and Unfolded Strollers*, is shown on the attached Exhibit B.

A draft of the proposed amendment was presented to an *ad hoc* subcommittee of TriMet's Committee on Accessible Transportation (CAT), which recommended consideration of the amendment by the full CAT. After a presentation of the proposed amendment at its November 22, 2019, general meeting, the CAT approved the proposed changes. A copy of the CAT approval letter is attached hereto as Exhibit C. (Please note that the paragraph references in the CAT approval letter were mis-numbered.)

If the Board adopts the Ordinance, TriMet would approve a new Standard Operating Procedure (SOP) addressing the change, and the Training Department would begin instructing operators about the revised procedures. A proposed revision to the current SOP already exists in draft form.

6. Financial/Budget Impact

TriMet does not anticipate any budgetary impact from adoption of this Code amendment.

7. Impact if Not Approved

Should the Board not approve the amendment, conflicts will continue regarding TriMet's stroller policy. TriMet bus operators will continue to field requests from passengers with small children to use unoccupied priority seating for unfolded strollers, face resentment from passengers told they cannot make use of unoccupied priority seating for their strollers, and deal with disputes among passengers about stroller use and priority seating. In addition, without the Code amendment, high levels of SIPs and ACID complaints related to stroller use will continue to demand attention from Customer Service and Transportation Operations staff.

ORDINANCE NO. 358

**ORDINANCE NO. 358 OF THE TRI-COUNTY METROPOLITAN
TRANSPORTATION DISTRICT OF OREGON (TRIMET) AMENDING
TRIMET CODE CHAPTER 28 TO ALLOW UNFOLDED STROLLERS ON
BUSES (SECOND READING)**

The Board of Directors of the Tri-County Metropolitan Transportation District of Oregon (TriMet), pursuant to Oregon Revised Statutes Chapter 267, and after providing the opportunity for public testimony, does hereby ordain and decree the following Ordinance:

Section 1- Amendment of TriMet Code Chapter 28

TriMet Code Chapter 28, Section 28.15 Regulations, A. *Prohibited Activities on District Transit System, (5) Shopping Carts and Unfolded Strollers*, is amended as shown in the attached Exhibit A, with deletions shown by ~~striking out~~, and additions shown in **bold**.

Section 2- Effective/Operative Date

This Ordinance No. 358 shall take effect thirty (30) days after its Second Reading and adoption by the Board.

Dated: March 25, 2020

Presiding Officer

Attest:

Recording Secretary

Approved as to Legal Sufficiency:

Legal Department

EXHIBIT "A" TO TRIMET ORDINANCE NO. 358

AMENDING TRIMET CODE CHAPTER 28.15 REGULATIONS.
A. PROHIBITED ACTIVITIES ON DISTRICT TRANSIT SYSTEM.
SUBSECTION (5)

(Deletions are shown by ~~striking out~~ and additions are shown in bold.)

§28.15 Regulations.

A. Prohibited Activities on District Transit System:

[Subsections (1) through (4) are unchanged]

(5) Shopping Carts and Unfolded Carriages or Strollers:

~~(a) Except while boarding a District Vehicle, no person shall carry an unfolded or occupied carriage or stroller aboard any type of District Vehicle other than a low-floor light rail vehicle. Carriages or strollers must remain folded while aboard a District Vehicle except for a low-floor light rail vehicle.~~

(a) After boarding a District bus, a carrier or stroller must be folded and stowed in a manner not to impede other passengers, unless it is occupied by a child. If occupied by a child, an unfolded carriage or stroller may be permitted to travel on a District Vehicle only under the following circumstances:

- (i) there is adequate space in the priority seating area for the carriage or stroller,**
- (ii) the carriage or stroller will not block the aisle or otherwise impede passengers,**
- (iii) the carriage or stroller must remain under the control of an adult at all times, and parked with its brakes locked (if brakes are available), and**
- (iv) the carriage or stroller is parked so that the child occupying it faces toward the rear of the District Vehicle.**

(b) Whenever an older adult or person with a disability wishes to sit in the priority seating area, or whenever the operator of the District Vehicle recognizes that the person has a right to sit in the priority seating area, the operator shall instruct the adult responsible for the carriage or stroller that:

- (i) the child must be removed from the carriage or stroller and transferred to a seat (or held by an adult), and**
- (ii) the carriage or stroller must be folded and stowed out of the way so that it does not impede passengers.**

~~(b)~~ **(c) No person shall bring or carry a commercial shopping cart aboard any type of District Vehicle. Non-commercial, individual-sized grocery storage carts not exceeding 18 inches deep, 18 inches wide and 30 inches high (excluding wheels and handles), are allowed provided they do not block aisles, stairways or doorways.**

~~(e)~~ **(d) No person shall abandon a commercial shopping cart upon a District Station or District Parking Facility.**

TRIMET CODE CHAPTER 28.15 REGULATIONS,
A. PROHIBITED ACTIVITIES ON DISTRICT TRANSIT SYSTEM,
SUBSECTION (5)

[Current Version]

28.15 Regulations.

A. Prohibited Activities on District Transit System:

(5) Shopping Carts and Unfolded Carriages or Strollers:

(a) Except while boarding a District Vehicle, no person shall carry an unfolded or occupied carriage or stroller aboard any type of District Vehicle other than a low-floor light rail vehicle. Carriages or strollers must remain folded while aboard a District Vehicle except for a low-floor light rail vehicle.

(b) No person shall bring or carry a commercial shopping cart aboard any type of District Vehicle. Non-commercial, individual-sized grocery storage carts not exceeding 18 inches deep, 18 inches wide and 30 inches high (excluding wheels and handles), are allowed provided they do not block aisles, stairways or doorways.

(c) No person shall abandon a commercial shopping cart upon a District Station or District Parking Facility.

TriMet Committee on Accessible Transportation
515 NW Davis Street
Portland, OR 97209

December 12, 2019

Greg Skillman
Senior Deputy General Counsel, (Governance)
1800 SW 1st Avenue
Portland, OR 97201

Dear Mr. Skillman:

SUBJECT: Letter of Approval for TriMet Stroller Policy changes

On October 25, 2019, the CAT Ad Hoc Committee on TriMet's Stroller Regulations proposed approval of the below changes; and, at the November 22, 2020 Committee on Accessible Transportation General (CAT) Business Meeting, Greg Skillman, Senior Deputy General Counsel (Governance), presented the below to replace TriMet's Stroller Policy, §28.15 of the TriMet Code.

§28.15 A. Prohibited Activities on District Transit System:

[Subsections (1) through (5) are unchanged]

(6) After boarding a District Vehicle, a carrier or stroller must be folded and stowed in a manner not to impede other passengers, unless it is occupied by a child.

(a) If occupied by a child, an unfolded carriage or stroller may be permitted to travel on a District Vehicle only under the following circumstances:

(i) there is adequate space in the priority seating area for the carriage or stroller,

(ii) the carriage or stroller will not block the aisle or otherwise impede passengers,

(iii) the carriage or stroller must remain under the control of an adult at all times, and parked with its brakes locked (if brakes are available), and

(iv) the carriage or stroller is parked so that the child occupying it faces toward the rear of the District Vehicle.

(b) Whenever an older adult or person with a disability wishes to sit in the priority seating area, or the operator of the District Vehicle recognizes that the person has a right to sit in the priority seating area, the operator shall instruct the adult responsible for the carriage or stroller that:

EXHIBIT "C" TO TRIMET ORDINANCE NO. 358

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(i) the child must be removed from the carriage or stroller and transferred to a seat (or held by an adult), and

(ii) the carriage or stroller must be folded and stowed out of the way so that it does not impede passengers.

The General CAT approved the proposed changes, as listed above. If you have any questions about this meeting or would like to follow-up in more detail about CAT's concerns, please contact the TriMet staff liaison at 503) 962-8245 or CAT@trimet.org.

Sincerely,

Jan Campbell
Chair, Committee on Accessible Transportation

Cc: Jan Campbell, Chair, Committee on Accessible Transportation
Margo Moore, Director, Accessible Transportation Program