ADMINISTRATIVE RULES FOR CONTESTING
FARE EVASION CITATIONS

Pursuant to ORS 267.153(4) and TMC 29.35(G), the following administrative rules govern
hearings related to fare evasion citations eligible for administrative review.

1. Eligibility

Only citations subject to the 90-day stay as provided in TMC 29.35 are eligible for a hearing as
described in these rules.

2. Initiation of Proceeding

To initiate a review, an individual who has received an eligible fare evasion citation must request
a hearing with TriMet within 45 days of issuance of the citation. The request for a hearing and
any supporting documentation can be made online or by mail in a form and manner provided by
TriMet. The hearing may be requested by the individual cited or by a person authorized to act on
their behalf.

3. Basis for Review

The purpose of the hearing is to determine whether, by a preponderance of the evidence, the
cited party can demonstrate he or she did not lack valid fare at the time of issuance of the
citation. The burden of proof rests with the cited party.

The cited party is not entitled to an in-person hearing and will only be contacted if, in the
discretion of the Hearings Officer, it is determined additional information should be collected
from the cited party or any other person. If necessary, the Hearings Officer may contact the
person who issued the citation and any other TriMet personnel for additional information.

4. Submission of Supporting Documentation

An individual who has received an eligible Fare Evasion Citation may submit any supporting
materials and documents to document that the customer had a valid fare. This may include
documentation of the following:

- A valid employer pass for the time of issuance of the citation;
- A copy of an honored citizen identification or other documentation of eligibility for an
  honored citizen fare instrument;
- Eligibility for a youth fare instrument;
- An activated HOP card at the time of citation;
- An activated mobile phone application;
- Any other documentation reflecting a valid proof of payment at the time of citation.
The Hearings Officer may consider any TriMet records reflecting prior offenses for the same or similar conduct by the cited party. The Hearings Officer may also consider TriMet records related to the cited party and their fare payment history.

5. **Treatment of Evidence**

In reviewing the citation, the Hearings Officer may rely upon any evidence that a reasonable person would rely upon in making an important decision or conducting personal business. Hearsay is admissible, except where its admission would offend due process.

6. **Decision by Citation Administrator**

The Hearings Officer will issue a decision on the review. The decision will be transmitted in a manner that the Hearings Officer determines is most likely to reach the cited party, including email, U.S. mail, or by phone. Based on these procedures and applicable law, the Hearings Officer may affirm or rescind the citation. If the citation is affirmed, the notice to the cited party must inform the cited party of their options for resolving the citation.

As provided in ORS 267.153(4) and TMC 29.35(G), any administrative review must be completed within 60 days of issuance of the citation. If a request for review is submitted without adequate time to complete the necessary review prior to the expiration of the 60-day period allowed for review, the request shall be denied.

7. **Designation of Citation Administrator(s)**

TriMet’s Executive Director of Safety, Security and Environmental Services is delegated the authority to designate Hearings Officer(s) to conduct administrative review of any citation.

Nothing in these Administrative Rules limit or prohibit the ability of the Hearings Officer to void any citation when doing so is in the interest of justice.

Authorized by: 

Doug Kelsey

General Manager

Effective Date: July 1, 2018