



**CITY OF**  
**PORTLAND, OREGON**  
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**Hearings Office**

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**HEARINGS OFFICER'S AMENDED ORDER**

TriMet vs. Rosamaria Bancroft

CASE NO. 3100233  
(TriMet Exclusion Number 122527)

HEARING DATE: June 29, 2010

HEARINGS OFFICER: Ms. Christina A. Austin-Smith

**Findings:** On June 29, 2010, a hearing was conducted on the above referenced TriMet exclusion. Ms. Bancroft did not appear in a timely fashion and the hearing had already concluded when Ms. Bancroft arrived at the Hearings Office. The Hearings Officer issued an Order dated June 30, 2010, finding the Notice of Exclusion valid. At that Hearing, there was no evidence submitted to indicate Ms. Bancroft was transit dependent or disabled, so a qualified exclusion was not issued.

On June 30, 2010, the Hearings Office received a written letter from Ms. Bancroft (Exhibit 7). The Hearings Officer admits Exhibit 7 into the evidentiary record. Ms. Bancroft indicated, in Exhibit 7, that she has no vehicle and is dependent on TriMet for work, doctor appointments, church and shopping. In this letter, Ms. Bancroft detailed the locations of all these activities and explained that her work schedule and shopping schedule varies depending on the day.

Therefore, the Hearings Officer finds Ms. Bancroft is transit dependent and finds it appropriate to amend the Order issued on June 30, 2010 to grant Ms. Bancroft a Qualified Exclusion. Ms. Bancroft will only be allowed to ride all TriMet bus lines, seven days a week, all hours of the day, during the exclusion period. This will allow her access to public transportation during the exclusion period and provides TriMet a way to verify Ms. Bancroft has paid the appropriate fare before taking advantage of public transportation services. Even though Ms. Bancroft has been granted a qualified exclusion, she must still follow all TriMet laws/rules while on TriMet property/vehicles. Violation of TriMet laws/rules, while on TriMet property/vehicles, may subject Ms. Bancroft during the term of this exclusion to being charged with the crime of Interfering with Public Transportation (ORS 166.116) or the crime of Criminal Trespass in the Second Degree (ORS 164.245).

**Order:**

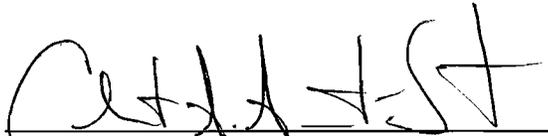
1. Paragraph 3 of the June 30, 2010, Order shall be amended to read as follows:

Ms. Bancroft will only be allowed to ride all TriMet bus lines, seven days a week, all hours of the day, during the exclusion period.

2. Excepting for Paragraph 3 (Order and Determination) of the June 30, 2010 Order, all Findings and Orders of the June 30, 2010 Order shall remain in full force and effect.

- 3. This Amended Order has been mailed to the parties on July 1, 2010 and will become final on July 7, 2010.
- 4. This Amended Order may be appealed to a court of competent jurisdiction pursuant to ORS 34.010 et seq.

Dated: July 1, 2010



Christina A. Austin-Smith, Hearings Officer

CAAS:gj/cb

<b>Exhibit #</b>	<b>Description</b>	<b>Submitted by</b>	<b>Disposition</b>
1	Appeal form page 2	Turner, Anna	Received
2	Fare Inspection form	Turner, Anna	Received
3	Notice of Exclusion and Officer's Affidavit	Turner, Anna	Received
4	Hearing notice	Hearings Office	Received
5	Statement of Rights	Hearings Office	Received
6	Mailing list	Hearings Office	Received
7	Variance request	Bancroft, Rosamaria	Received