

RESOLUTION NO. 2023-105

AMENDING CHAPTER 212 DEFINITIONS AND INTERPRETATION OF THE
CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees ("Board") of the Greater Cleveland Regional Transit Authority ("Authority") codified the resolutions establishing its policies and procedures; and

WHEREAS, pursuant to Resolution No. 2015-100, the Board changed the name of its policies from "Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority" to "Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority" ("Code Book"); and

WHEREAS, the Authority has conducted a review and determined that Chapter 212 Definitions and Interpretation should be amended to update the name of the Code Book.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Greater Cleveland Regional Transit Authority, Cuyahoga County, Ohio:

Section 1. That Code Book Chapter 212 Definitions and Interpretation is hereby amended to read as specified in Attachment A hereto.

Section 2. That the Board of Trustees hereby waives the fourteen-day period provided for in Article XI, Section 2 of the Bylaws.

Section 3. That this resolution shall become effective immediately upon its adoption.

Attachment: A. Chapter 212 Definitions and Interpretation

Adopted: December 19, 2023



President

Attest:



Secretary-Treasurer

Resolution Attachment A

CHAPTER 212
Definitions and Interpretation

212.01	Definitions.	212.04	Construction of section references.
212.02	Rules of construction.	212.05	Conflict of laws.
212.03	Revivor; effect of re-enactment, amendment or repeal.	212.06	Severability.
		212.07	Repeal.

CROSS REFERENCES

Urban mass transportation - see 49 U.S.C.A. 1601 et seq.
Urban Mass Transportation Administration, Department of Transportation - see 49 C.F.R. Ch. VI
Regional transit authorities - see R.C. 306.30 et seq.
Creation of regional transit authority - see R.C. 306.31, 306.32 Rules and regulations of Board of Trustees - see R.C. 306.34 Authority to adopt, amend and repeal bylaws - see R.C. 306.35(D)
Dissolution of authority or modification of membership - see R.C. 306.54 Penalty for violations of Section 306.35(D)(4) - see R.C. 306.99(B)
Interpretation of Bylaws - see Bylaws Art. X Amendments and supplements - see ADM. 210.02

212.01 DEFINITIONS.

As used in these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority, unless otherwise expressly provided or the context otherwise requires:

- (a) "And" may be read "or," and "or" may be read "and," if the sense requires it.
- (b) "Authority" means the Greater Cleveland Regional Transit Authority, established pursuant to R.C. 306.32.
- (c) "Board" means the Board of Trustees of the Greater Cleveland Regional Transit Authority, appointed as provided in R.C. 306.33.
- (d) "County" means Cuyahoga County, Ohio.
- (e) "Land" and "real estate" include rights and easements of an incorporeal nature."
- (f) "Law" means any and all laws, including constitutions, statutes, ordinances, resolutions, rules, regulations, motions and orders, of the United States, any state, any political subdivision of a state, any municipal corporation or any other legal entity.
- (g) "May" is permissive.
- (h) "Month" means a calendar month.
- (i) "Motion" means a legislative enactment of the Board of Trustees that is recorded in the minutes of the Board but which is not separately published.
- (j) "Owner," when applied to property, includes a part owner, joint owner or

tenant in common of the whole or any part of such property.

- (k) "Person" means the State, a municipal corporation, a political subdivision, a public or private corporation, an individual, a partnership, a firm, an association, a business trust, an estate, a trust or any other entity.
- (l) "Premises," when used as applicable to property, extends to and includes land and buildings.
- (m) "Property" includes real and personal property and any mixed and lesser estates or interests therein. "Personal property" includes every kind of property except real property; "real property" includes land, tenements and hereditaments.
- (n) "Public place" means any place to or upon which the public resorts or travels, whether such place is owned or controlled by a municipality, the State or the United States, or any agency of the State or the United States, or is a place to or upon which the public resorts or travels by custom or by invitation, express or implied.
- (o) "Reasonable time" means such time only as may be necessary for the prompt performance of an act or the giving of required notice.
- (p) "Residence" means an abode in which a person permanently resides.
- (q) "Resolution" means a legislative enactment of the Board of Trustees that is separately published and recorded.
- (r) "Shall" is mandatory.
- (s) "Sidewalk" means that portion of a street between the curb lines or lateral lines and the right-of-way lines, which is intended for the use of pedestrians.
- (t) "State" means the State of Ohio.
- (u) "Street," "highway" and "alley" mean the entire width subject to an easement for public right of way, or owned in fee by a municipality, county or the State, of every way or place, of whatever nature, whenever any part thereof is open to the use of the public as a matter of right for purposes of public travel. The word "alley" means any such way or place providing a secondary means of ingress and egress from a property.
- (v) "Transit facility" means:
 - (1) A street railway, motor bus, tramline, subway, monorail, rapid transit, airplane, helicopter, ferry or other ground or water transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Greater Cleveland Regional Transit Authority, including all rights of way, power lines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking facilities, and franchise rights attendant thereto, but excluding therefrom trucks and facilities designed for use in the movement of property by truck;
 - (2) Docks, wharves, warehouses, piers and other port, terminal or transportation facilities and marinas;
 - (3) Facilities used, available for use or designed for use to aid in the safe taking off or landing of aircraft, for the safety, storage and maintenance of aircraft, for the comfort and accommodation of users of air transportation, including persons, property and mail, or for the safe and efficient operation and maintenance of

an airport, and buildings and facilities as are reasonably necessary for the comfort and accommodation of the users of transit facilities; or

(4) Any combination of the foregoing.

(w) "Written" and "in writing" include any representation of words, letters or figures, whether by printing or otherwise.

212.02 RULES OF CONSTRUCTION.

(a) Common and Technical Use. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

(b) Singular and Plural; Gender; Tense.

(1) The singular includes the plural, and the plural includes the singular.

(2) Words of one gender include the other genders.

(3) Words in the present tense include the future.

(c) Computation of Time.

(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Sunday or a legal holiday.

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(3) When an act is to take effect or become operative from and after a day named, no part of that day shall be included.

(d) Liberal Construction. All general provisions, terms, phrases and expressions contained in these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

(e) Minimum Requirements. In the interpretation and application of these Codified Rules and Regulations, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

212.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority does not revive the provision

originally repealed or impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of these Codified Rules and Regulations does not, except as provided in subsection (c) hereof:

(1) Affect the prior operation of the provision or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of a provision of these Codified Rules and Regulations, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

212.04 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of a provision of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority applies to all re-enactments or amendments thereof.

(b) References in these Codified Rules and Regulations to action taken or authorized under designated sections of these Codified Rules and Regulations include, in every case, action taken or authorized under the applicable legislative provision which is superseded by these Codified Rules and Regulations.

212.05 CONFLICT OF LAWS.

(a) In the event of a conflict or inconsistency between any of the provisions of any resolution or motion enacted by the Board of Trustees and a provision of the Bylaws of the Greater Cleveland Regional Transit Authority, the provision of the Bylaws shall control.

(b) In the event of a conflict or inconsistency between any of the provisions of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority and another provision of these Codified Rules and Regulations, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Codified Rules and Regulations, or otherwise adopted by the Board of Trustees but not codified in full in these Codified Rules and Regulations, that provision which is later in date shall control, but if neither provision is later in date than the other, then that provision which establishes the higher or stricter standard, or imposes the greater restriction or regulation, shall control.

(c) In the event of a conflict or inconsistency between any of the provisions of these Codified Rules and Regulations, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Codified Rules and Regulations, or otherwise adopted by the Board of Trustees but not codified in full in these Codified Rules and Regulations, and a provision of state or federal law, the provision of state or federal law shall control, except in those cases where the Board of Trustees is expressly authorized by state or federal law to enact legislation that is not consistent with state and/or federal law.

212.06 SEVERABILITY.

(a) Each section and each part of each section of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid or unconstitutional, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid or unconstitutional, shall not be affected thereby, and it is hereby declared to be the legislative intent that these Codified Rules and Regulations would have been adopted independently of such section or part of a section so held to be invalid.

(b) The provisions of this section shall apply to the amendment of any section of these Codified Rules and Regulations, whether or not the wording of this section is set forth in the amendatory resolution or motion.

212.07 REPEAL.

(a) All motions and resolutions and parts of motions and resolutions of the Board of Trustees, and all rules, regulations and orders promulgated under authority of such motions and resolutions, or under authority of state or federal law, that are in conflict with or in any manner inconsistent with any of the provisions of these Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority, are hereby repealed.

(b) The repeal of any motion, resolution, rule, regulation or order shall not affect any punishment or penalty incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the motion, resolution, rule, regulation or order repealed.



TITLE/DESCRIPTION: AMENDING CHAPTER 212 DEFINITIONS AND INTERPRETATION OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2023-105
	Date: December 14, 2023
	Initiator: Legal

ACTION REQUEST:
 Approval Review/Comment Information Only Other _____

1.0 PURPOSE/SCOPE: This resolution will amend Chapter 212 Definitions and Interpretation of the Codified Rules and Regulations (“Code Book”) of the Greater Cleveland Regional Transit Authority (“Authority”).

2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees of the Greater Cleveland Regional Transit Authority (“Policies and Procedures”) were codified in 1989, pursuant to Resolution 1989-176. The Code Book is undergoing a comprehensive review and update so that the Code Book will conform to the current structure and operations of the Authority.

In Resolution No. 2015-100, the Board of Trustees (“Board”) changed the name of the Policies and Procedures to the Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority.

The proposed amendment will amend Code Book Chapter 212 to update the references to the old name of the Code Book to the new name.

3.0 PROCUREMENT BACKGROUND: Does not apply.

4.0 AFFIRMATIVE ACTION/DBE BACKGROUND: Does not apply.

5.0 POLICY IMPACT: Adoption of the resolution will bring Chapter 212 up to date.

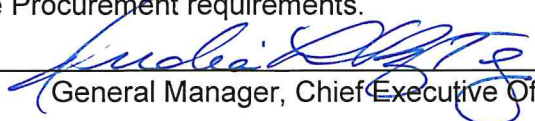
6.0 ECONOMIC IMPACT: Does not apply.

7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in the Code Book remaining out of date.

8.0 RECOMMENDATION: This resolution was discussed at the December 5, 2023 Committee of the Whole meeting and recommended for consideration by the full Board of Trustees. It is recommended that this resolution be adopted.

9.0 ATTACHMENT: A. Red-line of proposed amendments to Chapter 212 Definitions and Interpretation

Recommended and certified as appropriate to the availability of funds, legal form and conformance with the Procurement requirements.


 General Manager, Chief Executive Officer

Staff Summary Attachment A

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Regional transit authorities - see ~~Ohio~~ R.C. 306.30 et seq.
Creation of regional transit authority - see ~~Ohio~~ R.C. 306.31, 306.32
Rules and regulations of Board of Trustees - see ~~Ohio~~ R.C. 306.34
Authority to adopt, amend and repeal bylaws - see ~~Ohio~~ R.C. 306.35(D)
Dissolution of authority or modification of membership - see ~~Ohio~~ R.C. 306.54
Penalty for violations of ~~county transit system rules and regulations~~ Section 306.35(D)(4) - see ~~Ohio~~ R.C. 306.99(B)
Interpretation of Bylaws - see Bylaws Art. IX
Amendments and supplements - see ADM. 210.02

212.01 DEFINITIONS.

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- (v) "Transit facility" means:
 - (1) A street railway, motor bus, tramline, subway, monorail, rapid transit, ~~aeroplane~~airplane, helicopter, ferry or other ground or water transportation system having as its primary purpose the regularly scheduled mass movement of passengers between locations within the territorial boundaries of the Greater Cleveland Regional Transit Authority, including all rights of way, power lines, rolling stock, equipment, machinery, terminals, buildings, administration and maintenance and repair facilities, and supporting parking facilities, and franchise rights attendant thereto, but excluding therefrom trucks and facilities designed for use in the movement of property by truck;
 - (2) Docks, wharves, warehouses, piers and other port, terminal or transportation facilities and marinas;
 - (3) Facilities used, available for use or designed for use to aid in the

safe taking off or landing of aircraft, for the safety, storage and maintenance of aircraft, for the comfort and accommodation of users of air transportation, including persons, property and mail, or for the safe and efficient operation and maintenance of an airport, and buildings and facilities as are reasonably necessary for the comfort and accommodation of the users of transit facilities; or

(4) Any combination of the foregoing.

(w) "Written" and "in writing" include any representation of words, letters or figures, whether by printing or otherwise.

212.02 RULES OF CONSTRUCTION.

(a) Common and Technical Use. Words and phrases shall be read in context and construed according to the rules of grammar and common usage. Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly.

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- (1) The singular includes the plural, and the plural includes the singular.
- (2) Words of one gender include the other genders.
- (3) Words in the present tense include the future.

(c) Computation of Time.

(1) The time within which an act is required by law to be done shall be computed by excluding the first and including the last day; except that when the last day falls on Sunday or a legal holiday, then the act may be done on the next succeeding day which is not Sunday or a legal holiday.

(2) If a number of months is to be computed by counting the months from a particular day, the period ends on the same numerical day in the concluding month as the day of the month from which the computation is begun, unless there are not that many days in the concluding month, in which case the period ends on the last day of that month.

(3) When an act is to take effect or become operative from and after a day named, no part of that day shall be included.

(d) Liberal Construction. All general provisions, terms, phrases and expressions contained in these Codified Rules and Regulations ~~Policies and Procedures of the Board of Trustees~~ of the Greater Cleveland Regional Transit Authority shall be liberally construed in order that the true intent and meaning of the Board of Trustees may be fully carried out.

(e) Minimum Requirements. In the interpretation and application of these Codified Rules and Regulations ~~Policies and Procedures~~, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare.

212.03 REVIVOR; EFFECT OF RE-ENACTMENT, AMENDMENT OR REPEAL.

(a) The repeal of a repealing provision of these Codified Rules and Regulations~~Policies and Procedures of the Board of Trustees~~ of the Greater Cleveland Regional Transit Authority does not revive the provision originally repealed or impair the effect of any saving clause therein.

(b) The re-enactment, amendment or repeal of a provision of these Codified Rules and Regulations~~Policies and Procedures~~ does not, except as provided in subsection (c) hereof:

(1) Affect the prior operation of the provision or any prior action taken thereunder;

(2) Affect any validation, cure, right, privilege, obligation or liability previously acquired, accrued, accorded or incurred thereunder;

(3) Affect any violation thereof or penalty, forfeiture or punishment incurred in respect thereto, prior to the amendment or repeal;

(4) Affect any investigation, proceeding or remedy in respect of any such privilege, obligation, liability, penalty, forfeiture or punishment; and the investigation, proceeding or remedy may be instituted, continued or enforced, and the penalty, forfeiture or punishment imposed, as if the provision had not been repealed or amended.

(c) If the penalty, forfeiture or punishment for any offense is reduced by a re-enactment or amendment of a provision of these Codified Rules and Regulations~~Policies and Procedures~~, the penalty, forfeiture or punishment, if not already imposed, shall be imposed according to the provision as amended.

212.04 CONSTRUCTION OF SECTION REFERENCES.

(a) A reference to any portion of a provision of these Policies and Procedures of the Board of Trustees~~Codified Rules and Regulations~~ of the Greater Cleveland Regional Transit Authority applies to all re-enactments or amendments thereof.

(b) References in these Policies and Procedures~~Codified Rules and Regulations~~ to action taken or authorized under designated sections of these Policies and Procedures~~Codified Rules and Regulations~~ include, in every case, action taken or authorized under the applicable legislative provision which is superseded by these Policies and Procedures~~Codified Rules and Regulations~~.

212.05 CONFLICT OF LAWS.

(a) In the event of a conflict or inconsistency between any of the provisions of any resolution or motion enacted by the Board of Trustees and a provision of the Bylaws of the Greater Cleveland Regional Transit Authority, the provision of the Bylaws shall control.

(b) In the event of a conflict or inconsistency between any of the provisions of these ~~Policies and Procedures of the Board of Trustees~~ Codified Rules and Regulations of the Greater Cleveland Regional Transit Authority and another provision of these Codified Rules and Regulations ~~Policies and Procedures~~, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Codified Rules and Regulations ~~Policies and Procedures~~, or otherwise adopted by the Board of Trustees but not codified in full in these Codified Rules and Regulations ~~Policies and Procedures~~, that provision which is later in date shall control, but if neither provision is later in date than the other, then that provision which establishes the higher or stricter standard, or imposes the greater restriction or regulation, shall control.

(c) In the event of a conflict or inconsistency between any of the provisions of these Codified Rules and Regulations ~~Policies and Procedures~~, including provisions of codes, rules, regulations, agreements, policies, procedures or other documents adopted by reference in these Codified Rules and Regulations ~~Policies and Procedures~~, or otherwise adopted by the Board of Trustees but not codified in full in these Codified Rules and Regulations ~~Policies and Procedures~~, and a provision of ~~State-state~~ or ~~Federal-federal~~ law, the provision of ~~State-state~~ or ~~Federal-federal~~ law shall control, except in those cases where the Board of Trustees is expressly authorized by ~~State state~~ or ~~Federal-federal~~ law to enact legislation that is not consistent with ~~State-state~~ and/or ~~Federal-federal~~ law.

212.06 SEVERABILITY.

(a) Each section and each part of each section of these Codified Rules and Regulations ~~Policies and Procedures of the Board of Trustees~~ of the Greater Cleveland Regional Transit Authority is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section, or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid or unconstitutional, the remaining sections or parts of sections and the application of such provision to any other person or circumstance, other than those as to which it is held invalid or unconstitutional, shall not be affected thereby, and it is hereby declared to be the legislative intent that these Codified Rules and Regulations ~~Policies and Procedures~~ would have been adopted independently of such section or part of a section so held to be invalid.

(b) The provisions of this section shall apply to the amendment of any section of these Codified Rules and Regulations ~~Policies and Procedures~~, whether or not the wording of this section is set forth in the amendatory resolution or motion.

212.07 REPEAL.

(a) All motions and resolutions and parts of motions and resolutions of the Board of Trustees, and all rules, regulations and orders promulgated under authority of such

motions and resolutions, or under authority of ~~State-state~~ or ~~Federal-federal~~ law, that are in conflict with or in any manner inconsistent with any of the provisions of these ~~Codified Rules and Regulations Policies and Procedures of the Board of Trustees~~ of the Greater Cleveland Regional Transit Authority, are hereby repealed.

(b) The repeal of any motion, resolution, rule, regulation or order shall not affect any punishment or penalty incurred before the repeal takes effect, or any suit, prosecution or proceeding pending at the time of the repeal, for an offense committed or cause of action arising under the motion, resolution, rule, regulation or order repealed.