

To: Marketing Planning & Legislative Committee

Date: March 17, 2015

From: Anne Muzzini, Director of Planning and Marketing

Reviewed by:

Subject: Revision of Public Hearing Policy

Background:

One finding from the FTA Triennial Review was that the public hearing policy needed to be more specific in terms of how public comments are collected and how they are considered. The revised policy attached includes new language that calls out methods for collecting comments other than the required public hearing such as email, customer service phone calls, blog posts, workshops, and mobile apps such as Textizen. In addition language has been added that explains that comments will be summarized and presented to the Board as part of the decision making process.

Recommendation:

Support Board adoption of amended public hearing policy.

SUBJECT: Public Hearing Policy

POLICY: Call for Public Hearing

All public hearings are to be called by the Board of Directors. However, when authorized by the Chair, the General Manager may call a public hearing that is required by law or by Authority policy when doing so would move the process forward in a timely manner.

Necessity of a Public Hearing

The Board may call a public hearing for a variety of reasons. However, prior to implementing a new fare, raising an existing fare, or implementing a major reduction in service, the Authority shall hold a public hearing at which oral and written presentation can be made as part of a duly noticed meeting.

Major reduction in service is defined as:

1. Elimination of 25 percent or more of the number of transit route miles of a bus route; or
2. Elimination of 25 percent or more of the number of daily transit revenue miles of a bus route for the day of the week for which the change is made; or
3. Elimination of service that affects 25 percent or more of daily passenger trips of a bus route for the day of the week for which the change is made.

Notice

Notice of the time and place of the meeting shall be published twice in a newspaper that is regularly published at least once a week. As a general rule, the first notice should be published at least 21 days prior to the hearing and the second notice at least 5 days prior to the last hearing date. Shorter notice may be given when financial, operational or scheduling considerations make it infeasible to provide 21 days' advance notice. At a minimum, the notice must be published at least 10 days prior to the hearing and the second notice at least 5 days prior to the last hearing date.

The notice shall include a general, brief explanation of the matter to be considered. The notice shall also state where and when the staff report or other information about the subject of the hearing will be available for public review.

If specific groups or neighborhoods would be affected by the change, the Authority shall use best efforts to publish the notice in newspapers, if any, oriented to such groups or neighborhoods and to otherwise publicize the hearing to reach such groups or neighborhoods, including publicizing the hearing on the Authority's web site.

Conduct of the Public Hearing

At the public hearing, the Authority shall afford any interested person or duly authorized representative, or both, the opportunity to present statements or arguments. Limitations may be established on the length of oral presentations in order to afford all members of the public a reasonable opportunity to speak. The hearing need not be conducted according to the technical rules of evidence. Such hearing may be conducted by staff. Generally, court reporters will not be used. At the close of the public hearing, the General Manager or his/her designee will announce where the item will next be heard, either before a committee or the Board.

Other Public Comments

Staff may solicit public comments on the proposed major service change or fare change using other methods in addition to the required public hearing such as email, phone calls to customer service, mobile apps that collect passenger comments or conduct surveys, blog posts, and workshops.

Consideration of Comments

All comment received will be summarized and presented to the Board for their consideration as part of the decision making process.

DATE OF ADOPTION: October 16, 2008
AMENDED: August 21, 1986, August 2010

NOTE: This policy supersedes prior versions of the policy on Public Hearing Notices.