

**PUBLIC HEARINGS PROCESSES  
FOR THE BOARD OF DIRECTORS**

**I. PURPOSE**

The public hearing process is one mechanism used by the Board of Directors and the District to solicit and receive public comments about decisions affecting residents and riders of AC Transit District. In adopting this policy it is the intent of the Board of Directors to encourage the receipt of public comments so that information received may be considered as part of the decision making process. The provisions of this policy shall be in addition to procedures established in Section 6.8 of Board Policy No. 100, Rules for Procedure.

**II. PUBLIC HEARINGS**

Public Hearings shall be scheduled by the Board of Directors to consider the matters listed below. In addition, the Board may, as it deems appropriate, schedule additional public hearings for the consideration of subjects not listed below.

**1. FARES**

FARES shall include any increase in charges and fees assessed for use of District public transit services including cash fares, ticket fares, pass fares, transfer fares, or amendments to eligibility criteria for fare categories. Reduced or promotional fare adjustments shall not be subject to public hearings. "Promotional fares" shall include modifications to fare structures which are established on a short-term basis for the specific purpose of promoting service and encouraging increased ridership.

**2. MAJOR ADJUSTMENTS OF TRANSIT SERVICE**

MAJOR ADJUSTMENTS OF TRANSIT SERVICE include:

- (a) A new transit route (a reassignment of existing route numbers, including reassignment of numbers resulting from splitting or combining two or more existing routes, which creates a new route "number" will not constitute a new transit route. Should the adjustment impact miles or hours of service, criteria (c) and (d) shall be considered); or

- (b) New service on streets (excluding major arterial streets and streets designated as a truck route) not previously used by any route.
- (c) Any aggregate change of 25 percent or more of the number of transit revenue vehicle MILES of a route computed on a daily basis for the day of the week for which the change is proposed;
- (d) Any aggregate change of 25 percent or more of the number of transit revenue HOURS of a route computed on a daily basis for the day of the week for which the change is proposed; or
- (e) EXCEPTIONS: Exceptions to the major adjustments of transit service include:
  - (1) Headway adjustments from existing headways of up to 5 minutes during peak hour service and up to 15 minutes during non-peak hour service done in conjunction with a change in revenue vehicle miles or hours as provided in Section II.2.(c) and (d) above. (For example: If a route has a 10-minute peak hour headway and its hours or miles are being adjusted per Section II.2.(c) and (d), it may be adjusted to 15 minute peak hour headways without a public hearing.
  - (2) Standard seasonal variations, unless the variation, as compared to operations during the previous season, falls within the definitions of major adjustments listed above.
  - (3) Emergency service changes may be implemented immediately without a public hearing provided that a finding identifying the circumstances under which the change is being taken is made by the General Manager and a subsequent public hearing is held if the change is to remain in effect longer than 180 days.  
  
"Emergency service changes" shall include changes in routes or service frequencies which may be necessitated due to a disaster which severely impairs public health or safety; changes in access to public streets (such a street closures); or the ability of District equipment to travel on public streets.
  - (4) The restoration of service which had been eliminated due to budget constraints, provided the service runs on the same route as it had prior to its elimination, subject to minor

deviations which do not exceed the requirements of subsections 2.(a), (b) (c) or (d) above.

**3. ENVIRONMENTAL IMPACT REVIEWS**

ENVIRONMENTAL IMPACT REPORTS or Negative Declarations required by the California Environmental Quality Act, State Implementing Guidelines or Board Policy No. 512.

**4. OTHER PUBLIC HEARINGS**

OTHER PUBLIC HEARINGS shall be conducted as may be required by federal or state laws or regulations, including but not limited to, public hearings required prior to the submission of FTA grant applications. (Note: District public hearings are not required for District grant applications when said grants are part of a regional grant application process and public hearings are coordinated and conducted by the Metropolitan Commission or other regional agency or operator.)

**III. ESTABLISHMENT AND NOTICE OF PUBLIC HEARINGS**

**1. BOARD AUTHORITY TO SET PUBLIC HEARING**

In order to provide sufficient notice of upcoming hearings, the Board of Directors shall designate the time and place for public hearings at least 28 days in advance of the proposed hearing date, unless more notice is required by law.

Unless otherwise required by law, the Board may provide for minor modifications to the 28-day advance notice requirements in those situations when a finding can be made that such modification will not diminish fulfilling the public notice procedures outlined below.

**2. LEGAL PUBLICATION OF NOTICE**

Once the Board has decided to hold a public hearing, notice of the public hearing shall be prepared to include a general description of the public hearing subject matter and the date, time and location of the public hearing.

Notices shall be published once a week for two successive weeks in a newspaper of general circulation within the District. Except as otherwise provided in subsection 3 of this section, the first publication shall occur not less than 14 days prior to the public hearing date. The second publication

shall occur not less than 7 days prior to the public hearing but not less than 5 days after the first publication.

### **3. SPECIAL PROVISIONS REGARDING ENVIRONMENTAL MATTERS**

In the case of public hearings relating to negative declarations or environmental impact reports, expanded legal notice or public review and comment periods may apply. In such situations, the General Counsel shall review and determine additional public comment and notification periods which may be required by State or Federal law or regulation or Board Policy No. 512.

### **4. OTHER NOTICES**

Notices of public hearings shall be sent to city councils, boards of supervisors or school districts that oversee areas affected by the subject of the public hearing or other public agencies as determined by the General Manager.

In addition to the above legal notices, the General Manager or the Board may direct distribution of additional notices to enhance public awareness of the proposed public hearing. These notices may include, but are not limited to:

- (a) Publications in newspapers oriented to specific groups or neighborhoods that may be affected by the subject of the public hearing;
- (b) Direct mail notices to neighborhoods that may be affected by the subject of the public hearing;
- (c) Information signs and/or fliers placed on buses and/or bus stop poles on the affected routes as the situation may warrant;
- (d) Press releases to area newspapers in the affected areas; and/or
- (e) Display advertisements in local newspapers(s) in the affected areas.

## **IV. CONDUCT OF PUBLIC HEARINGS**

### **1. HEARING PROCEDURES**

Public hearings will be conducted at a regular, adjourned-regular or special meeting of the Board of Directors. Proceedings shall generally include, but are not limited to:

- (a) Announcement of the purpose of the hearing.
- (b) At the discretion of the Board President, introduction of the Directors and other Officers and Staff of the District who are present.
- (c) An introduction by the Board President, the General Manager, or the General Manager's designee, of the subject matter being considered at the public hearing.
- (d) Receipt of public comments. (Comments are typically preceded by an announcement that speaker forms should be completed by each speaker so that each individual may be recognized in an orderly manner. The allocation of time per speaker shall be pursuant to time limitations established under Board Policy No. 100, Rules for Procedures.)
- (e) Following receipt of oral and/or written comments, the public hearing shall be closed. If the Board chooses not to take action immediately following close of the public hearing, the Board President shall announce the time and date at which the Board will next consider the decision. How soon the Board makes its decision after the close of the public hearing is within the Board's discretion, unless a State or Federal law or regulation or Board policy requires a decision within a specific period of time.
- (f) Prior to the initiation of a public hearing or prior to the close of a public hearing, the Board of Directors may, by motion, continue any public hearing to a specific time, date and place. As soon as practical after the Board's action to continue the item, but no more than 24 hours after that action, a notice of continuance shall be posted in the District General Offices in a location which is freely accessible to the public.

**2. ABSENCE OF BOARDMEMBERS AT A PUBLIC HEARING:**

If any Boardmember(s) or a quorum of the Board is absent from any public hearing, the public hearing may proceed and copies of the District Secretary's summary of the hearing (when minutes of the meeting cannot be prepared and approved in time for the meeting when the public hearing item will be considered), approved minutes, or an audio recording of said hearing

shall be provided to the absent Boardmember(s) prior to the vote on the decision(s) resulting from the public hearing. Each absent Boardmember shall state on the record that he/she reviewed the District Secretary's summary of the hearing, the approved minutes or listened to the audio tape prior to participating in the decision(s).

**3. WRITTEN COMMENTS:**

In addition to oral comments, written comments will be accepted prior to the close of the public hearing. Copies of all written comments shall be provided, or read, to all Boardmembers prior to their decision on the matter, including any Boardmember(s) who were absent when the public hearing occurred.

**4. RECORD OF HEARING:**

As provided for in Section 6.15 of the Board Policy No. 100, Rules for Procedure, the minutes of the Board of Director's meeting shall constitute the record of the public hearing. Audio recordings of said public hearings shall be maintained in accordance with the above Board Policy. Court reporter services shall be provided at the direction of the Board of Directors or as requested by the District Secretary, General Manager, or General Counsel.