



# MARIN TRANSIT

## PUBLIC HEARING POLICY

Policy #:	AD-02
Subject:	Public Hearings
Effective Date:	May 21, 2007
Revision Dates:	April 3, 2023 July 27, 2015

# Public Hearing Policy

## 1. PURPOSE

The public hearing process is one method that Marin County Transit District (Marin Transit) Board of Directors uses to solicit and receive public comments about decisions affecting the community and Marin Transit riders. In adopting this policy, it is the intent of the Board to encourage the receipt of public comments so that information may be considered as part of the decision-making process. The provisions of this policy shall be in addition to procedures established specific to Marin County Transit District in Sections 70000-80019 of the California Public Utilities Code, the “Marin County Transit District Act of 1964.”

Every Marin Transit Board meeting includes procedures to ensure public access and participation in the process. A public hearing is warranted when the matter under consideration is significant enough that it warrants extra effort to ensure public awareness of the matter and solicit public input.

## 2. PUBLIC HEARINGS

The Board of Directors shall schedule public hearings to consider the matters listed below. The Board may, as it deems appropriate, schedule additional public hearings for the consideration of subjects not listed below. When authorized by the Board President, the General Manager may call a public hearing that is required by law or by District policy when doing so would move a process forward in a timely manner.

### a. FARE CHANGES

Fare changes require a public hearing prior to adoption by the Board. This includes any changes in the 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, or major changes to fare media or types of fare products. Promotional fares shall not be subject to public hearings. “Promotional fares” shall include modifications to fare structures that are established on a short-term basis for the specific purpose of promoting service, encouraging increased ridership, and/or addressing equity.<sup>1</sup>

### b. MAJOR SERVICE CHANGES

Major changes to service require a public hearing before adoption by the Board. The definition of what constitutes a major service change is included in the *Major Service Change Policy* which is part of the District’s federal Title VI Program.<sup>1</sup>

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<sup>1</sup> **Equity Analysis:** For any fare change or major service change, Marin Transit shall also conduct an equity analysis to determine if the proposed change may have unequal impact. The District’s federal Title VI Program includes a *Policy for Establishing Disparate Impact or Disproportionate Burden* (CR-02) which sets thresholds for determining when the impact of a proposed change constitutes a disparate impact on minority populations or a disproportionate burden on low-income populations. Marin Transit must present the findings of the equity analysis prior to Board adoption of the changes.

### **c. ENVIRONMENTAL IMPACT REVIEWS**

Public hearings shall be conducted as required by the California Environmental Quality Act, State Implementing Guidelines (CEQA) and the National Environmental Policy Act (NEPA).

### **d. OTHER PUBLIC HEARINGS**

Other public hearings shall be conducted as may be required by federal or state laws or regulations. District public hearings are not required for grant applications when said grants are part of a regional grant application process and public hearings are coordinated and conducted by the Metropolitan Transportation Commission or other regional agency or operator.

## **3. ESTABLISHMENT AND NOTICE OF PUBLIC HEARINGS**

### **a. BOARD AUTHORITY TO SET PUBLIC HEARING**

To provide sufficient notice of upcoming hearings, the Board of Directors shall designate the time and place for public hearings at least 21 calendar 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 21-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.

### **b. 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, brief explanation of the matter to be considered and the date, time, and location of the public hearing.

Notice of the time and place of the meeting shall be distributed via media and other channels to maximize the breadth of awareness of the public hearing among the affected populations. As a general rule, information shall be distributed as quickly as possible following the setting of the public hearing and shall be repeated as possible to maximize awareness of the hearing.

Marin Transit will advertise information about the public hearing in as many ways as deemed appropriate and effective. Channels may include, but are not limited to:

- Posting meeting notices on transit vehicles and at transit stops that are used by affected riders;
- Notification through the District's email distribution list;
- Publication of the hearing on the District's website and social media feeds;
- Publication in newspaper of general circulation as required by law<sup>2</sup>;

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<sup>2</sup> Marin Transit is required to publish in a newspaper of general circulation based on CA Government Codes 65090-65096, Title 7. Planning and Land Use, Division 1. Planning and Zoning, Chapter 2.7. Public Hearings.

- Publication in neighborhood papers, Spanish language newspapers, and/or online news sources;
- Issuing a press release;
- Sending notice of the public hearing to City Councils, Transportation Authority of Marin, Boards of Supervisors, School Districts, and/or other public agencies that oversee areas affected by the subject of the public hearing;
- Sending meeting notices to identifiable affected groups;
- Inclusion in newsletters of partner agencies, organizations, and/or elected officials;
- Sending letters to names on contact lists created at previous public meetings and hearings; and/or
- Using public service announcements for radio and public access TV (when circumstances dictate and resources allow).

### **c. COMMENT PERIOD**

It is good practice to publicize a comment period during which public comments pertaining to the topic of the hearing be accepted. This ensures that staff have clear guidance on comments that must be considered before bringing an item for final decision to the Board.

Setting a public comment period is not required, however. Also, although setting a comment period includes specifying a date after which comments are no longer accepted as part of the official record of the hearing, public comments on matters pertinent to Marin Transit will always be accepted and, if requested, shared with the Board.

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

In the case of public hearings relating to environmental review required by the California Environmental Quality Act or the National Environmental Policy Act, expanded legal notice or public review and comment periods may apply. In such situations, the District's Counsel shall review and determine additional public comment and notification periods that may be required by State or Federal law or regulation.

### **e. OTHER NOTICES**

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.

## **4. CONDUCT OF PUBLIC HEARINGS**

### **a. HEARING PROCEDURES**

Public hearings will be conducted at a regular or special meeting of the Board of Directors. Language assistance at Board of Director's meetings, such as oral interpreters, shall be provided if 72 hours advance notice is given. Minutes from the meeting will be made

available to the public on Marin Transit's website according to standard Board of Directors procedures.

Proceedings shall generally include, but are not limited to:

- Announcement of the purpose of the hearing.
- At the discretion of the Board President, introduction of the Directors and Staff of the District who are present.
- 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.
- Receipt of public comments. (See 4b for details on public comments.)
- Following receipt of oral and/or written comments, the Board President will close the public hearing.
- The Marin Transit Board may respond to comments made by the public and take other actions, such as amending the item or delaying a decision, as it deems appropriate. If the Board chooses not to take action immediately following the close of the public hearing, the 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.
- 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, notice of the agenda of such committee or Board meeting shall be provided in accordance with regular District procedures.

## **b. PUBLIC COMMENTS**

- Written comments received prior to hearing: Comments from the public received in advance of the publication of the packet for the hearing shall be provided as an attachment to the staff report for the Board of Directors. Comments received between Board packet publication and the hearing shall be distributed to the Board members at the hearing and shall be posted to the District's website.
- Verbal comments received at hearing: Members of the public are permitted to speak for up to two minutes on each item considered although the Board has the discretion to limit public comment to less than two minutes or allow more time if circumstances warrant. At its discretion, the Board may limit the time allocated for speaker comments, pursuant to the Brown Act.<sup>3</sup>

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<sup>3</sup> Ralph M. Brown Act, Chapter 9 (commencing with Section 54950), Part 1, Division 2, Title 5 of the CA Government Code.

- Written comments received during hearing: Copies of all written comments shall be provided to all Board members prior to their decision on the matter, including any Board member(s) who were absent when the public hearing occurred.

### **c. RECORD OF HEARING**

Per the Brown Act,<sup>3</sup> the minutes of the Board of Director's meeting shall constitute the record of the public hearing. Audio/video recordings of said public hearings shall be maintained in accordance with current Board Policy.