

RESOLUTION NO. 2017-54

AMENDING CHAPTER 214, "PUBLIC HEARING PROCESS" OF THE
CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND
REGIONAL TRANSIT AUTHORITY

WHEREAS, pursuant to Resolution No. 1989-176, the Board of Trustees of the Authority codified the resolutions establishing its policies and procedures; and

WHEREAS, over the years, many of the resolutions have been amended; and

WHEREAS, at the present time, the Authority deems it necessary to review, revise and update the codified rules and regulations; and

WHEREAS, the Authority has conducted a review and determined that certain portions of Chapter 214, Public Hearing Process, must be revised.

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

Section 1. That Chapter 214 is hereby amended to read as follows:

214.01 POLICY.

(a) Objectives. The objectives of this policy are to:

- (1) Solicit and consider public comment by affording the general public the opportunity to express views and comments concerning certain Authority matters; and
- (2) Conduct public hearings in a cost-effective and efficient manner.

(b) Scope.

Public hearings will be conducted as follows:

- (1) Annually for the Authority's capital budget; and
- (2) Annually for the Authority's operating budget; and
- (3) Prior to raising fares or establishing a new fare; and
- (4) In accordance with Chapter 1010.03 for service changes; and
- (5) As required by the Americans with Disabilities Act regulations for changes to Paratransit service; and
- (6) When determined necessary to meet the objectives of any law, regulation, circular or Authority policy.

214.02 NOTICE OF PUBLIC HEARING

When it has been determined that a hearing will be held, a notice of public hearing will be published on the Authority's web site, in a newspaper with local circulation and in a minority newspaper with wide coverage in the minority community not less than ten days prior to the date of the hearing.

214.03 PRESENTATIONS AND DOCUMENTS

The Authority's presentations and copies of any documents distributed at public hearings conducted by the Authority will be available on the Authority's web site.

214.04 ACCEPTANCE OF COMMENTS.

The Authority will accept and consider written comments for a two-week period after a scheduled public hearing. The two-week comment period will not apply to the Authority's capital and operating budgets.

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

Adopted: July 18, 2017



President

Attest:



CEO, General Manager/Secretary-Treasurer



TITLE/DESCRIPTION: AMENDING CHAPTER 214, "PUBLIC HEARINGS PROCESS" OF THE CODIFIED RULES AND REGULATIONS OF THE GREATER CLEVELAND REGIONAL TRANSIT AUTHORITY	Resolution No.: 2017-54
	Date: July 13, 2017
	Initiator: Legal
ACTION REQUEST: <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Review/Comment <input type="checkbox"/> Information Only <input type="checkbox"/> Other _____	

- 1.0 PURPOSE/SCOPE: This resolution will amend Chapter 214 of the Codified Rules and Regulations ("Code") of the Greater Cleveland Regional Transit Authority.
- 2.0 DESCRIPTION/JUSTIFICATION: The Policies and Procedures of the Board of Trustees were codified in 1989, pursuant to Resolution 1989-176. The code book has been updated periodically. It is now time for a comprehensive review and update so that the updated Code will conform to the current structure and operations of the Authority.

Chapter 214 is being revised to remove provisions that are no longer applicable to the Authority and to clarify the process for conducting public hearings for the capital budget, operating budget, raising fares or establishing a new fare, service changes, changes to Paratransit services and when required by law, regulation, circular or Authority policy. The provision specifying when public hearings will be held for service changes will be located in the services code.
- 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 result in a clear, accurate and current policy.
- 6.0 ECONOMIC IMPACT: Does not apply.
- 7.0 ALTERNATIVES: Not adopting this resolution. Not adopting this resolution would result in Chapter 214 remaining out of date.
- 8.0 RECOMMENDATION: It is recommended that this resolution be adopted.
- 9.0 ATTACHMENTS: Redline copy of revisions to Chapter 214.

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

CEO, General Manager/Secretary-Treasurer

CHAPTER 214
Public Hearing Process

- ~~214.01 Policies and Procedures~~Policy.
~~214.02 Publication of proposed program of projects and grant applications.~~
~~214.03 Minimum number of requests for public hearings.~~
~~214.04~~214.02 Notice of public hearing; ~~submission of comments to F.T.A.~~
~~214.03 Documents presented at public hearing~~
~~214.05~~214.04 Acceptance of and response to comments.
~~214.06 Public involvement requirements for service changes.~~

CROSS REFERENCES

~~Public hearing requirements for service changes – see SERV. 1022.04~~
~~Public Involvement Requirements for Service Changes – see SERV. 1010.03~~

~~214.01 POLICIES AND PROCEDURES~~POLICY.

~~(a) Purpose and Scope. The purpose of these policies and procedures is to establish a local process for conducting public hearings in connection with the Authority's annual budget appropriations, Federal grant applications, service changes, fare increases and any other activity of the Authority which would require a public hearing.~~

~~(b) Objectives. The objectives of these policies and procedures~~this policy are to:

- ~~(1) Solicit and consider public comment by affording the general public the opportunity to express views and comments concerning certain Authority matters; and~~
- ~~(2) Establish a new process which will eliminate the unnecessary cost which has arisen in the past when public hearings have been attended by only one or two people~~Conduct public hearings in a cost-effective and efficient manner.

~~(eb) Policy and Scope.~~

~~(1) Prior to raising fares or implementing a major reduction in transit services, the Authority will conduct a public hearing to solicit comments, as required under Section 9(e)(3)(H) of the Federal Transit Act of 1964, as amended.~~

~~(2) A fare increase is defined as:~~

~~A. An increase in any fare; or~~

~~B. The establishment of any fixed route or paratransit service that is not currently in operation and that would charge fares higher than the existing, established fare rate or fare type that is currently in effect for fixed route or paratransit service.~~

~~(3) A major reduction in transit service would include:~~

~~A. The elimination of a transit route; or~~

~~B. A reduction of twenty-five percent or more of transit route miles; a reduction of twenty-five percent or more of transit revenue miles or service frequency of a route, computed on a daily basis for the day of the week for which the change is made.~~

~~(4)(3) For the Authority's proposed program of projects and Federal grant applications a notice will be published in sufficient detail and in a manner as to afford affected citizens, private transportation providers, and, as appropriate, local elected officials, an opportunity to examine the content of the same and to submit comments, as required under Section 9(f)(3) and (4) of the Federal Transit Act of 1964, as amended. The notice will advise affected parties that a public hearing on the matter will be held only on written request by at least ten individuals, if submitted within two weeks from the date of the notice. If fewer than ten requests for a public hearing are received within two weeks from the appearance of the public notice, no hearing will be held.~~

~~(4)5) Copies of any documentation being presented at public hearings conducted by the Authority will be available for public inspection at the Greater Cleveland Regional Transit Authority main offices located at 615 West Superior Avenue, Cleveland, Ohio 44113.~~

~~(d) Implementation. Public hearings will be conducted as follows:~~

~~(1) Annually for the Authority's capital budget; and~~

~~(2) Annually for the Authority's and operating budgets; and~~

~~(2)3) Prior to raising fares or establishing a new fare implementing a major reduction in transit services; and~~

~~(4) In accordance with Chapter 1010.03 for service changes; and~~

~~(5) As required by the Americans with Disabilities Act regulations for changes to Paratransit service; and~~

~~(6) When determined necessary to meet the objectives of any law, regulation, circular or Authority policy.~~

~~(3) For grant applications, if required by at least ten individuals (if submitted within two weeks from the date of the notice of comment period and availability of public hearing).~~

~~(Res. 1992-29. Passed 2-18-92; Res. 1995-25. Passed 2-21-95. Res. 2017-XXX. Passed XX-XX-17)~~

~~214.02 PUBLICATION OF PROPOSED PROGRAM OF PROJECTS AND GRANT APPLICATIONS.~~

~~The Authority will publish a notice of its proposed program of projects and grant applications in sufficient detail and in a manner as to afford affected citizens, private~~

~~transportation providers, and, as appropriate, local elected officials, an opportunity to examine the content of the same and to submit comments.
(Res. 1992-29. Passed 2-18-92.)~~

~~214.03 — MINIMUM NUMBER OF REQUESTS FOR PUBLIC HEARINGS.~~

~~The Notice of Comment Period and Availability of Public Hearing for the Greater Cleveland Regional Transit Authority will advise affected parties that a public hearing on the matter will be held only on written request by at least ten individuals, if submitted within two weeks from the date of the notice. If fewer than ten requests for a public hearing are received within two weeks from the appearance of the public notice, no hearing will be held. (Res. 1992-29. Passed 2-18-92.)~~

~~214.04~~214.02 NOTICE OF PUBLIC HEARING; SUBMISSION OF COMMENTS TO F.T.A.

~~When it has been determined that a hearing will be held, a notice of public hearing will be published on the Authority's web site, in a newspaper with local circulation and in a minority newspaper with wide coverage in the minority community not less than ten days prior to the date of the hearing. All comments received in response to the Authority's proposed program of projects and grant applications will be submitted to the Federal Transit Administration.~~

~~(Res. 1992-29. Passed 2-18-92; Res. 1995-25. Passed 2-21-95. Res. 2017-XXX. Passed XX-XX-XX.)~~

214.03 PRESENTATIONS AND DOCUMENTS

The Authority's presentations and copies of any documents distributed at public hearings conducted by the Authority will be available on the Authority's web site.
(Res. 2017-XXX. Passed XX-XX-XX.)

~~214.05~~214.04 ACCEPTANCE OF AND RESPONSE TO COMMENTS.

~~The Authority will accept and consider written comments on all subject matters for a two-week period after publication of a notice or after a scheduled public hearing. The two-week comment period will not apply to the Authority's capital and operating budgets. The Authority will respond to comments received on all subject matters within thirty days of receipt. (Res. 1992-29. Passed 2-18-92. Res. 2017-XXX. Passed XX-XX-XX.)~~

~~214.06 — PUBLIC INVOLVEMENT REQUIREMENTS FOR SERVICE CHANGES.~~

~~(a) A public hearing shall be conducted when the Authority is considering a service frequency reduction if the frequency being considered is less than the policy standard in Section 1016.04(e)(2).~~

~~(b) When considering a permanent removal of service during any time period~~

~~from a rail station, the following requirements apply:~~

- ~~(1) A public hearing shall be conducted if the time period is longer than two hours.~~
- ~~(2) Either a public hearing or a community meeting shall be conducted if the time period is longer than one hour.~~

~~(e) When considering a permanent removal of all fixed route transit service during any time period from a road segment, the following requirements apply:~~

- ~~(1) A public hearing shall be conducted if the time period is longer than two hours and the road segment is longer than one mile.~~
- ~~(2) Either a public hearing or a community meeting shall be conducted if the time period is longer than one hour and the road segment is longer than one half mile.~~

~~(d) When considering changes to Paratransit service, a public hearing shall be conducted if required by the Americans with Disabilities Act regulations.~~

~~(e) Public involvement is not required for changes to special seasonal services, reserved ride job access services, and services funded through agreements with sponsors.~~

~~(f) The Authority recognizes that a series of small service reductions, each not requiring a public hearing, can have the effect of a single large service reduction that requires a public hearing. Therefore, to determine whether a public hearing is required, the contemplated change shall be combined with all other changes made since the more recent of two dates:~~

- ~~(1) The date one year before the effective date of the contemplated change;~~
- ~~and~~
- ~~(2) The date of the last public hearing supported change.~~

~~(Res. 2003-068. Passed 5-20-03.)~~