

House Bill 1546

By: Representatives Evans of the 57th, Anulewicz of the 42nd, Frye of the 118th, Mainor of the 56th, and Hitchens of the 161st

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 32-2-3 of the Official Code of Georgia Annotated, relating to
2 development of transportation plans, public hearings, approval of plans by board, and
3 promulgation of rules and regulations by the Department of Transportation, so as to require
4 public hearings for local transportation projects; to provide for a definition; to provide for
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Code Section 32-2-3 of the Official Code of Georgia Annotated, relating to development of
9 transportation plans, public hearings, approval of plans by board, and promulgation of rules
10 and regulations by the Department of Transportation, is amended by adding a new paragraph
11 to subsection (a) and revising subsection (f) as follows:

12 "(2.1) 'Local transportation project' means any undertaking for a public road or any other
13 transportation purpose in which the department performs any aspect of consultation,
14 design, or construction in coordination with or on behalf of a county, municipality, or
15 private entity regardless of the funding source of the project."

16 (f)(1) The department shall, pursuant to its rules and regulations, hold planning hearings
17 at the appropriate state, regional, or local level, at which time the comprehensive
18 transportation plans included in subsection (b) of this Code section shall be presented for
19 discussion and comment.

20 (2) The department shall, pursuant to its rules and regulations, hold hearings at the
21 appropriate regional or local level for major transportation facilities, or as required by
22 federal law, as follows:

23 (A) A facility, site, or project corridor hearing, at a time after the selection of the type
24 or types of transportation facility or facilities to be constructed and prior to the final
25 selection of the specific site or corridor of the proposed facility; and

26 (B) A design hearing, at a time prior to the department's commitment to a specific
27 design proposal for the facility or facilities.

28 (3) The department shall hold hearings, pursuant to rules and regulations or as required
29 by federal law, for any local transportation project. Any rules and regulations adopted
30 for purposes of this paragraph shall be substantially similar in nature to those adopted for
31 purposes of notice and hearings for paragraph (1) of this subsection.

32 ~~(3)(4) The public hearings required by this Code section~~ These public hearings shall be
33 conducted so as to provide an opportunity for effective participation by interested persons
34 in transportation policy decisions, the process of transportation planning, modal
35 selections, ~~and~~ site and route selection, ~~and~~ the specific location and design of major
36 transportation facilities, ~~and the design and impact of local transportation projects.~~ The
37 various factors involved in the decision or decisions and any alternative proposals shall
38 be clearly presented so that the persons attending the hearing may present their views
39 relating to the decision or decisions which will be made. The facility, site, or project
40 corridor hearing and the design hearing for a proposed facility or facilities may be held
41 simultaneously to satisfy the requirements of this subsection.

~~(4)~~(5)(A) The department may satisfy the requirements for a public hearing by holding a public hearing or by publishing two notices of opportunity for public hearing in a newspaper having general circulation in the vicinity of the proposed undertaking and holding a public hearing if any written requests for such a hearing are received. The procedure for requesting a public hearing shall be explained in the notice. The deadline for submission of such a request may not be less than 21 days after the publication of the first notice of opportunity for public hearing and no less than 14 days after the date of publication of the second notice of opportunity for public hearing.

(B) A copy of the notice of opportunity for public hearing shall be furnished at the time of publication to the United States Department of Transportation, the appropriate departments of state government, and affected local governments and planning agencies. If no requests are received in response to a notice within the time specified for the submission of requests, the department shall be deemed to have met the hearing requirements.

(C) The opportunity for another public hearing shall be afforded in any case when proposed locations or designs are changed from those presented in the notices specified in this paragraph or at a public hearing so as to have a substantially different transportation service, social, economic, or environmental effect.

(D) The opportunity for a public hearing shall be afforded in each case in which the department is in doubt as to whether a public hearing is required.

~~(5)~~(6)(A) When a public hearing is to be held, two notices of such hearing shall be published in a newspaper having general circulation in the vicinity of the proposed undertaking. The first notice shall be published no less than 30 days prior to the date of the hearing and the second notice shall be published no less than five days prior to the date of the hearing.

67 (B) Copies of the notice for public hearing shall be mailed to the United States
68 Department of Transportation, appropriate departments of state government, and
69 affected local governments and planning agencies."

70 **SECTION 2.**

71 All laws and parts of laws in conflict with this Act are repealed.