

House Bill 1661

By: Representative Lim of the 99th

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the
2 Department of Transportation, so as to revise standards for meeting public hearing
3 requirements; to provide for updates and reports relating to the state-wide strategic
4 transportation plan; to provide for related matters; to repeal conflicting laws; and for other
5 purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

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

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

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

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

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

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

~~(4)(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)(4)(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.

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

SECTION 2.

Said chapter is further amended by revising Code Section 32-2-41.1, relating to state-wide strategic transportation plan, as follows:

"32-2-41.1.

The director shall prepare a state-wide strategic transportation plan. Such plan shall be updated every four years and delivered in coordination with the state-wide, intermodal transportation plan as defined in 23 C.F.R. Section 450.104. The director shall prepare the state-wide strategic transportation plan for and a report detailing the progress of projects

69 and programs in such state-wide strategic transportation plan. Such report shall be
70 prepared and delivered biannually to the Governor, Lieutenant Governor, Speaker of the
71 House of Representatives, and the chairpersons of the Senate Transportation Committee
72 and House Committee on Transportation."

73 **SECTION 3.**

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