

House Bill 76

By: Representatives Evans of the 57th, Smith of the 138th, and Berry of the 56th

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 of significant impact; to provide for a
5 definition; to provide for 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 of significant impact' means any undertaking for a
13 public road or any other transportation purpose in which the department performs any
14 aspect of consultation, design, or construction in coordination with or on behalf of a
15 county, municipality, or private entity regardless of the funding source of the project, and
16 such project or purpose involves significant changes to public roads, including, but not

17 limited to, roadway extensions, construction of a new roadway, or reconfiguration of a
18 major intersection, that were not previously subject to notice requirements relating to
19 changes in local zoning or any other form of local approval."

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

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

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

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

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

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

44 facility, site, or project corridor hearing and the design hearing for a proposed facility or
45 facilities may be held simultaneously to satisfy the requirements of this subsection.

46 ~~(4)~~(5)(A) The department may satisfy the requirements for a public hearing by holding
47 a public hearing or by publishing two notices of opportunity for public hearing in a
48 newspaper having general circulation in the vicinity of the proposed undertaking and
49 holding a public hearing if any written requests for such a hearing are received. The
50 procedure for requesting a public hearing shall be explained in the notice. The deadline
51 for submission of such a request ~~may~~ shall not be less than 21 days after the publication
52 of the first notice of opportunity for public hearing and no less than 14 days after the
53 date of publication of the second notice of opportunity for public hearing.

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

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

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

66 ~~(5)~~(6)(A) When a public hearing is to be held, two notices of such hearing shall be
67 published in a newspaper having general circulation in the vicinity of the proposed
68 undertaking. The first notice shall be published no less than 30 days prior to the date
69 of the hearing and the second notice shall be published no less than five days prior to
70 the date of the hearing.

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

74 **SECTION 2.**

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