



John A. Dyer  
General Manager

July 16, 1987

TO: Board of Directors  
FROM: John A. Dyer  
SUBJECT: PUBLIC HEARING GUIDELINES FOR MAJOR  
SERVICE CHANGES AND FARE ADJUSTMENTS

#### RECOMMENDATION

It is recommended that the Board adopt the public hearing guidelines shown in Table I. These guidelines are suggested to be followed by the District in the future when proposing to make fare changes or major adjustments to bus service. Adoption of these guidelines will ensure District compliance with new federal public hearing requirements contained in Section 9(e)(3)(H) of the Surface Transportation Assistance Act of 1982. The new Section 9 requirements are now in effect, and have replaced those guidelines formerly outlined in Section 5(i)(3) of the Urban Mass Transportation Act of 1964.

#### BACKGROUND

For a number of years now the District has based its public hearing process for major service and fare changes on federal guidelines outlined in Section 5(i)(3) of the Urban Mass Transportation Act of 1964, as amended. These public hearing guidelines were very specific, dictating precise measures to be used by an operator to determine when a public hearing was required, as well as precise steps or procedures to be followed to solicit and consider public opinion. Strict adherence to these guidelines has ensured District compliance with Section 5 over the years, including continued funding under this program.

Earlier this fiscal year UMTA made a policy change intended to simplify its public hearing requirements. The specific guidelines contained in Section 5(i)(3) were replaced by more interpretive guidelines contained in Section 9(e)(3)(H) of the Surface Transportation Assistance Act of 1982, as amended. The new guidelines by UMTA now require an operator to "certify" that it follows a locally developed review process to solicit and consider public input prior to making major "reductions" in service or "increasing" bus fares. The responsibility to define what constitutes a major reduction in service (measures) as well as the actual public review process (procedures) now rests with the local operator instead of the federal government.

Since Section 9 is an interpretive regulation, the District can objectively evaluate its current public review process, and make any changes in it that

will better suit the public's interest. The advantages of maintaining the current public review process versus improving it was discussed with the New Services Review Board. Upon their direction, it is recommended the District continue to model its public hearing process upon the former Section 5 guidelines with some modifications. Collectively, the continued use of these guidelines, complete with the appropriate changes in a few areas, would satisfy the requirement of Section 9 to establish a locally developed review process, and ensure continued District funding under this program. The recommended new public hearing process is shown in Table I. Discussed below is a comparison of the former and recommended new guidelines.

#### SUMMARY OF RECOMMENDED NEW PUBLIC HEARING GUIDELINES FOR MAJOR SERVICE AND FARE CHANGES

Table I shows the respective measures and procedures recommended to comprise the District's new public hearing process. For purposes of comparison, Table II shows those UMTA measures formerly required under Section 5. Similarly, Table III shows those public hearing procedures formerly required under the now defunct Section 5 guidelines. As can be seen from the tables, most of the former Section 5 guidelines contained in Tables II and III are recommended to be retained in the new policy intact (Table I). Those areas where changes to the former standards are recommended to be made are discussed below.

#### Measures For Major Service Reductions And Fare Changes

In comparing Tables I and II, the only measures for service changes proposed to undergo some type of change in the new policy are items A, B and H. Specifically, the percentage rule for Items A and B is recommended to be increased slightly in the new policy to mandate public hearings only when "more" than 25% of a bus line's route or revenue miles are proposed to be removed. The former requirement mandated public hearings at the 25% benchmark. The suggested minor increase in the percentage rule would lead to improved management of the bus system. To illustrate, needed changes in service that now require many months to make because of the long public hearing process (90 - 120 day minimum) could be made within weeks under the revised measure. This quicker response time would increase District efficiency, including use of dwindling public subsidy.

Of perhaps greater importance is the proposed elimination of the headway criteria shown in Item H. The exclusion of this measure from the new policy would eliminate the former requirement to hold public hearings for headway changes of certain magnitude such as schedule changes of five minutes or more in the rush hours and fifteen minutes or more during the base period. Traditionally, headway changes have long been considered routine management matters throughout the industry. Moreover, UMTA now appears to concur with this consensus since it no longer requires this measure under Section 9. It is, therefore, being recommended to be excluded from the District's new policy.

Finally, new Section 9 guidelines suggest public hearings be held only when bus fares are to be increased. Previously, any adjustment in bus fares (free, increase or decrease) was subject to a public hearing. While it appears that Section 9 would allow the District to reduce public involvement in this area, it is recommended the District continue its tradition of holding public hearings for any change in bus fares, and that this guideline be included in our new policy.

#### Procedures for Holding Public Hearings

In comparing Tables I and III, two former procedures are proposed to be modified in the new policy, and two new procedures are proposed to be added. Under Item C, for example, the former requirement to publish legal notice of service and fare changes in various ethnic newspapers is proposed to be modified in scope in the new policy. As recommended, legal notice concerning fare changes would continue to be published in major newspapers serving the metropolitan area and in the major ethnic newspapers of the region. For service changes, legal notice would continue to be published in major and local newspapers, including ethnic papers serving neighborhoods directly affected by the change. Proposed to be eliminated in the new policy is the former blanket requirement to publish legal notice in various ethnic newspapers outside of the area directly affected by the service change. Special publication of service changes in ethnic newspapers would be limited to those neighborhoods directly affected by the change.

Another procedural change suggested to be incorporated into the District's new policy concerns Item E. It is recommended the District downscope the requirement for considering the social, economic, environmental and energy impacts of the proposed change in service or fares. Under the former guidelines, the District undertook a comprehensive evaluation of the possible major and minor impacts. It is now proposed that this process be downscaled to help save staff time and other associated costs. Specifically, the new policy would require a general assessment of the impacts only.

Finally, it is recommended the District officially add two new steps to the former procedures. Item F (shown in Table I) would mandate the District to place public hearing brochures on the buses and at Customer Service Centers. This practice is done today, but is now proposed to become official policy. Similarly, it is recommended that the District include in its new public hearing policy Item G, which would mandate that the District provide a written response to all public testimony received at its public hearings. This practice is normally done today, but is now recommended to become official policy.

#### CERTIFICATION AS A CONDITION FOR CONTINUED FUNDING UNDER SECTION 9

Section 9(e)(3)(H) requires an operator to follow a locally developed public review process to solicit and consider public opinion prior to raising bus fares or making major reductions in bus service. Adoption of

the proposed measures and procedures shown in this report would meet the new UMTA requirement to establish a locally developed public review process.

Along with the requirement to establish a local review process, UMTA also requires the District to provide written certification of major service and/or fare changes that were made in a given fiscal year. To comply with this element of Section 9, certification is proposed to be included in the District's Short Range Transit Plan, which is updated and submitted to UMTA annually.

#### IMPACT ON DISTRICT BUDGET AND GOALS

Adoption of the recommended new public hearing guidelines shown in this report will have a positive effect on the District's budget and goals since it will guarantee compliance with new Section 9 requirements, including continued funding under this program. More importantly, it will reaffirm the District's long standing commitment to maximize public participation in decisions affecting the management of the bus system.

#### ALTERNATIVES CONSIDERED

Two alternatives were considered in this analysis. They are: (1) to maintain the District's current public review process, and (2) to improve upon it to make it more effective.

Based upon direction of the New Services Review Board, improvements are warranted in the current practice. The proposed new guidelines shown in this report are recommended to comprise the District's new public review policy. They are based upon former Section 5 guidelines. The former guidelines were very comprehensive, clearly defining the magnitude of service or fare changes that warranted public review, as well as some effective ways to ensure public input. The best of these guidelines have been retained in the new policy, and its adoption by the Board will ensure continued public participation in the review of major service and fare changes proposed by the District in the future.

#### IMPACT OF NEW DISTRICT POLICY ON LOCAL NOTIFICATION REQUIREMENTS

The existing LACTC notification policy requires fixed-route operators in the county to provide written notification to affected cities of "major" changes in bus service at least 90 days prior to the planned implementation of the change. The policy itself does not require operators to hold public hearings nor does it require operators to solicit and consider public opinion. Rather, it is intended solely as a mechanism to promote city awareness and participation in the review of major service changes planned for their jurisdictions.

The LACTC policy defines a "major" service change as anything that would require a public hearing under Section 5 guidelines. Table II shows the former Section 5 measures that were incorporated into the LACTC policy verbatim when it was adopted in 1985. As such, major service changes that

require a public hearing by federal standards, by the same measure, require city notification under the LACTC standard.

In the District's proposed new public hearing policy, the recommended new measures to define a major service change would differ slightly from those measures contained in the LACTC policy since measures A (route miles) and B (bus miles) are proposed to be changed and measure H (bus frequency) eliminated. However, this subtle difference between the guidelines is not expected to pose any problems for compliance at the local level since the District would continue to follow the current LACTC guidelines to determine when cities should be notified of major changes in service. Similarly, the District would continue to hold public hearings in the future for all major service (fare) changes, as defined by those measures it adopts in its new policy. This action would satisfy the federal requirements.

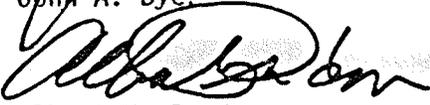
As noted earlier, the LACTC policy does not require public hearings or public input; it requires only notification to affected cities. Moreover, Section 5 guidelines are no longer mandatory, and operators like the District are now free to change them should they wish to do so under Section 9.

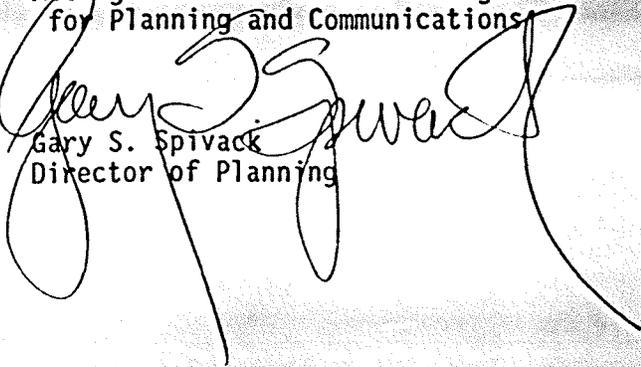
CONCLUSION

The Board is requested to approve the proposed public hearing guidelines shown in this report. Adoption of these improved guidelines will guarantee District compliance with new federal public hearing requirements contained in Section 9(e)(3)(H) of the Surface Transportation Assistance Act of 1982, including continued funding under this program.

Respectfully,

  
John A. Dyer

  
By: Albert H. Perdon  
Acting Assistant General Manager  
for Planning and Communications

  
By: Gary S. Spivack  
Director of Planning

Attachments

## TABLE I

### RECOMMENDED NEW MEASURES AND PUBLIC HEARING PROCEDURES FOR MAJOR SERVICE/FARE CHANGES

#### RECOMMENDED MEASURES

#### I. Measures to Determine Major Service Changes:

- A. More than 25% of the transit route miles;
- B. More than 25% of the transit revenue vehicle miles;
- C. A new transit route is proposed;
- D. Experimental service changes may be instituted for 180 days or less without prior notification. A public hearing must be held during that time if the experiment remains in effect for more than 180 days;
- E. If a number of changes on a route in an operator's fiscal year add up to the percentages noted in A and B above, a hearing must be held prior to the last change;
- F. Standard seasonal variations in bus service are exempt from public hearing requirements unless the number, timing or type of service changes;
- G. Emergency service changes may be instituted for 180 days or less without prior notification. A public hearing must be held during that time if the experiment remains in effect for more than 180 days.

#### II. Measures for Fare Changes:

- A. When there is any change in bus fares.

#### RECOMMENDED PUBLIC REVIEW PROCEDURES

#### I. Procedures for Major Service Changes:

- A. Public hearing mandatory.
- B. Publish legal notice describing proposed change in service/fares 30 days in advance of hearing date.
- C. Notice must appear in newspaper of general circulation, and specific neighborhood ethnic papers serving areas affected by the change.
- D. Consideration must be given to views and comments expressed by the public in such hearings.
- E. A general assessment must be given to the effect on energy conservation, social, economic, and environmental impacts.
- F. Place public hearing brochures on buses and at Customer Service Centers.
- G. Provide written response to all public testimony.

#### II. Procedures for Fare Changes:

- A. Same procedures as shown above for major service changes.

**TABLE II**

**DESCRIPTION OF FORMER MEASURES  
FOR MAJOR SERVICE/FARE CHANGES**

**FORMER MEASURES IN SECTION 5(1)(3)**

**I. Measures to Determine Major Service Changes:**

- \*A. 25% or more of the transit route miles;
- \*B. 25% or more of the transit revenue vehicle miles;
- C. A new transit route is proposed;
- D. Experimental service changes may be instituted for 180 days or less without prior notification. A public hearing must be held during that time if the experiment remains in effect for more than 180 days;
- E. If a number of changes on a route in an operator's fiscal year add up to the percentages noted in A and B above, a hearing must be held prior to the last change;
- F. Standard seasonal variations in bus service are exempt from hearing requirements unless the number, timing or type of service changes;
- G. Emergency service changes may be instituted for 180 days or less without prior notification. A public hearing must be held during that time if the experiment remains in effect for more than 180 days.
- \*H. Schedule changes of more than five minutes during the peak periods and more than 15 minutes during the off-peak periods;

**II. Measures for Fare Changes:**

- A. When there is any change in fares.

\*Recommended change from former guidelines.  
Revised Guidelines shown in Table I

**TABLE III**

**DESCRIPTION OF FORMER PROCEDURES FOR  
MAJOR SERVICE/FARE CHANGES**

**FORMER PROCEDURES IN SECTION 5(1)(3)**

**I. Procedures for Major Service Changes:**

- A. Public hearing mandatory.
- B. Publish legal notice describing proposed change in service/fares 30 days in advance of hearing date.
- \*C. Notice must appear in newspaper of general circulation, various ethnic newspapers, and specific neighborhood papers serving areas affected by the change.
- D. Consideration must be given to views and comments expressed by the public in such hearings.
- \*E. Consideration must be given to effect on energy conservation, social, economic and environmental impacts.

**II. Procedures for Fare Changes:**

- A. Same guidelines as shown above for major service changes.

\* Recommended change from former guidelines.  
Revised guidelines shown in Table I.