

**17B-2a-816 Hearing on a rate or charge or a proposal to fix the location of district facilities.**

- (1)
  - (a) The legislative body of a county or municipality with territory within a public transit district may, on behalf of a person who is a resident of the county or municipality, respectively, and who is a user of a public transit system operated by the public transit district, file a request for a hearing before the public transit district's board of trustees as to:
    - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
    - (ii) a proposal for fixing the location of district facilities.
  - (b) Each request under Subsection (1)(a) shall:
    - (i) be in writing;
    - (ii) be filed with the board of trustees of the public transit district; and
    - (iii) state the subject matter on which a hearing is requested.
- (2)
  - (a) At least 15 but not more than 60 days after a request under Subsection (1)(a) is filed, the public transit district's board of trustees shall hold a hearing on, as the case may be:
    - (i) the reasonableness of a rate or charge fixed by the board of trustees; or
    - (ii) a proposal for fixing the location of district facilities.
  - (b) The public transit district board of trustees shall provide notice of the hearing by:
    - (i) mailing, postage prepaid, a notice to:
      - (A) the county or municipality requesting the hearing; and
      - (B) the legislative body of each other county and municipality with territory within the public transit district; and
    - (ii) once publishing a notice.
- (3) At each hearing under Subsection (2)(a):
  - (a) the legislative body of a county or municipality may intervene, be heard, and introduce evidence if the county or municipality:
    - (i) is eligible to file a request for hearing under Subsection (1); and
    - (ii) did not file a request for hearing;
  - (b) the public transit district, the county or municipality that filed the request for hearing, and an intervening county or municipality under Subsection (3)(a) may:
    - (i) call and examine witnesses;
    - (ii) introduce exhibits;
    - (iii) cross-examine opposing witnesses on any matter relevant to the issues, even though the matter was not covered in direct examination; and
    - (iv) rebut evidence introduced by others;
  - (c) evidence shall be taken on oath or affirmation;
  - (d) technical rules of evidence need not be followed, regardless of the existence of a common law or statutory rule that makes improper the admission of evidence over objection in a civil action;
  - (e) hearsay evidence is admissible in order to supplement or explain direct evidence, but is not sufficient in itself to support a finding unless it would be admissible over objection in a civil action; and
  - (f) the public transit district board of trustees shall appoint a reporter to take a complete record of all proceedings and testimony before the board.
- (4)
  - (a) Within 60 days after the conclusion of a hearing under Subsection (2)(a), the public transit district board of trustees shall render its decision in writing, together with written findings of fact.

- (b) The board of trustees shall mail by certified mail, postage prepaid, a copy of the decision and findings to:
  - (i) the county or municipality that filed a request under Subsection (1); and
  - (ii) each county and municipality that intervened under Subsection (3)(a).
- (5) In any action to review a decision of a public transit district board of trustees under this section, the record on review shall consist of:
  - (a) the written request for hearing, the transcript of the testimony at the hearing, and all exhibits introduced at the hearing; or
  - (b) if the parties stipulate in writing:
    - (i) the evidence specified in the stipulation; and
    - (ii) the written stipulation itself.

Enacted by Chapter 329, 2007 General Session