

Policy Committee Permitted Interaction Group Recommended Draft HRS 279

A BILL FOR AN ACT

RELATING TO METROPOLITAN PLANNING ORGANIZATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 279A-8, Hawaii Revised Statutes, is amended to read as follows:

§279A-8 Effect on MPO Funding. The provisions of this chapter do not affect the entitlement of any MPO to unconditionally receive and administer transportation planning funds pursuant to Section 112 of the Federal-Aid Highway Act of 1973. [L 1975, c 179, §8]

SECTION 2. Section 279E, Hawaii Revised Statutes, is amended to read as follows:

§279E-1 Statement of purpose. The legislature finds that 23 United States Code (U.S.C.) Sections 134 and 135, 49 U.S.C. Sections 5303 and 5304, 23 Code of Federal Regulations (CFR)

Subpart C, and 2 CFR Section 200, as amended, and other federal laws require that metropolitan planning organizations (MPOs) be designated based on a minimum population threshold as defined in federal law to act as a decision-making agency and to receive certain funds for the purpose of carrying out a continuing, cooperative, and comprehensive transportation planning process ("3-C Planning Process").

Each MPO shall be its policy board. Each MPO's staff shall support and provide technical resources to their policy board. Decisions made by each policy board shall be the result of the 3-C Planning Process. This process shall be designed to provide the mechanism by which orderly and reasoned metropolitan transportation planning can take place within the framework of federal law and the need to provide for adequate and informed representation from state and county governments, operator(s) of public transportation receiving federal funds, the public at large, and others as identified in 23 CFR Subpart C.

§279E-2 Establishment of Metropolitan Planning

Organizations. MPOs shall be designated by the Governor and operated according to executed comprehensive agreements, including any supplemental agreements, between the state, county, and other operator(s) of public transportation receiving federal funds.

All MPOs shall meet all requirements as defined in 23 U.S.C. Sections 134 and 135, 49 U.S.C. Sections 5303 and 5304, 23 CFR Subpart C, and 2 CFR Section 200, as amended. Policy

boards may assign other duties to their respective staffs as needed.

While state and local transportation systems and facilities owners are responsible for the planning, management, and operation of these systems, MPOs shall facilitate and support the 3-C Planning Process among and between the various owners and operators. This scope requires MPOs to consider projects and strategies that support national planning factors as defined in 23 U.S.C. Section 134, regional goals and objectives, and consideration of plans and planning activities of others as they affect transportation.

In order to fully comply with all requirements, MPOs may enter into appropriate agreements and supplemental agreements with the State, county, other operators of public transportation receiving federal funds, and other entities as appropriate.

§279E-3 Metropolitan Planning Organization membership and meetings. Policy board membership shall be defined by comprehensive agreement, including any applicable supplemental agreements. As appropriate, the comprehensive agreement or supplemental agreements thereof may also include specifications regarding ex-officio membership, terms and term limits of members, member alternates, quorum and other considerations as permitted under law.

MPO policy boards shall comply with the requirements of HRS Chapter 92, Part 1 (i.e., Sunshine Law), but shall be exempt from all other parts of the law.

§279E-4 Staff and funding. Each MPO shall have a full-time staff independent of state and county agencies. The MPO policy board shall appoint the Executive Director. The MPO is authorized to enter into employment contracts and contracts for goods and services. Neither the Executive Director nor staff shall be subject to chapter 76. Benefits for staff shall be defined in the appropriate collective bargaining agreement, comprehensive agreement or supplemental agreement. Benefits generally applicable to the officers and employees of the State shall apply to staff members of the MPO and be retroactive to the effective date of initial hiring for existing staff. Nothing herein shall be deemed to prohibit the MPO from utilizing, through contractual arrangements, the staff resources of other local agencies, state agencies, and other quasi-public or private organizations to assist the MPO in its functions.

There is established in the state treasury for each MPO a revolving fund. The funds shall be administered by the director of transportation. The moneys in the funds shall be appropriated per inter-agency agreement between each MPO and the state. The monies may be expended by the MPOs for their operation. The revolving funds shall be replenished when the MPOs receive reimbursements from federal agencies. Nothing herein shall prohibit MPOs from establishing accounts with other financial institutions.

The policy board shall identify and establish through an inter-agency agreement the necessary member financial dues

required to sustain the MPO. The amount of the member financial dues shall be reviewed at least every three years.

Authorization is hereby granted to pay for the state's annual MPO membership dues invoice from the highway fund.

Financial dues given to the MPO by its member agencies do not lapse or expire and are not specific to or intended to fund individual elements in the work program. It is at the discretion of the policy board to allocate collective financial resources to fund the work program.

§279E-5 Meetings. Public notice of MPO policy board and subcommittee meetings shall be given in accordance with HRS Chapter 92, Part 1 (i.e., Sunshine Law) and the meetings shall be open to the public.

§279E-6 Federalism. Any conflict between this or any other law, ordinance, regulation, or guideline pertaining to MPOs and relevant federal law will be construed in favor of federal law.